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GENERAL ASSEMBLY: ITEM PROPOSED BY THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND

THE FUTURE OF THE TRUST TERRITORY  
OF TOGOLAND UNDER UNITED KINGDOM TRUSTEESHIP

Letter dated 21 June 1954 addressed to the Secretary-General by  
the Permanent Representative of the United Kingdom of Great  
Britain and Northern Ireland to the United Nations

New York, 21 June 1954

I am directed by Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to propose the inclusion of the following item in the agenda for the ninth session of the United Nations General Assembly:

"The future of the Trust Territory of Togoland under  
United Kingdom Trusteeship."

2. In pursuance of rules 12 and 13 of the rules of procedure of the General Assembly, I therefore request your Excellency to include this item in the provisional agenda for the ninth session. The explanatory memorandum required under rule 20 of the rules of procedure is attached.
3. Since the matters dealt with in the enclosed memorandum have an important bearing in the study enjoined upon the Trusteeship Council in paragraph 3 of General Assembly resolution 750 (VIII), part C, a copy of this letter and its enclosure is being sent to the President of the Trusteeship Council, for the consideration of the Council at its fourteenth session and in discharge of the undertaking given by the Permanent United Kingdom representative on the Council on 1 March 1954.

(Signed) Pierson DIXON

THE FUTURE OF THE TRUST TERRITORY  
OF TOGOLAND UNDER UNITED KINGDOM TRUSTEESHIP

Explanatory memorandum

This memorandum summarizes the matters which Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland consider should be brought to the attention of the General Assembly at its ninth session in regard to the future of Togoland under United Kingdom Trusteeship. Part I is a summary of the succeeding parts of the memorandum.

Part I: Summary of memorandum

1. Her Majesty's Government invite the attention of the General Assembly to certain matters affecting the Trust Territory of Togoland under United Kingdom Trusteeship. In the opinion of Her Majesty's Government, these matters make necessary a review of the arrangements under which the Territory is at present administered.

(a) The United Kingdom Government, as provided for in articles 2 and 5 (a) of the Trusteeship Agreement, administer the Trust Territory as an integral part of the adjoining Territory of the Gold Coast. This is possible under the present constitutional relationship between the Governments of the United Kingdom and of the Gold Coast. The Gold Coast is now, however, in the last stage of constitutional development before independence. When, as will happen within a measurable period, the Gold Coast assumes full responsibility for its own affairs, it will no longer be constitutionally possible for the United Kingdom Government to administer the Trust Territory as an integral part of the Gold Coast.

(b) The Trusteeship Agreement does not expressly provide for the administration of the Territory in the situation which will arise when the Gold Coast assumes full responsibility for its own affairs. Although, under the Trusteeship Agreement, it would

probably be legally possible for the United Kingdom Government thereafter to administer the Trust Territory either direct (i.e. as an entity distinct from the Gold Coast) or as an integral part of some other territory under United Kingdom administration, the United Kingdom Government are satisfied that neither arrangement would be politically practicable or desirable in the interests of the inhabitants of the Trust Territory.

2. To resolve the resultant difficulty it would be possible:
  - (a) To amend or replace the present Trusteeship Agreement; or
  - (b) To terminate the Agreement without replacement on the grounds that the objectives of the International Trusteeship System have been substantially achieved in the Territory.
3. For the numerous reasons set out in parts V and VI below, the United Kingdom Government favour the second of these alternatives, namely, termination of the Trusteeship Agreement.
4. The United Kingdom Government invite the General Assembly, as a principal party to the Trusteeship Agreement, to:
  - (a) Take note that, in the view of the Administering Authority, the time is approaching when it will no longer be possible for the Administering Authority to administer the Trust Territory in accordance with articles 2, 4 and 5 of the present Trusteeship Agreement;
  - (b) Take note that, in the view of the Administering Authority, the progress of the inhabitants of the Trust Territory has been and will be such that, at that time, the objectives of the International Trusteeship System will have been substantially achieved and that, therefore, the Trusteeship Agreement should be terminated;
  - (c) Decide that, without prejudice to its final views as to the nature of the future administration of the Trust Territory, it is desirable for the United Nations to ascertain, in pursuance

of Article 76 b. of the Charter, the views of the inhabitants of the Trust Territory on the future status of the Territory;

(d) Resolve that, to this end, the Trusteeship Council be instructed to consider at its fifteenth and sixteenth sessions, and to report to the tenth session of the General Assembly on, practicable arrangements for ascertaining the wishes of the inhabitants of the Trust Territory;

(e) Decide that, in the light of the Trusteeship Council's report, it will formulate at its tenth session a procedure for ascertaining the wishes of the inhabitants of the Trust Territory, so that definitive arrangements for the future administration of the Trust Territory may be decided upon in the course of the eleventh session of the General Assembly.

#### Part II: Origins and history of the Trust Territory

5. Togoland under United Kingdom Trusteeship is a strip of territory on the eastern frontier of the Gold Coast, about forty miles wide and without outlet to the sea. Of its area of 13,041 square miles, 7,196 square miles form the Northern Section, which is administered with the Northern Territories of the Gold Coast, and 5,845 square miles form the Southern Section. The population of the Northern Section was estimated in mid-1953 at 188,830 and of the Southern Section at 227,430.

6. The frontier between the Gold Coast and Togoland under United Kingdom Trusteeship was settled by the United Kingdom and Germany by a series of agreements terminating in the Anglo-German Convention of 1900. In the north, it cuts across the areas occupied by the dominant tribes - Mamprusi, Dagomba and Gonja - and in the south across those occupied by the Ewe-speaking tribes.

This division was felt particularly in the north, where each of the three main tribes recognized a paramount chief over the whole tribe, whose area of authority was interrupted by the frontier. One of these chiefs, Ya-Na of the Dagombas, had his headquarters at Yendi in German Togoland, and was only with difficulty able to maintain contact with the greater part of the tribe in the British Northern Territories.

7. During the First World War, German Togoland was occupied by Anglo-French forces and, in 1922, the United Kingdom Government assumed a mandate from the League of Nations over the western part of the territory, which has since then been administered, in accordance with the terms of the mandate and of the Trusteeship Agreement which replaced it in December 1946, as an integral part of the Gold Coast.

8. In the north, the occupation of German Togoland in 1914 reunited the Mamprusi, Dagomba and Gonja tribes. A genuine ethnic boundary between the French- and British-administered parts of Togoland was established. Since its establishment, the northern tribes have consistently made it clear beyond doubt that they are wholly satisfied with this reunion and are unalterably opposed to any proposals made in the south for the unification of the two Togolands, outside the Gold Coast, which would again cut them off from their kin in the Northern Territories. It was not possible to persuade the Dagombas, the Nanumbas or the Mamprusis to send representatives to the meeting of the Joint Council for Togoland Affairs to consider problems common to the two Togolands. The attitude of the northern peoples has simply been that they have no interests or problems in common with Togoland under French Trusteeship. The United Kingdom Government are bound to recognize the validity and strength of this northern opinion and, subject to its final confirmation

by plebiscite or similar means, the United Kingdom Government would not feel justified in entering into any new agreement for administering the Trust Territory which separated the Northern Section from the Gold Coast.

9. In the south the largest tribe, numerically, is the Ewe. Of the Ewes, some 400,000 live in the Gold Coast and about 150,000 in the southern part of British-administered Togoland, and there are also about 175,000 in the southern part of Togoland under French Trusteeship. The division of German Togoland into two parts therefore reunited the Ewes in southern Togoland with those in the Gold Coast. This reunion of the bulk of the Ewes had a less immediately apparent effect than the reunion of the northern tribes, since the Ewes have no tribal unity under a particular chief.

10. Because of this looser tribal structure in the south, (which is demonstrated by the fact that it has taken the Administering Authority a number of years to build up, by a voluntary amalgamation of the many smaller divisions, a few sizable Native Authorities, now replaced by local government councils) there was for many years no Ewe demand for political unification. But, the Territory is economically dependent on either Accra in the Gold Coast or Lome in French-administered Togoland for an outlet for its produce and communication with the outside world. During the Second World War, it became necessary to strengthen control of the frontier between the two Togolands. This did not affect the north, but in the south it created some economic and social difficulties among the industrious Ewe peoples and was a germ of the later demand among some Ewe groups for the unification of the two Togolands.

11. It is evident from this very fact that this thin strip of Territory, with its small population, poor except for a small area in

the centre, landlocked and with economic, social and cultural affiliations stretching not up and down its length, but to the west, and to a lesser extent the east, can never be a viable independent political unit.

After cocoa, the Territory's only export is foodstuffs, for which the natural market lies in the urban centres of the Gold Coast.

12. Some of the particular political and economic difficulties of the Southern Section are on the road to solution. The re-organization of local government in the Gold Coast which took place in 1952 and 1953 has brought many benefits, not the least of which is the knitting together of the local administration of half the Ewes living in the Gold Coast and the Southern Section in the New Trans-Volta/Togoland Region, with its headquarters at Ho in the Southern Section. On the national level, Togoland has played its full part in the rapid and successful development of African responsibility for central government, the latest phase of which is described in document T/C.1/L.36. Economically, the Southern Section will gain direct benefit from the building, at Tema, of the Gold Coast's second deep-sea port to serve the eastern part of the country. This port will be easily accessible from the Southern Section through the improved communications, including the bridge over the Volta River at Senchi, on which the Gold Coast Government is to spend most of the £2 million earmarked for special development in connexion with the Trust Territory. Later, it is hoped that the vast Volta River Hydro-Electric Scheme would broaden the economy of the entire country.

Part III: Existing arrangements for the administration of  
the Trust Territory

13. Under article 2 of the Trusteeship Agreement, Her Majesty is designated as Administering Authority for the Trust Territory, and responsibility for its administration is vested in Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland. This article places the responsibility for the administration of the territory squarely on Her Majesty's Government in the United Kingdom and not upon any other national or international authority.

14. As explained above, and in accordance with the provisions of article 5 (a) of the Trusteeship Agreement, the Territory has been administered as an integral part of the adjoining territory of the Gold Coast.<sup>1/</sup> In effect, this

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<sup>1/</sup> Article 5 (a) of the Trusteeship Agreement states, in part: "the Administering Authority shall administer it (i.e. the Trust Territory) in accordance with his own laws and as an integral part of his territory". This provision has in practice means, and was intended by the Administering Authority to mean, that the Territory would be administered as an integral part of the Gold Coast. Speaking in Sub-Committee 1 of the Fourth Committee in December 1946, i.e. before the wording of article 5 (a) was approved by the General Assembly, the United Kingdom representative said:

"Secondly, when the Mandate and the Trusteeship Agreement speak of administration as an integral part of the Administering Authority's territory, we do not mean by that that the Cameroons and Togoland are to be administered as integral parts of the United Kingdom. What we mean is that the Cameroons is administered as an integral part of Nigeria and that Togoland is administered as an integral part of the Gold Coast. A single glance at the map will show why this is necessary".



has meant that the day-to-day government of the Trust Territory has been conducted by the United Kingdom Government through the Gold Coast Government. But, to preserve the special characteristics of the Territory as a Territory under the International Trusteeship System, the Governor of the Gold Coast, as the personal representative of the Administering Authority, is vested with certain powers in respect of the Trust Territory additional to those vested in him generally as Governor of the Gold Coast. The Constitution provides that the Governor is responsible in his discretion (i.e. without having to act in accordance with the advice of his elected Ministers) for Togoland affairs and can give directions to Ministers as to the manner in which they are to perform functions relating to Togoland, and that Gold Coast legislation repugnant to the Trusteeship Agreement shall, to the extent of that repugnancy, be void. Thus, despite the fact that the Gold Coast enjoys, in general, self-government in internal affairs, and despite the fact that, in the exercise of this autonomy, the Gold Coast Government administers the day-to-day affairs of the Trust Territory, the status of the Trust Territory as such is adequately safeguarded by the provisions of the Gold Coast Constitution.

Part IV: Situation arising in the foreseeable future

15. It is necessary to recognize, however, that the present Gold Coast Constitution, as well as the relationship between the United Kingdom Government and the Gold Coast Government which derives from it, represents the last stage of constitutional development before independence. Under it, the representatives of the people of the Gold Coast (including Togoland) elected in secret ballot by universal adult suffrage are responsible for the internal government of the territory. The Governor's reserved powers, exercisable when the interests of good government so require, have not in practice had to be exercised and do not impinge upon the day-to-day life of the people of the Gold Coast or Togoland. Internal Government is, in general, in the hands of elected Ministers and

an elected legislature deriving their authority direct from the people of the joint territory of the Gold Coast and Togoland.

16. When the Gold Coast attains full self-government, the United Kingdom Government will no longer be in a position to administer the Trust Territory as an integral part of the Gold Coast, since it will have relinquished its powers of administration in the Gold Coast itself. It is therefore necessary to prepare other arrangements for the administration of the Territory, to come into immediate operation when the present arrangements are no longer practicable.

17. Assuming that the Trusteeship Agreement were to subsist after the date of the attainment of full self-government by the Gold Coast, it would probably be legally possible, under articles 2 and 5 (a) of the Agreement, for the United Kingdom Government to administer the Territory either as an integral part of the United Kingdom itself or of some other Territory under United Kingdom administration, or direct from London as a distinct political entity. But the United Kingdom Government are satisfied, both by their assessment of the interests of the inhabitants of the territory and by reason of their experience in administering it, that such expedients would not be either politically or administratively practicable or in the general interests of the people of the Territory. They could only bring serious harm to the full development of the Territory. The United Kingdom Government have therefore decided that, when the existing arrangements for the administration of the Territory as an integral part of the Gold Coast cease to be practicable, the United Kingdom Government will in fact be unable to administer the Territory on the basis of the Trusteeship Agreement, and must therefore seek the consent of the United Nations to relinquish the trust assumed under that Agreement.

18. As a consequence of this decision, the United Kingdom Government invite the General Assembly, as the other principal party to the Trusteeship Agreement, to consider what alternative arrangements for the future administration of the Territory can or should be made. The United Kingdom Government assume that the United Nations will wish to give careful thought to this matter, involving as it does the destinies of the inhabitants of the Trust Territory, and will wish to ascertain, by appropriate means, the facts of the situation and, in particular, the views of the inhabitants themselves. These processes cannot be hurried, since adequate time must be allowed to the people of the Trust Territory to discuss among themselves and form an opinion on the issues at stake for them. Thus, although it is not possible to forecast the precise date when any new arrangements arrived at should come into operation, the United Kingdom Government consider that they would be failing in their duty to the inhabitants of the Trust Territory, and in consideration for the General Assembly, were they not to state their view that these processes should be put in hand at an early date.

Part V: Courses available to meet this situation

19. The provisions of the existing Trusteeship Agreement will become inoperable when the Gold Coast attains full self-government. Two possibilities suggest themselves to meet the resultant situation:

- (a) Amendment or replacement of the existing Trusteeship Agreement so as to bring it into accord with the new situation; or
- (b) The termination of the Agreement, so that Togoland under United Kingdom Trusteeship would cease to be a Trust Territory.

20. The amendment or replacement of the Trusteeship Agreement - that is, the continuation of the trust status of the Territory - would be justified only if it were clear beyond reasonable doubt that the condition of the Territory and its peoples is, and will be at the material time, such that they have a continuing need for the guidance and assistance of the United Nations and an Administering Authority. If, on the other hand, the parties to the Trusteeship Agreement (namely, the General Assembly and the Administering Authority) are satisfied that the progress of the Territory and its peoples has been such that the objectives of the International Trusteeship System have been or will have been at the material time substantially achieved, then the right and proper course would be for those parties to terminate the Trusteeship Agreement, and to recognize that the Territory and its peoples should pass beyond the ambit of the International Trusteeship System.

21. Clearly, before considering course (a) (amendment or replacement of the Trusteeship Agreement) the parties to the Agreement should consider the propriety of course (b) (termination). In doing so, it is necessary for them to assess the extent to which the objectives of the International Trusteeship System, set out in Article 76 a. to d. of the Charter, have been, or will be in the situation described in part IV above, attained in respect of the Trust Territory. The United Kingdom Government, for their part, consider the position to be as follows:

Article 76 a: ("To further international peace and security")

22. On a reasonable view of the situation of the Trust Territory, it may be accepted that there is nothing in that situation which can be held to endanger, either actually or potentially, international peace and security.

On the contrary, the political, economic, social and educational progress made by the people of the Territory during the period of mandate and trusteeship, and the advantages they have gained from their association with the International Trusteeship System, have confirmed their understanding and acceptance of this objective.

Article 76 b: ("To promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each Trusteeship Agreement")

23. Despite the importance of the objectives of the International Trusteeship System set forth in Article 76 a., c., and d., that in Article 76 b. is, in the view of the United Kingdom Government, the critical test of whether or not the inhabitants of a Trust Territory have outgrown their trusteeship status. Neither the Charter nor the Trusteeship Agreement lays down any procedure for determining the circumstances in which the objectives of the International Trusteeship System can be regarded as attained, so that the trusteeship status of a particular Territory may be brought to an end. But it is implicit in Article 76 b. of the Charter, and in the whole concept of the International Trusteeship System, that once the inhabitants of a Trust Territory have attained "self-government or independence, as may be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned and as may be provided by each Trusteeship

Agreement" then the basic reason for their continuance under trusteeship disappears. In applying this criterion to the case of Togoland under United Kingdom Trusteeship, it is necessary to take into account the fact that the Territory is, and has been since 1920, administered as an integral part of the Gold Coast and that, therefore, the political, economic, social and educational advancement of the inhabitants, and their progress towards self-government or independence has matched that of the Gold Coast itself. If, therefore, the Gold Coast attains full self-government in which the inhabitants of the Trust Territory can share equally with the inhabitants of the Gold Coast, it is necessary to decide whether, in these circumstances the objective set forth in Article 76 b. has been substantially attained in the Trust Territory. To pose the question in concrete terms, if the Territory becomes an integral part of a fully self-governing Gold Coast, can that be regarded as attainment of the objective in Article 76 b.? The United Kingdom Government consider, for the reasons explained in part VI below, that the answer is "Yes".

Article 76 c: ("To encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the inter-dependence of the peoples of the world")

24. There is in the Territory complete respect for the fundamental freedoms and a total absence of any legislative, administrative or practical discrimination between persons based on race, sex, language, or religion. The Territory (in association with the Gold Coast) is a party to the European Convention on Human Rights, an internationally binding

instrument providing for the safeguard of human rights. The realization by the inhabitants of the Territory of the inter-dependence of the peoples of the world is exemplified by the full use they have made of the petitions procedure of the Trusteeship Council, and the keen interest they have taken in Visiting Missions, whose tours in the Territory have drawn large and interested public gatherings. The Administering Authority has helped to build up this awareness by disseminating, in conjunction with the Division of Public Information and the Trusteeship Division of the United Nations Secretariat, information about the general as well as the trusteeship activities of the United Nations.

Article 76 d: ("To ensure equal treatment in social, economic and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objections and subject to the provisions of Article 80")

25. The requirements of this Article have always been, and are, a characteristic of law and practice in the Territory.

26. In the view of the United Kingdom Government, therefore, the objectives of the International Trusteeship System set out in Article 76 a. to d. of the Charter will have been substantially attained at the time when the Gold Coast attains full self-government. This view has led the United Kingdom Government to conclude that, at that time, Togoland will have passed beyond the ambit of the International Trusteeship System, and that the Trusteeship Agreement should be terminated.

27. The United Kingdom Government wish, however, to emphasize that this assessment represents only their opinion, which they express as a party to the Trusteeship Agreement, and which they put forward at this stage in order to assist the General Assembly, as the other principal party to the Agreement,

to reach its own view. The United Kingdom Government recognize that the particular form of self-government which the inhabitants of the Trust Territory may enjoy through their association with a self-governing Gold Coast may be only one of several possible forms and that, in addition, a choice between self-government and independence has also to be made as provided for in Article 76 b. of the Charter. The circumstances in which this basic choice is to be made between the various available alternatives are indicated in Article 76 b. itself. The choice is to be made in the light of the particular circumstances of the Territory and its peoples, the freely expressed wishes of the peoples concerned, and the terms of the Trusteeship Agreement. The particular circumstances of the Territory are presumably to be weighed by the United Nations and the Administering Authority in the light of their own knowledge of the Territory. The freely expressed wishes of the peoples concerned must be made clear in whatever manner the United Nations and the Administering Authority jointly consider to be desirable and appropriate. There is no particular provision in the Trusteeship Agreement which indicates clearly what constitutional status the Territory should enjoy when trusteeship comes to an end.

Part VI: Argument in favour of the view that integration with a fully self-governing Gold Coast represents the attainment by the Trust Territory of the objective in Article 76 b. of the Charter.

28. It was stated in paragraph 23 above that the United Kingdom Government consider that the attainment by the Trust Territory of full self-government as an integral part of a self-governing Gold Coast would fulfil the objective set forth in Article 76 b. of the Charter. This part of the memorandum explains the reasons for this opinion.

29. The political destinies of a Territory or its peoples cannot be determined solely by reference to legal texts or the proceedings of the General Assembly. From the standpoint of reason and of practical politics, if a majority of the



inhabitants of Togoland under United Kingdom Trusteeship are convinced that their interests are best served by the integration of the Territory with the Gold Coast, that fact must be given the greatest weight in determining their future. Any other course would inevitably cause grave practical difficulties in the Territory.

30. It has been argued that the words "self-government" and "independence" in Article 76 b. are synonymous, and also that, even if "self-government" is regarded as a status different from "independence", the latter status should nevertheless first be attained so that the people concerned, being independent and therefore completely free to resolve their own destinies, are then also free to assume whatever limitations on their complete sovereignty are implied in the difference between "self-government" and "independence". No doubt there is much to be said in favour of this argument, although as regards the latter part of the argument, in the view of Her Majesty's Government the important point is that a people who are self-governing are as free to express their views on their future status as a people who are independent. But it is clear from the provisions of the Charter, and also from the proceedings at San Francisco and the practice of the United Nations, both that the terms "self-government" and "independence" are not synonymous and also that they describe equally valid ends to be attained by the inhabitants of a Trust Territory:

(a) The terms "self-government" and "independence" are set in opposition in the text of Article 76 b. of the Charter. That they are recognized as alternatives is clear from the fact that the text of Article 76 b. leaves it to be determined in the light of the "particular circumstances of each Territory and its peoples", "the freely expressed wishes of the peoples concerned" and "the terms of each Trusteeship Agreement" whether self-government or independence is appropriate to the circumstances of a particular Territory.

(b) That this opposition of the terms and their establishment as alternative goals in Article 76 b. is not fortuitous or ambiguous is shown by the fact that the word "independence" was deliberately inserted in Article 76 b. at San Francisco at the insistence of certain delegations, notably those of China and Egypt, who considered that the term "self-government" implied a less fully sovereign status for the peoples of the Trust Territories than the term "independence" (see especially UNCIO document 877 (II/4/35) of 9 June 1945, page 2; UNCIO document 404 (II/4/17 of 26 May 1945, page 2).

(c) The General Assembly has given prolonged consideration to the establishment of factors "to be taken into account in deciding whether a territory is or is not a territory whose peoples have not yet attained a full measure of self-government". The Assembly's conclusions are contained in the resolution on this subject adopted on 27 November 1953. Essentially this study involved an attempt to define the term "full measure of self-government". While the United Kingdom Government do not wholly subscribe to the terms and implications of the General Assembly's resolution, it is the case that a majority of the Assembly approved its adoption, and the resolution makes clear that "a full measure of self-government" may be attained not only by independence, but also, as acceptable alternatives, by "other separate systems of self-government" including "the free association of a territory on an equal basis with the metropolitan or other country as an integral part of that country or in any other form". (The constitutional status of a Trust Territory should not necessarily be assessed in relation to the considerations set forth in the factors resolution. The United Nations has responsibilities in respect of Trust Territories which it does not possess in respect of Non-Self-Governing Territories. The intention here is merely to show that the General Assembly has clearly indicated that in its view the terms "self-government" and "independence" are not synonymous as descriptions of the eventual constitutional status of a particular territory and that self-government can come about through free association with another country as an integral part of that country).

(d) It may also be remarked, so far as the particular case of Togoland under United Kingdom Trusteeship is concerned, that if the Charter is interpreted as meaning that to lose its trust status a Territory must become independent of all other territories, then it would be equally impossible for British-administered Togoland either to be integrated with the Gold Coast or to be unified with any other Territory. From such a standpoint any other territory would be as much a separate territory as the Gold Coast, and union with it would not be compatible with "independence". As has been shown in part II, British Togoland is too small and poor to stand alone. It must join one or other of its larger neighbours.

31. If it is accepted that "self-government" and "independence" are equally legitimate goals for the inhabitants of a Trust Territory, the attainment of either of which suffices to remove them from the International Trusteeship System, then the point to be examined is whether or not the integration of Togoland under United Kingdom Trusteeship with a self-governing or independent Gold Coast can be regarded as the attainment by the inhabitants of a Trust Territory of "self-government" (since it is clear that if the Trust Territory is, in fact, integrated with the Gold Coast it cannot be "independent").

32. A necessary preliminary to the consideration of this point is recognition of the fact that the objective of "self-government or independence" for the inhabitants of the Trust Territory cannot be attained in integration with the Gold Coast until the Gold Coast itself has achieved a full measure of self-government or independence. If, however, the peoples of the Gold Coast are fully self-governing, (and this memorandum is only concerned with a situation in which they will be) and the peoples of the Trust Territory are comprised on a basis of equal citizenship in the peoples of the Gold Coast, as they would be if the Territory were integrated with the Gold Coast, then it is clear that the peoples of the Trust Territory will also be self-governing.

Part VII: Resumé of the situation of the Trust Territory  
in relation to articles of the Trusteeship  
Agreement

Article 1:

33. The boundaries of the Trust Territory described in this article have been maintained unchanged during the period of trusteeship.

Article 3:

34. As indicated in paragraphs 22 to 25 above, the Administering Authority has striven to achieve, in relation to the Trust Territory, the objectives of Article 76 of the Charter, and is of the opinion that those objectives have been in fact substantially achieved. The obligations incurred by the Administering Authority in relation to the General Assembly and the Trusteeship Council in this article have been punctiliously observed.

Article 4:

35. The Administering Authority has discharged its obligations in the Trust Territory to the best of its ability and the reports upon its activities made by the Trusteeship Council indicate that its efforts have been substantially successful.

Article 5:

36. (a) This instruction as to the arrangements for the administration of the Trust Territory has been carried out as indicated in parts II and III above.

(b) This permissive article has not been applied in Togoland since the powers it conveys to the Administering Authority have in practice, and to the extent that it has been necessary to use them, been embraced in those inherent in article 5 (a).

(c) This is a permissive article involving no specific obligations on the Administering Authority.

Article 6:

37. In pursuance of the injunction in this article to have special regard to the provisions of article 5 (a) of the Trusteeship Agreement, the Administering Authority has assured to the inhabitants of the Trust Territory an increasing share in the administration and other services which the Territory shares with the Gold Coast. The Territory fully shares in the institutions of self-government, based on universal suffrage and responsible government, which have been set up to provide for the administration of the Gold Coast, including Togoland, both at the central and local levels.<sup>2/</sup>

Articles 7 to 10:

38. In so far as the provisions of these articles are mandatory, they have been punctiliously observed by the Administering Authority: in so far as they are permissive, the Administering Authority has, in taking advantage of the discretion given it, carefully observed the provisos contained in these articles.

Article 12:

39. Having regard to the magnitude of the task imposed upon it by this article, the Administering Authority has made substantial progress to the attainment of the obligation contained in it. It has not, however, proved possible either to abolish illiteracy or to establish educational facilities on a scale necessary to ensure to the inhabitants of the Trust Territory comprehensive provision for their vocational and cultural advancement. Nevertheless, the Administering Authority is confident that it has laid foundations for these processes which are capable of rapid development to the

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<sup>2/</sup> A full account of the central and local government organization affecting the Trust Territory, and of the participation of the inhabitants in this organization is given in the annual report for the Trust Territory for 1953. An account of the situation of the Trust Territory under the 1954 constitution is given in document T/C.1/L.36.

stage envisaged in this article and, although not complacent about its efforts, it is satisfied that they have reached a stage at which it could not be held that the Administering Authority has failed to meet its obligations under the Trusteeship Agreement.

Articles 13 and 14:

40. It is a characteristic of the life of the Territory that full freedom of speech, of the press, of assembly, of petition, of religious teaching and the free exercise of all forms of worship, and of conscience, have been preserved and entrenched, and indeed in some cases established for the first time, during the period of trusteeship and mandate, subject only to the normal requirements of law and order.

Article 15:

41. In association with the Gold Coast, the Territory has, during the period of trusteeship, co-operated in the following regional and international bodies:

The West African Inter-Territorial Council and the conferences sponsored by it, the series of scientific and technical conferences arranged in Africa by the Commission for Technical Co-operation in Africa, South of the Sahara, and the Bureaux under the aegis of that Commission, the Regional Committee of the World Health Organization, the Anglo-French Joint West African Sub-Committee of the International Civil Aviation Organization and the Research Institutes for West Africa organized on a Regional Basis - the Cocoa, Trypanosomiasis, Oil Palm and Fisheries Research Institutes.

Article 16:

42. The Administering Authority has submitted annual reports in their proper form and at the times stipulated by the Trusteeship Council.

Articles 17 and 18

43. No amendments to the Trusteeship Agreement have been proposed.

Article 19:

44. No dispute of a kind within the scope of article 19 has arisen between the Administering Authority and any Member of the United Nations.

Part VIII: The Togoland unification problem

45. In considering the future of the Trust Territory the General Assembly will undoubtedly wish to have regard to the existence of the "Togoland unification problem" which, at the instance of petitioners from the Trust Territories of Togoland under French and under United Kingdom Trusteeship, has exercised it at previous sessions. Put shortly, the demand for Togoland unification is that the two Trust Territories should become one independent state having the frontiers of the former German Colony of Togo. To this end, the supporters of Togoland unification have suggested an interim arrangement whereby the Trust Territories should be united and administered by the United Nations under direct trusteeship for a period of five years, during which the services of the two Territories (at present disparate because of their reflection of French and British language, institutions and methods of administration) would be synthesized. At the end of this period the unified territory would become independent, and there have been suggestions that the independent territory would probably thereafter contemplate the establishment of links with other territories in West Africa.

46. For reasons which are sufficiently apparent from part II of this memorandum, the United Kingdom Government are not satisfied that unification would best solve the ethnic, social and economic problems of the peoples of the Trust Territory, or that more than a small minority of them wish it. On the other hand, as the Governments of France and the United Kingdom have

consistently recognized, there is a need in the southern parts of the two Trust Territories, where the Ewe people extends over the international frontier, for effective and continuing liaison between the Governments of the two Trust Territories, in order to mitigate the social barriers which the frontier has brought about. The two Administering Authorities have established arrangements which have virtually eliminated these difficulties.

47. The jurisdiction of the United Kingdom Government, and its competence as Administering Authority to make recommendations, extends only to Togoland under United Kingdom Trusteeship. Any change in the status of the Trust Territory under French administration would be a matter for the Government of France. The United Kingdom Government are concerned only with the future of Togoland under United Kingdom Trusteeship and it is neither possible nor appropriate to introduce the status of the Trust Territory under French administration into consideration of the future of the British Territory.

48. The determining factors in the situation are these:

(a) The present arrangements for the administration of the British Trust Territory will shortly become inapplicable. It is therefore necessary to provide other arrangements for the administration of the Territory.

(b) Owing to its situation and resources, the Territory cannot be administered separately from the Gold Coast without great hardship to its inhabitants or with any prospect of realizing the aims of the Trusteeship System, and in these circumstances the United Kingdom Government are seeking the consent of the United Nations to terminate the Trusteeship Agreement.

(c) If the Trust Territory is integrated with a fully self-governing Gold Coast, there is a prima facie case for regarding the inhabitants as having attained a full measure of self-government sufficient to remove them from the Trusteeship System.



49. In considering "Togoland unification" in conjunction with the proposals outlined in this memorandum, the General Assembly must consider whether it is prepared to insist upon a delay in the attainment by the inhabitants of the Trust Territory of a full measure of self-government in order to experiment with arrangements which may or may not prove to be workable. In arriving at its decision the Assembly will doubtless have regard to the freely expressed wishes of the inhabitants of the Trust Territory which it may wish to consult specifically on this point.

Part IX: Suggestions by the Administering Authority for  
future action

50. Any decision about the future administration of the Trust Territory involving a change in the Trusteeship Agreement must be arrived at by agreement between the General Assembly and the Administering Authority. The present views of the Administering Authority on the issues involved are set forth in this memorandum, though they are given without prejudice to any developments which may occur before the problem here posed is finally resolved. The Assembly will wish to formulate its own view, and in doing so it will doubtless take into account the views expressed by the Administering Authority and the opinions of inhabitants of the Trust Territory. An essential preliminary to the formulation of the Assembly's view is, therefore, the establishment of the freely expressed wishes of the inhabitants of the Trust Territory. To this end, the Administering Authority wishes to suggest that the United Nations should arrange to ascertain, by whatever means it considers desirable and appropriate, the wishes of the inhabitants of the Trust Territory as to the status to be enjoyed by them when the present arrangements for administering the Territory become inoperable, that is, when the Gold Coast attains a full measure of self-government. The United Kingdom Government are prepared to accept whatever practicable means of ascertaining the wishes of the inhabitants the General Assembly may decide upon and they suggest that the Assembly, at its ninth session, might authorize the Trusteeship Council,

at its fifteenth and sixteenth sessions, to formulate recommendations to be considered by the Assembly at its tenth session, on the methods and procedures whereby the wishes of the inhabitants may be ascertained. In the light of the Trusteeship Council's report the Assembly would be able, at its tenth session, to set in motion the approved machinery in the course of 1956.

51. The United Kingdom Government express no opinion on which method of ascertaining the wishes of the inhabitants would be most desirable or appropriate, but the 1955 Visiting Mission will give the Assembly an opportunity of reviewing the general state of opinion in the Territory. If, after this Mission has reported, the United Nations wishes to make further inquiry, the United Kingdom would be prepared to agree to a plebiscite.

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