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Chairman: Mr. Luciano JOUBLANC RIVAS
(Mexico).

AGENDA ITEM 35

The Togoland unification problem and the future of the Trust Territory of Togoland under British administration: report of the Trusteeship Council (A/3046, A/C.4/L.428/Rev.3, A/C.4/L.429/Rev.3, T/1206 and Add. 1, T/1214, T/1215) (continued)

HEARING OF PETITIONERS (concluded)

1. Mr. THORP (New Zealand) said that when the Committee had voted, at its previous meeting, to grant another hearing to the petitioners, his delegation had opposed their being heard. If additional statements were to be made, the proper time was presumably at the close of the general debate, not when the Committee appeared to be about to come to the vote. He shared the view of the representative of Denmark that it would be undesirable for petitioners to comment on the texts which had been evolved by the Committee after patient negotiation and which expressly took the statements made by the petitioners into due account.

At the invitation of the Chairman, Mr. S. G. Antor and Mr. A. K. Odame, representatives of the Togoland Congress, Mr. J. A. Nagba, representative of the Northern People's Party, Mr. J. Mensah and Mr. S. K. Kumah, representatives of the Convention People's Party, Akan-Krachi Constituency and Kpandu District, respectively, Mr. S. Olympio, representative of the All-Ewe Conference, Mr. A. I. Santos and Mr. N. Amégah, representatives of Juvento, took places at the Committee table.

2. Mr. ANTOR (Togoland Congress) said that he had concluded from the tone of the debates that the majority of the Committee was in favour of an immediate plebiscite in Togoland under British administration, despite the abnormal circumstances prevailing in the Territory, and particularly in the Northern Section.

3. There was no denying that the Togolandians were considered minors and as such had no right to decide even on matters closely affecting their future. They should at least be given the possibility of choosing between two questions, either the constitution of a unified and independent Togoland on the one hand, or integration with the Gold Coast on the other. The

two questions suggested by the United Nations Visiting Mission to the Trust Territories of Togoland under British administration and Togoland under French administration, 1955 (T/1206, para. 105) had seemed to offer such a choice, and the Committee should have accepted them.

4. If the Indian draft resolution (A/C.4/L.428/Rev.3) was adopted, the voters would not only be confined to deciding on one question alone, but that question would not be exactly the question proposed by the Visiting Mission: the Mission had referred to integration with the Gold Coast, while the Indian draft resolution referred to union. What was that union? Would it be integration or a federal union? If the Committee did not elucidate the point, would the commissioner do so, and on whose instructions? If the persons concerned voted against it, would they be voting against some particular form of union or against union of any kind?

5. There was another point which should be explained. In section A, paragraph 2, of the India draft resolution there was a reference to "the wishes of the majority of its inhabitants". What was the meaning of that phrase, when Article 76 b of the Charter referred to the wishes of the peoples concerned, not to the majority?

6. Finally, if the results of the voting were evaluated for the whole of Togoland under British administration considered as a single unit, those results would certainly be prejudged. He urged the Committee to examine closely all the consequences that would follow if the Territory was made into a single electoral unit. He would be prepared to accept a count of the votes in two sections, one covering the North and the other the South, which would be in keeping with the administrative and legislative divisions in use since the United Kingdom had administered the Territory.

7. Mr. ODAME (Togoland Congress) wished again to draw the Committee's attention to the abnormal conditions created more or less directly by the two Administering Authorities, who were using the Government of the Gold Coast in order to "divide and rule". On the one hand, he drew attention to various incidents in both Trust Territories which provided evidence of intimidation and oppression, and referred to other irregularities committed by the Administering Authorities with the sole purpose of adding the Territories to their colonial possessions, in violation of the Trusteeship Agreements. He also pointed out that the people of Togoland, who had been placed under the Trusteeship System, could not relinquish the objectives of that system, one of which was the sovereignty of Togoland. A minor could not renounce his rights of ownership before attaining his majority.

8. Consequently, he and the people he represented thought that it would be neither just, nor desirable in the interest of international peace, to authorize a plebiscite at the present moment, under the supervision

of a United Nations commissioner but conducted by the Governments of the United Kingdom and the Gold Coast, which were directly interested in integrating the Territory with the Gold Coast.

9. In that connexion he drew attention to the measures recently taken on the occasion of the plebiscite in the Anglo-Egyptian Sudan. If a plebiscite was to be a democratic means of determining the freely expressed wishes of peoples, all alien influences and interests which might directly or indirectly affect the voting must be eliminated, and it must take place under the conduct and supervision of a United Nations commission set up by the General Assembly.

10. Mr. AMEGAH (Juvento) recalled that in several of its resolutions the General Assembly had stressed the fact that any change in either of the Trust Territories would automatically affect the other. In present circumstances, he wondered how the United Nations could, without contradicting itself, recommend a plebiscite in the British zone and open the way to incorporation of Togoland under French administration into the French Union. France, the United Kingdom and the Government of the Gold Coast, the promoters of integration and of the premature plebiscite, had made no secret of the fact that they unreservedly supported such a course.

11. The iniquitous system of administrative unions had lasted too long and a reform was necessary, as any other remedy would come too late. He wondered whether, on the morrow of the anniversary of the Universal Declaration of Human Rights, the United Nations was going to make the mistake of allowing the right of force to triumph over the force of right. The two Trusteeship Agreements had been concluded simultaneously: it would accordingly be logical for the plebiscite to be held simultaneously in the two Territories. While the United Kingdom had stated—and it must be congratulated on the fact—that the Territory under its administration had reached political maturity, the Visiting Mission had pointed out that Togoland under French administration was still more advanced. He hoped that the Committee would rely on the Mission's opinion and conclude that Togoland as a whole was ready for independence. The great Powers would be unworthy of the name unless they remained faithful to their undertakings towards the dependent peoples.

12. In conclusion, he thought the best solution would be, first, to terminate the Trusteeship Agreements in respect of the two Territories; secondly, to hand over the trusteeship of Togoland as a whole to the United Nations itself; and then, and then only, to organize a plebiscite in Togoland considered as a single territorial unit. It was only thus that the United Nations would prove to all the peoples of the world that it had been established to defend freedom, protect the weak and ensure the reign of peace in the world.

13. Mr. OLYMPIO (All-Ewe Conference) said that the Ewes, whom he represented and who were divided almost equally between the two Togolands, would naturally have preferred the best solution, which would be simultaneous plebiscites in the two Territories. But they understood that that solution could not be adopted, because there was something lacking, namely a clear statement by France that it intended to conduct the Territory under its administration not to association with the French Republic or to self-government within the French Union but, unless the persons concerned

decided otherwise, to the independence guaranteed by the Charter. If France had made it clear from 1946 that such was its intention, the Mission would certainly not have been forced to admit that the Territory under French administration was not yet politically ready for the plebiscite; being in fact much more advanced economically and socially than Togoland under British administration, it would certainly have had its own political institutions and genuine political liberty by now.

14. With those reservations, he hoped that the Committee would improve the Indian draft resolution in accordance with the Liberian amendments (A/C.4/L.429/Rev.3).

15. With regard to steps taken by France to ascertain the wishes of the inhabitants of the Territory under its administration as to their future, he pointed out that those steps had been initiated in 1946, when France had agreed to include in the Trusteeship Agreement the celebrated article 5, which provided for the arrangement of appropriate consultations in due course. He hoped the General Assembly would recommend that there should be in Togoland under French administration not only consultations, but a plebiscite under the supervision of the United Nations in circumstances guaranteeing absolute freedom of vote.

16. Mr. KUMAH (Convention People's Party, Kpandu District), speaking on behalf of Mr. Nagba, Mr. Asare, Mr. Mensah and Mr. Fleku, thanked the Committee for deciding to give them a hearing. The petitioners from the Convention People's Party were awaiting the Committee's vote with interest and hoped that it would not prove disappointing to the persons who had appointed them as their representatives.

17. The CHAIRMAN read the text communicated jointly by Mr. Ajavon and Mr. Foussemi, who had been obliged to leave New York before the end of the Fourth Committee's debate. Their comments referred to section B of the original Indian draft resolution (A/C.4/L.428).

18. The petitioners considered that the sub-heading of section B anticipated the result of the plebiscite to be held in Togoland under British administration. The subdivision of the Territory under British administration for the purposes of the plebiscite made it impossible to know beforehand which areas would opt for integration with the Gold Coast. It was premature to speak of the future of Togoland under French administration when the fate of the British Territory had not been decided and the unification of the two Togolands was thus still an open question.

19. Furthermore, the first paragraph of the preamble implied that the idea of the popular consultations to be held at a later date in Togoland under French administration had originated with the Visiting Mission. But it was plain from the Mission's own report (T/1206, para. 118) that the idea had originated in the motion adopted by the Congress of the Parti togolais du progrès on 22 June 1955 and endorsed by the Territorial Assembly on 4 July.

20. With regard to the operative part, the petitioners pointed out that the Mission had merely repeated the recommendations addressed to the French Government by the Parti togolais du progrès and by the Union des chefs et des populations du Nord-Togo.

21. The petitioners hoped the author of the draft resolution would take those clarifications into account,

and wished to thank him for his conscientious and constructive effort to propose a text which represented a point of departure of undoubted value.

22. The Chairman thanked all the petitioners for the manner in which they had presented their comments and assured them that the Committee would not fail to take them into account.

Mr. S. G. Antor and Mr. A. K. Odame, representatives of the Togoland Congress, Mr. J. A. Nagba, representative of the Northern People's Party, Mr. J. Mensah and Mr. S. K. Kumah, representatives of the Convention People's Party, Akan-Krachi Constituency and Kpandu District, respectively, Mr. S. Olympio, representative of the All-Ewe Conference, Mr. A. I. Santos and Mr. N. Amégah, representatives of Juvento, withdrew.

CONSIDERATION OF THE DRAFT RESOLUTION SUBMITTED BY INDIA (A/C.4/L.428/REV.3) (continued)

23. Miss BROOKS (Liberia) said that the new clause which formed her fourth amendment should read as follows: "or (b) the separation of Togoland under British administration from the Gold Coast and its continuance under trusteeship pending the ultimate determination of its political future".

24. Mr. RIVAS (Venezuela) asked the Liberian representative to explain the purpose of her first amendment.

25. Miss BROOKS (Liberia) explained that the main title of document A/C.4/L.428/Rev.3 was that of the agenda item, which could not be altered. She therefore proposed the addition of a title which would reflect the actual contents of the draft resolution, namely, provisions concerning the future of both Togoland under British administration and Togoland under French administration.

26. Mr. HOPKINSON (United Kingdom) referred to the Yugoslav representative's suggestion (540th meeting) that the implications of a negative vote, if one question only were posed in the plebiscite, should be officially explained to the people before the plebiscite was held, so that they should be aware that other possibilities would be open to them in the future. It was primarily the responsibility of the leaders of political thought in the Territory to make known to the voters the consequences of their votes. Nevertheless, although it would not be easy for the Administering Authority to advise the voters what the implications of a vote against integration would be, as those implications were by no means certain, it would be made clear to them that if they voted against union with an independent Gold Coast, they would continue under trusteeship for the time being, pending the ultimate determination of their future, on which they would have the opportunity of expressing their views when the time came.

27. Mr. JAIPAL (India) said that his delegation opposed the first Liberian amendment. Amendment 2 would serve no purpose and had the disadvantage of restricting the scope of the Indian text by specifying solutions. With regard to amendments 3 and 4, the United Kingdom delegation had just stated again that a decision against integration with the Gold Coast would bring forward other solutions. His own delegation had already explained why it opposed amendments 5 and 7. In connexion with amendment 10, he felt that it would be unwise to empower a com-

mission to take steps concerning the plebiscite independently, without the Administering Authority's consent. As to the Liberian amendments to section B of the Indian draft resolution, he could not accept them because Togoland under French administration was not yet ready to take a decision as to its future.

28. Mrs. MONTEJO (Costa Rica) asked for a separate vote on the words "for the Togolands" in Liberian amendment 5.

29. Mr. CALLE Y CALLE (Peru) said that, if the Committee did not adopt Liberian amendment 4, which provided for two questions, he would ask for a separate vote on the words "in regard to the union of their territory with an independent Gold Coast" at the end of paragraph 2 of section A of the Indian draft resolution. In that case he would abstain on the phrase, which he considered too restrictive.

30. Mr. GRUBYAKOV (Union of Soviet Socialist Republics) asked whether paragraph 5 of section A of the Indian draft resolution meant that the Assembly could not take action until the Gold Coast had attained its independence.

31. Mr. JAIPAL (India) said that, if Togoland under British administration voted against integration with the Gold Coast, the terms of the Trusteeship Agreement would have to be revised. He was unable to foresee, however, what direction such revision would take.

32. Mr. GRUBYAKOV (Union of Soviet Socialist Republics) was disturbed by the direct relationship established in paragraph 5 of the Indian draft resolution between the steps to be taken concerning Togoland under British administration and the independence of the Gold Coast.

33. Mr. PACHACHI (Iraq) also had in mind the possibility that Togoland under British administration might vote against union with the Gold Coast and that the attainment of independence by the Territories might be delayed. He wondered whether, in that case, the General Assembly could not take some action with regard to Togoland under British administration.

34. Mr. JAIPAL (India) replied that the provisions of the Trusteeship Agreement would remain in force until the Gold Coast became independent.

35. Mr. HOPKINSON (United Kingdom) thought that Liberian amendment 10 was inappropriate, as the responsibility for organizing the plebiscite lay with the Administering Authority.

36. Miss BROOKS (Liberia) said that, in her view, it was essential that the commission should be empowered to make suggestions to the Administering Authority.

37. Mr. TRIANTAPHYLLAKOS (Greece) said that, in view of the United Kingdom representative's statement, he would prefer to maintain the amendment he had submitted at the previous meeting.

38. Mr. BOZOVIC (Yugoslavia) and Mr. CORTINA (Argentina) asked that the meeting should be suspended to enable delegations to clarify certain points before the voting.

The meeting was suspended at 4.15 p.m. and resumed at 4.45 p.m.

39. Mr. PACHACHI (Iraq) asked the Liberian representative to delete paragraphs 2 and 3 of her amendment 13; several delegations could not vote for

them. The plebiscite commissioner's sole task would be to supervise the plebiscite.

40. Mr. MENON (India) pointed out that the amendments proposed by the Liberian delegation in document A/C.4/L.429/Rev.3 raised serious problems.

41. First, the amendments provided for the continuation under trusteeship of a Territory in respect of which the Administering Authority had told the United Nations that the Trusteeship System should be brought to an end. The Organization seemed to be afraid, and was prepared in a resolution to consider keeping the Territory under trusteeship, which would be incompatible with the Charter. It was bad policy to find difficulties in every solution instead of trying to find solutions to every difficulty.

42. He understood the Liberian representative's misgivings, but he asked her not to accept any suggestion that might prolong the Trusteeship System in Africa for even one minute longer than necessary. The Gold Coast had been promised its freedom and his delegation had no doubt that it would attain it within a very short time. His delegation believed that the United Kingdom Government was sincere. To keep Togoland under British administration under the Trusteeship System would be a step backward and very harmful to its people and to the peoples of the other African Territories.

43. The Indian delegation's aim was to make the Territory independent. None of its suggestions was intended to make the Territory a province under the Gold Coast. Togoland under British administration would attain its independence with the Gold Coast. Heretofore, it had been administered through the Gold Coast because an administrative system existed in the latter Territory. Long-range administration, by the United Kingdom for example, would be prejudicial to Togoland.

44. If the draft resolution were adopted, proper preparations would be made for the plebiscite. Moreover, the Trusteeship Council would remain seized of the question until it had been resolved, and it could be convened at any time if difficulties should arise. That was an additional safeguard.

45. Furthermore, it was dangerous to prejudge a decision involving territorial partition. In the past, the policy of the great Powers had been to divide and rule, but recent history showed that, once divided, countries did not reunite. Korea and Indochina were proof of that.

46. He therefore asked the Liberian delegation to withdraw its amendments 3 and 4.

47. With regard to the appointment of a commission instead of a commissioner, he had already had occasion to remark that, owing to the small area of the Territory, which contained only 160,000 registered voters in fourteen electoral districts, the appointment of a commission to organize the plebiscite was not justified. That would be too large and too cumbersome an apparatus. Moreover, it should not be forgotten that the Administering Authority was entirely responsible for the organization of the plebiscite. The supervisory body's only task would be to supervise and perhaps to give some advice. It would have to see to it that the votes cast were genuine. That was why the Indian draft resolution asked that the plebiscite commissioner should be assisted by all the necessary staff.

48. He asked the Liberian representative to believe that his proposal was not an improvisation; on the contrary it was the result of mature consideration. No one could accuse the Indian delegation of being partial to Administering Authorities.

49. The decision the General Assembly was about to take was of great significance for the whole of Africa and for the implementation of the Charter and the Indian delegation had incorporated all the amendments it could accept in its draft resolution. It asked the Committee to adopt the draft resolution as it now stood.

50. Miss BROOKS (Liberia) maintained that, if the plebiscite included only one question, the Togoland people would have the impression that a solution was being imposed on them. They should be given a choice between two solutions. Part of the population had said that it preferred to remain under the Trusteeship System until all the arrangements could be made to ensure its independence. She therefore preferred the Visiting Mission's proposal. If no more specific suggestion was put forward, she would maintain her amendments.

51. In reply to the Iraqi representative, she was prepared as a compromise to delete paragraphs 2 and 3 of her amendment 13, provided that the Indian delegation deleted the words "if possible" from section B, paragraph 3, of its draft resolution.

52. Mr. PACHACHI (Iraq) thanked the Liberian representative and asked whether she would agree to the insertion of the proposed paragraph 1 of her amendment 13 after paragraph 2 of section B of the Indian draft resolution.

53. Mr. MENON (India) agreed to the deletion of the words "if possible" from section B, paragraph 3, of his draft resolution, in the interests of general agreement in the Committee. They were only a polite expression which added nothing to the meaning.

54. Referring to the Iraqi representative's suggestion that paragraph 1 of Liberian amendment 13 should be inserted after paragraph 2 of section B, of the draft resolution, he pointed out that a plebiscite was not the only way of ascertaining the wishes of a population. It would therefore be better not to use the word "plebiscite", which would be restrictive. The expression "consultation of the population" was better because it did not exclude a plebiscite. For the time being, the General Assembly would be taking a decision of principle only with regard to Togoland under French administration. Specific measures could be considered at the next session.

55. Mr. PACHACHI (Iraq) said that the purpose of his suggestion had been to make the draft resolution more acceptable. The Committee had accepted the Visiting Mission's recommendations, which seemed sensible, fair and logical.

56. The Iraqi delegation would vote for Liberian amendment 4, which provided for a second question to be asked, so that the people would be able to choose between two solutions. It did not consider that the maintenance of the Trusteeship System should be an end in itself, but merely a temporary measure pending a final solution. If only one question was asked, the people would not have a clear idea of the alternative. The Liberian amendment expressed the wishes of one section of the population of the Territory, and the Visiting Mission had thought it advisable to defer to them in its recommendations.

57. Miss BROOKS (Liberia) proposed the addition, at the end of section B, paragraph 1, of some such clause as: "although this may not prejudice an early plebiscite in the Territory".

58. Mr. MENON (India) accepted the proposal in principle, but thought it would be better to say: "by all legitimate methods, including a plebiscite". A plebiscite was not the only possible method.

59. Miss BROOKS (Liberia) agreed to that suggestion.

60. Mr. MENON (India), replying to the Iraqi representative, said again that, if the population refused integration with the Gold Coast, the question would be referred back to the Trusteeship Council and the General Assembly.

61. As a compromise, the Indian delegation was willing to add, at the end of section A, paragraph 2, the words "or a separation from the Gold Coast," but he thought that unnecessary.

62. Miss BROOKS (Liberia) pointed out that in that case the second question she proposed would have no real meaning.

63. Mr. BARGUES (France) recalled that the insertion of the words "if possible" at the end of section B, paragraph 3, of the draft resolution had been a courteous gesture on the part of the Venezuelan and Indian delegations, but that they had become necessary when the words "at its eleventh session" had been added. The General Assembly must ask only for what was possible. If the report could not be submitted to the General Assembly at its eleventh session, he supposed that the General Assembly would express regret and ask for the report to be submitted at the twelfth session.

64. There were therefore two solutions: either to delete the words "if possible at its eleventh session", or to maintain the present text. If the words "if possible"

were deleted, that might mean that the resolution could not be implemented.

65. With regard to the proposed addition of the words "by all legitimate methods, including a plebiscite," at the end of section B, paragraph 1, his delegation felt that it would be inadvisable to mention a plebiscite. The proposal was therefore not acceptable to the French delegation, particularly as it prejudged the question, whereas Article 76 of the Charter provided that the peoples concerned should freely express their wishes and, therefore, decide on the way in which they should be expressed. In any event, it did not seem justifiable to prejudge the question before receiving the report of the body which was to study all its aspects.

66. If the amendment were maintained and adopted, the French delegation would be obliged to vote against the draft resolution as a whole.

67. Miss BROOKS (Liberia) agreed, in deference to the French delegation's wishes, not to press for the deletion of the words "if possible".

68. Mr. BOZOVIC (Yugoslavia) thought that it was for the people concerned to decide on the solution they considered most suitable.

69. Mr. RIVAS (Venezuela) said that he was in favour of direct consultation of the people of Togoland under French administration. He suggested that the words "by direct and democratic methods" should be added at the end of paragraph 1 of section B of the draft resolution, and he asked the Liberian representative to withdraw paragraph 1 of her amendment 13, which seemed unnecessary.

70. Miss BROOKS (Liberia) was unable to accede to the Venezuelan representative's request.

71. Mr. BARGUES (France) accepted the principle of direct consultation of the people.

The meeting rose at 5.55 p.m.