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THE TOGOLAND UNIFICATION PROBLEM AND THE FUTURE OF THE TRUST TERRITORY
OF TOGOLAND UNDER BRITISH ADMINISTRATION

The future of Togoland under French administration

Statement made by Mr. Gaston Defferre, French representative, at the
584th meeting of the Fourth Committee, on 2 January 1957

Note by the Secretary-General: In accordance with the decision
taken by the Fourth Committee at its 584th meeting, the text of
the statement reproduced below is distributed to the members of
the Committee for information.

Mr. Chairman:

Togoland has now reached a decisive point in its history. The French Government has complied in all loyalty with the principles of the Trusteeship System set up by the Charter of the United Nations. Under its leadership, the Trust Territory of Togoland has become fully and entirely capable of self-government, a legal status which, under Article 76 of the United Nations Charter, constitutes one of the objectives of the Trusteeship System.

It is now for the Assembly to draw the appropriate conclusions from this new situation - whose importance for the Autonomous Republic of Togoland as well as for the French Republic need not be emphasized - and to set the seal of its approval on the existence of the Autonomous Republic of Togoland.

The statute of self-government which has been elaborated by common consent with the representatives of the peoples of Togoland represents the culmination of a long process of political and administrative evolution during which the inhabitants of Togoland under French administration have been able to gain by experience a working knowledge of democratic institutions. Allow me to recall briefly the course of this evolution.

The end of the war of 1939-1945 marked the resumption of Togoland's political development, which had been more or less interrupted during the difficult period of hostilities. The Law of 6 October 1946 abolished the double college for the election of the Territory's representatives in the French Parliament. Shortly afterwards, a Decree of 25 October 1946 instituted a representative Assembly charged with the management of the Territory's own interests. The Law of 6 February 1952 established a single college for elections to that Assembly. In the meantime a status was given to the conseils de circonscription, which are administrative organs with regional authority, and the number of Mixed Communes was considerably increased. In this way the people of Togoland were led to take an increasingly direct part in managing their own affairs.

At this stage the French Government considered that the Territory was in a position to enter a new phase: the Law of 16 April 1955 instituted what was in fact a preliminary type of self-administration at the highest level, by setting up a Government Council, under the chairmanship of the High Commissioner of the Republic, comprising a given number of members elected by the Territorial Assembly and invested with powers of control and inquiry over all sectors of administrative, economic and social activity.

In order to emphasize the importance of this reform, the dissolution of the Territorial Assembly was proclaimed as soon as the Law of 16 April 1955 was promulgated, and elections were held on the following 12 June on the basis of a single electoral college.

During its first meeting, on 4 July 1955, this Assembly unanimously adopted a resolution the importance of which you will allow me to stress, Mr. Chairman, for it has guided the French Government in its subsequent action and laid, in a sense, the framework for the present institutions of Togoland. This resolution reads as follows: "The Territorial Assembly of Togoland

"Proclaims the desire of the Togolandese that the individuality of the Territory and its financial and administrative autonomy be maintained once and for all,

"Affirms at the same time the desire of Togoland to continue to develop in close association with France,

"Rejects categorically any form of unification which would result in a loosening of its ties with France,

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"Noting the economic, cultural, social and political progress of the country,

"The Territorial Assembly of Togoland, being anxious to decide finally on the future of the country by disposing of the uncertainties, arising out of the transitional status of Togoland, that adversely affect the further development of its various activities, deems that the time has come to raise, first with the French Government and then with the United Nations, the question of termination of the Trusteeship System and the political future of Togoland.

"With this in mind, the Territorial Assembly of Togoland, reiterating the twofold desire of, its peoples,

" - on the one hand, to preserve once and for all the Territory's individuality, to which they are deeply attached,

" - on the other hand, not to cut themselves off from an integral unit, French, European and African, the moral, cultural, economic and financial support of which is the only guarantee, in the present-day world, for the maintenance of their Territory's individuality,

"Expresses the wish (voeu) that the French Government examine carefully the future status of Togoland within the French system,

"Here and now specifies that such status should formally guarantee the following:

" - the maintenance of the territorial, administrative and financial autonomy of Togoland, thus excluding all possibility of its being merged with any of the neighbouring French territories,

" - the right of the Togolandese to manage all their own local affairs,

" - the maintenance of the single electoral college and the gradual establishment of adult universal suffrage,

" - the representation of Togoland in the Assemblies which sit in Metropolitan France.

"The Territorial Assembly of Togoland calls upon the French Government, once the status of Togoland has been settled, to do its utmost to bring to an end, the Trusteeship System, if necessary after further consultation with the inhabitants, and relies on it to present that point of view to the United Nations, on the basis of the desires of the inhabitants of Togoland and their elected representatives,

"Gives the representatives of the Territory in the Assemblies which sit in Metropolitan France the mandate to present and support the wish expressed above before the proper authorities."

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This wish, moreover, was similar to that expressed shortly afterwards by the General Assembly of the United Nations.

For, following the report presented by the Visiting Mission which went to Togoland in 1955, the Assembly recommended, on 15 December 1955, that the wishes of the inhabitants of that Territory concerning their future be ascertained by direct and democratic methods, and that "this consultation of the population be conducted, as in the case of Togoland under British administration, under the supervision of the United Nations."

It was in these circumstances, and in the light of the resolutions adopted both by the United Nations and by the Assembly which freely represents the peoples of Togoland, that the French Government was led to take the decisions which I now have to recall.

On 23 June 1956 the French Parliament authorized the Government to promulgate by decree, after consultation with the Territorial Assembly of Togoland, a statute in accordance with the objectives laid down by the Trusteeship Agreement, and to submit that statute to a referendum organized not only on the basis of the single electoral college but on that of universal suffrage with a secret ballot, in agreement with the Territorial Assembly.

A preliminary draft of the Statute based on the resolution of the Territorial Assembly of 4 July 1955 was thereupon immediately drafted and discussed with the Togolese Members of Parliament. Its text was submitted to the Territorial Assembly to which all the Togolese Members of Parliament belong and which was then presided by the present Prime Minister of the Autonomous Republic, Mr. Grunitzky. I shall leave it to the representatives of the Autonomous Republic to relate how that Assembly proceeded to examine article by article the draft which has become the Decree of 24 August 1956, and what were the modifications decided upon.

All the amendments proposed have been accepted by the French Government.

Some of them were of cardinal importance and bear witness to the state of mind of the Togoland Assembly as well as of the French Government.

The first amendment relates to the new title of the Territory; article 1 of the preliminary draft read as follows:

- "Togoland is an autonomous territory ..."

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The text as amended by the Assembly replaced the words "autonomous territory" by the term "autonomous republic".

Another amendment established a Togoland police force and customs service.

Another laid down the procedure for investiture of the Government.

Still another stressed the evolutionary nature of the Statute.

Finally there was one which specifies that the Republic will continue to benefit, as in the past, from the public fund for investment in and for the economic and social development of the Overseas Territories (FIDES).

I repeat that all these amendments were accepted by the French Government.

The provisions of the Statute as a whole, thus modified, were then approved unanimously by the Territorial Assembly and adopted during a meeting of the Council of Ministers, held under the chairmanship of Mr. Coty, President of the French Republic, on 22 August 1956. This Statute institutes a system of self-government to which I shall revert in a moment.

It remained to organize the referendum through which the people were to be asked to elect their representatives.

In accordance with the General Assembly's resolution of 15 December 1955, the French Government asked, in a memorandum addressed to the Secretary-General of the United Nations on 30 July 1956, that this consultation be conducted "under United Nations supervision", a general formula which left the Trusteeship Council free to determine the details of such supervision in agreement with the Secretary-General. As it indicated at the appropriate moment, the Administering Authority would have considered it wholly desirable to apply in this respect the same procedure as that adopted a few months previously in the case of Togoland under British administration: the existence of a recent precedent in the neighbouring Territory made it easy, in your view, to take a decision in principle in this matter.

However, at the close of its eighteenth session, the Trusteeship Council was unable, owing to an equally divided vote, to adopt a draft resolution under which it would have decided to send a mission of observers to observe the referendum and report to the Council.

It was, however, not possible to agree to delay the democratic procedure of general consultation of the peoples of Togoland which had been suggested a year ago by the United Nations and demanded by their representatives in Parliament and in the Territorial Assembly. After all, the Charter and the Trusteeship Agreement

do not expressly provide for international supervision of the consultations which the Administering Authority, under article 5 of the Trusteeship Agreement, is authorized to organize in order "to enable the inhabitants freely to express an opinion on their political regime and ensure the attainment of the objectives prescribed in Article 76 b of the Charter."

In these circumstances, the proposed referendum took place on the scheduled date despite the absence of international observers.

The French Government took every possible precaution to ensure the free and genuine character of the referendum as a whole. It made up for the lack of observers it had requested by entrusting the organization and direction of the consultation to a Referendum Administration. M. Guy Perier de Feral, Conseiller d'Etat, appointed Referendum Administrator on 24 August, was placed in a position of total independence from the local authorities, and he alone prepared and directed the conduct of the referendum. His decisions (orders or instructions) were published, as soon as they were adopted, in a special section of the Territory's official gazette. This senior judicial officer, whose impartiality and independence have been recognized on various occasions even by the opposition parties, had a staff of thirty-one persons who comprised the Referendum Commission (delegation generale): judicial officers from administrative organs of the courts, independent of the Executive, or other officials, selected to ensure impartiality, from outside the Territory.

Thus, the entire conduct of the referendum, beginning with the special procedure for revising the electoral lists and ending with the announcement of the results, was placed under the authority of the Referendum Administration.

The balloting took place on 28 October 1956, without incidents, in the 460 polling places, which were located in such a way as to facilitate operations as much as possible. The population was called upon to vote either for the Statute of Togoland and the end of the Trusteeship System, or for the maintenance of the Trusteeship System. The results are known to you: 77.27 per cent of the registered voters took part in the election; 71.51 per cent of the votes were in favour of the Statute of the Autonomous Republic and the termination of the Trusteeship System, while only 5.07 per cent were in favour of maintaining the latter system. I should like to add just two observations concerning these figures:

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1. The proportion of the number of registered voters to the total population shows that registration on the electoral rolls was complete;
2. The percentage of votes in favour of the Statute and the end of the Trusteeship System varied considerably from one region to another and frequently even from one village to another. This shows the genuineness and freedom of the consultation.

In certain communes, only 30 per cent of the electors voted in favour of the Statute and in others this percentage was as low as 25 per cent.

In view of these results and considering the unquestionable desire of the mass of the population, the French Government had a right to expect from the Trusteeship Council that the aspirations thus revealed would be taken into due account, or at least very carefully examined.

It would be useless, therefore, to try to conceal the surprise caused by the resolution adopted by the Trusteeship Council on 17 December 1956.

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I have, Mr. President, reviewed very rapidly recent developments in the Trust Territory of Togoland, and indicated the circumstances which led the French Government to submit its memorandum of 6 December 1956 inviting the United Nations to draw the appropriate conclusions from the ballot of 28 October 1956 and to put an end to the Trusteeship System to which French Togoland is subject, under the Act of 13 December 1946.

I feel, however, that I must revert to one essential point in my argument and outline in greater detail not only the main features of the Statute of the Autonomous Republic of Togoland, but also the way in which it has been applied in practice.

The Statute of 24 August 1956 is a statute of self-government. Except in a few specific matters, France's powers in Togoland are now confined to matters of external sovereignty, defense, foreign affairs and currency.

The people of Togoland now have the responsibility of administering their own affairs themselves. Their regime is conceived along the lines of European democratic traditions with, on the one hand, an executive branch, that is a government, and on the other, a legislative branch, that is an assembly elected by a single college on the basis of universal suffrage. /...

The Assembly passes the laws. The initiative, in this matter, belongs to the Council of Ministers of the Autonomous Republic of Togoland and to the members of the Assembly.

The Assembly also has political power since the Government is responsible to it and to it alone.

The Prime Minister is confirmed in office by a simple majority vote and he chooses and appoints his Ministers himself. He also allocates to each member of the Government the services which he is to direct and for which he is to be responsible. The Government can be overthrown by the Assembly by means of a motion of censure voted by an absolute majority of its members. This vote terminates the functions of all the Ministers.

The Togolese Government, acting under the responsibility of the Prime Minister, who is the central figure in the Republic, sees that the laws are executed, defines the general policy of the Autonomous Republic and takes the necessary steps to carry it out, organizes and directs all the public services, including the police, telecommunications and broadcasting, the information services, the customs, economic control and planning, finance, agriculture, stock-raising, public works, transport, mining, commerce and industry, public health and labour, etc.

All Government employees, whether European or African, are subject to the authority of the Togolese Government. In the bush, the chiefs of the administrative circonscriptions represent the Togolese central power and act as its agents.

The whole of the territorial administration has thus been turned over to the Togolese Government.

The Togolese Government has been discharging its new responsibilities since the beginning of September. The transfer of services provided for in the Statute is now accomplished, and the ministries are now housed in the buildings assigned to them by the Togolese authorities.

At the session held following the adoption of the Statute, the Legislative Assembly's first act was to choose the flag, the national anthem and the motto of the Togolese Republic.

A very important organic law has been enacted, incidentally, defining the relationship between the executive and the legislative powers.

Self-government in the Republic of Togoland has become a fact observable at any time by any inhabitant of the country, whatever his occupation or social status.

I was personally invited by the Togolese Government to be present at the ceremony for the inauguration of the Autonomous Republic of Togoland on 22 September 1956, and I must say at once that the experience, in particular the moment when the Togolese flag was raised for the first time, and the Togolese national anthem rang out, was one of the most moving episodes in my political life. To witness the birth of a Republic which one has helped to create is one of the greatest satisfactions that can be granted to anyone who respects freedom and the rights of peoples. I feel sure that each and all of you who are present here would have been profoundly impressed if you had been present on that occasion.

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Thus France has lived up to the undertaking entered into in voluntarily placing French administered Togoland under the Trusteeship Agreement, and in so doing has fulfilled the basic objectives defined by the Trusteeship Agreement and Article 76 b of the United Nations Charter. Let me recall the wording of that article: "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."

Yet, Mr. President, the United Nations, through its Trusteeship Council, has not endorsed the freely expressed wishes of the people concerned; and some nations represented in this Assembly are not willing to support by their vote the wishes of the great majority of the Togolese people.

What is the substance of the criticisms underlying this opposition?

Is it felt that the French Government has been somewhat hasty in the final stages of the political development of Togoland?

I am surprised, Mr. President, to think of any such criticism being levelled here, and against an Administering Power. But without dwelling on the unusual nature of this criticism, it seems to me that the report I have just presented

disproves the allegation. You will have realized the logical and inevitable nature of the reforms introduced in Togoland step by step. Moreover, this evolution has taken place under the supervision and sometimes even at the prompting of United Nations organs, as witness the General Assembly resolution of 15 December 1955, which I quoted earlier.

After noting the intention of the French authorities to hold consultations to ascertain the wishes of the inhabitants, the resolution of 15 December 1955 notes "the view expressed by the Visiting Mission that following the political reforms at present contemplated by the Administering Authority, steps will be taken to ascertain the wishes of the inhabitants of the Territory as to their future," and "endorses the conclusions of the United Nations Visiting Mission.... that the implementation of the contemplated political reforms will play a helpful role in enabling the wishes of the inhabitants of the Territory as to their future to be ascertained at an early date...."

How then can France be criticized for merely putting into effect the resolution passed by this Assembly?

The truth is that the pace at which an under-developed territory evolves politically accelerates as the territory adopts the modern ways of social life. To refuse to recognize this fact is to fly in the face of history; and it is to the French Government's credit that it did recognize it.

One final argument which is not without importance at the psychological level: there are no grounds for stating, and no one has done so, here or elsewhere, that the social evolution of the Togoland under French administration is inferior to that of British-administered Togoland. The United Nations did not hesitate to endorse the evolutionary process applied in the British-administered Territory. What is good for the one cannot be bad for the other.

Is it suggested that the referendum cannot be regarded as valid? It has been made quite clear that the absence of international observers was no fault of the French Government and that in any case under the Charter and the Trusteeship Agreement their presence was not indispensable. I have already described the precautions taken to ensure the genuineness of the vote of 28 October. A glance at the results of the referendum, coupled with the fact that few representations were made to the special Claims Commission, shows that the measures adopted were effective.

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Actually, the criticisms levelled at the referendum were more concerned with its terms than with the conditions under which it was held. Some feel that the local populations were not given sufficient choice and that those who advocated independence should have been allowed to express their opinion openly. This complaint is unfounded. The terms of the referendum accurately interpret the motion of 4 July 1955 which I read a few minutes ago.

We asked the very questions which the elected officials of the Togolese people requested us to ask. But we did not shirk our responsibilities and confront the Togolese people with an insoluble dilemma. The Togolandese were not forced to vote any particular way, for in voting for maintenance of the Trusteeship System, they were at liberty to indicate their desire to seek an alternative other than the one offered to them, which could only be independence. But they also knew that, even if they voted to retain the Trusteeship System, they would in any event continue to benefit by the Statute of 24 August 1956 which had already been put into effect and would have remained in force even if the referendum had been negative. This Government had no intention of going back on the liberal reforms introduced by the Decree of 24 August 1956. The provisions of Articles 39 onwards left no doubt on that score, since they provide transitional measures pending action terminating the Trusteeship System.

The Togolese people therefore knew full well what they were doing when they voted in favour of the Statute and of ending the Trusteeship System.

I now come to the most serious objection, the one which, I believe, arouses most opposition. I think it can be fairly summarized as follows: the self-government granted to Togoland by the decree of 24 August 1956, however worthy and broad it may be, does not justify the French Government's request. Only complete independence would justify it.

Mr. President, I shall speak frankly, and first of all in juridical terms. According to Article 76 b of the United Nations Charter, the aims of the Trusteeship System are "to promote the progressive development of the inhabitants of the trust territories toward 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."

Thus, the final stage in the evolutionary process leading to the termination of the Trusteeship System may be either actual independence, or self-administering

capacity, a term which covers self-governing states as indicated in the resolution of the General Assembly dated 14 December 1954 [E60 (XX)7].

The choice between these two alternatives must be made in the light of the freely expressed wishes of the peoples concerned and of the particular circumstances of each territory.

The wishes of the Togolese people are perfectly well known. The resolution of 4 July 1955 specified that the Statute of Togoland must ensure the individuality of the Territory in relation to other French and foreign territories. This was reiterated when a vote was taken on the amendment by which the Territorial Assembly requested that the integrity of the Togolese Territory should be guaranteed by a specific provision of the Statute. The motion of 4 July 1955 also calls for "the accession of the Togoland to full management of their local affairs" and, at the same time, requests the French Government not to cut off the Territory "from an integral unit, French, European and African, the moral, cultural, economic and financial support of which is the only guarantee in the present-day world, for the maintenance of their Territory's individuality."

With the wishes of the Togolese people spelled out in the light of the particular circumstances of the Territory of Togoland and thus defined by its elected representatives, the French Government's action could not, by the very terms of the Charter, have been different from what it was.

Finally, let me for a moment consider the hard facts of the situation. Independence, for a territory like Togoland anxious to preserve its individuality, would inevitably be either a sham and a mere facade, or it would be dangerous for the economic, social and cultural development of the Territory. It might very well in the near future give rise to distressing problems in this very highly developed part of Africa where democracy has made remarkable strides and peace reigns.

Are we then to believe that the one and only solution to the problems inherent in the termination of colonialism is to grant complete independence to all peoples and all territories, irrespective of their resources and potentialities and whatever the consequences, even if independence is calculated to put a stop to their economic, social and cultural development?

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In the modern world, countries which have not yet acquired the economic and financial means necessary to lead an independent existence cannot develop except as part of a group of peoples or nations which can help them to further their development. Is it necessary to stress this, at a time when the older nations of Western Europe, which have fought for centuries for their independence are thinking in terms of surrender of sovereignty and, having passed through the stage of nationalism, are looking towards the supra-national institution?

The essential need is for complete equality as between all members of these groups of peoples or nations, whatever their race or religion; an end to all ideas of racial segregation or even racial superiority; and the recognition and practice of respect and fellow-feeling as an absolute rule of conduct.

Thus France's sponsorship of the request by the Togolese Government for the termination by the United Nations General Assembly of the Trusteeship System in respect of French Togoland as presented in a motion of the Legislative Assembly on 28 December 1956 and a memorandum dated 29 December 1956 just transmitted by this delegation to the Secretary-General of the United Nations is based on one motive only - to fulfil the last of France's duties towards the autonomous Republic of Togoland under the mandate entrusted to it.

By endorsing this request, you will be removing the final obstacles to full self-government for the Republic of Togoland, i.e. the provisional trusteeship over the acts of the Togolese legislative and executive powers, as laid down in articles 39 and 40 of the Statute, pending international action terminating the trusteeship system. Thus, Mr. President, it rests with this Assembly to put the seal on the self-government of the Togolese people; and I trust that the hope and confidence placed in the Assembly by the Togolandese will not be disappointed.

The impartiality of the United Nations has sometimes been questioned of late. Some of its decisions have not been carried out.

It has been said and written that certain of the Member nations have not been voting - as is their duty under the terms of the Charter - on the basis of the case put before them, but on the basis of considerations foreign to the debates. This has been highly prejudicial to the moral authority of the Organization.

The present debate furnishes an opportunity to give the lie emphatically to these rumours, and to demonstrate that all who sit here make up their minds in complete independence, with utter objectivity and with one concern only - to comply with the principles of the Charter.