

GENERAL ASSEMBLY

TWELFTH SESSION

Official Records

FOURTH COMMITTEE **706th**
MEETINGMonday, 18 November 1957,
at 10.45 a.m.

NEW YORK

CONTENTS

Agenda item 37:

The future of Togoland under French administration:
report of the Trusteeship Council (continued)
General debate (continued) 301

Chairman: Mr. Thanat KHOMAN (Thailand).

AGENDA ITEM 37

The future of Togoland under French administration:
report of the Trusteeship Council (A/3676 and
Corr.1, A/3677, A/C.4/367, A/C.4/L.508, T/SR.841-
847) (continued)

GENERAL DEBATE (continued)

At the invitation of the Chairman, Mr. Anani Ignacio Santos, representative of the Mouvement de la jeunesse togolaise (Juvento), Mr. Alexandre John Ohin and Mr. André Akakpo, representatives of the Mouvement populaire togolais, and Mr. Sylvanus Olympio, representative of the All-Ewe Conference, took places at the Committee table.

1. Mr. CARPIO (Philippines) thought that the Committee had never dealt with so delicate a problem as that of Togoland under French administration. It had considered the case of Somaliland under Italian administration and of Togoland under British administration at great length, but those two Territories had been scheduled to attain independence in 1960 and in 1957 respectively. On the present occasion, however, it was merely a question of granting self-government.

2. He recalled the circumstances in which the United Nations Commission on Togoland under French Administration had been established. Its six members had represented all regions of the world and had no special political interest in Togoland affairs; their sole concern was the application of the principles of the Charter. They had unanimously reached the conclusion that full self-government had not yet been attained, but that the Statute had set in motion a trend of events which could not fail to lead to self-government and the elections by universal suffrage should be held. For the time being, therefore, the Committee need not concern itself with the question of the extent to which the Territory was self-governing and of whether trusteeship should be terminated. Its task was to establish a procedure for modifying the situation on the basis of the assurances given by the Administering Authority.

3. The two main problems before the Committee during the current session were the transfer of new powers and the holding of new elections. The French Republic was retaining a number of important powers—enumerated in articles 1, 2, 3, 11, 12, 26, 28, 39 of

the Statute—which it should transfer to the Togoland authorities. Negotiations were proceeding for the transfer of three sectors to the Togoland Government's competence: public freedoms, justice and constitutional revision. Additional powers should be transferred by means of amendments to the provisions of the Statute regarding reserved powers, the right of veto, the right of intervention and control and the procedures for revision and appeal, not by means of secret agreement. A question such as that of the relations of the Territory with France might be settled by agreement, but the United Nations should be kept informed of the negotiations.

4. Elections had already been recommended by the General Assembly in paragraph 4 of resolution 1046 (XI), the text of which had originally been submitted by the Philippine delegation (A/C.4/L.455). They had been the subject of extensive discussions between the Commission on Togoland and the Government of Togoland. The traditional chiefs of the North had opposed the idea on the ground that too many elections had been held and that they had invariably resulted in disturbances. The President of the Legislative Assembly had argued that the system of elections was perhaps suitable for free nations, but not for Togoland. It was therefore gratifying that despite that opposition and reluctance, the competent authorities were planning to hold elections in 1958.

5. The Commission which had gone to Togoland had suggested that elections should be held not only to the Legislative Assembly, but also to local government organs such as the municipal councils. That was a recommendation which should not be overlooked. The draft resolution before the Committee (A/C.4/L.508) did not, however, appear to take it into account.

6. The first requirement for the elections was the adoption of a just and equitable electoral law. As France had affirmed that all the necessary powers had been transferred to the Government of Togoland, it was that Government which should be asked to hold elections as soon as possible in which the people would freely express their wishes. The second requirement was that the elections should be held throughout the Territory under United Nations supervision. Such supervision should extend to the establishment of voters' lists, the distribution of voting cards and the polling itself in order to ensure complete political freedom. There seemed to be no reason why the Administering Authority should oppose such supervision. A similar procedure had already been adopted elsewhere and there could be no question of interference in the domestic affairs of a Member State, as Togoland was not a Member State.

7. New elections would hold many advantages. They would create a more favourable political climate by stimulating the people's interest in the new political

institutions and by reducing tension, because the opposition would again take part in political life, from which it had kept aloof. The new Assembly would be a forum in which Togolanders could openly discuss their country's problems. It would establish new contacts between the North and the South, enabling the people of the two regions to understand each other and to acquire a sense of national unity and a realization of their common future. Lastly, the elections would show whether the Togoland people were ready for self-government.

8. Whatever resolution the General Assembly adopted should therefore encourage the Administering Authority and the Government of Togoland to continue the transfer of powers; it should also deal with the new elections and appoint for that purpose, not a commissioner, but a commission of three elected members known for their convictions and moral courage, who would report to the General Assembly at its thirteenth session.

9. Since even the Administering Authority and the Government of Togoland agreed that the degree of self-government was still insufficient, it would be altogether premature to consider whether trusteeship should be terminated: events should be allowed to take their course, and any examination of the question should be deferred until the next or even to a later session.

10. His delegation had greatly appreciated the opportunity given to his country, as the representative of Asia in the Commission, to take part in the study of a most important and delicate question. It had also greatly appreciated the hospitality extended to it and the courtesy it had met both in Paris and in Togoland, and also the frankness and goodwill shown by senior French officials and by the Togoland officials and people. Lastly, it attached great value to the bonds of friendship which the discussions had enabled it to establish with the leaders of Togoland and the members of the opposition; both the former and the latter were concerned solely with their country's freedom and prosperity and their statesmanlike qualities, mutual understanding and help were indispensable if the question of Togoland was to be solved in a manner which would redound to the credit of France and the United Nations.

11. Mr. SARKANY (Hungary) said he proposed to deal with the points of principle which were at issue. The Commission's report (A/3677) made it possible to determine the extent to which the French Government had fulfilled the obligation to promote the economic and political development of the Territory, which had been imposed on it first by the League of Nations and then by the United Nations. From the facts as a whole and an analysis of the present Statute it was impossible to conclude that the conditions necessary for self-government or independence had been attained; on the contrary, the report and the petitioners' statements showed that measures must be taken to bring those conditions into being. In particular, several of the powers at present reserved to the Administering Authority—the penal code, criminal procedure, the commercial code, the protection and exercise of civic rights and freedoms, secondary and higher education, for example—might be entrusted to the Togolese authorities, who would thus acquire the experience

necessary for exercising their independence within a few years.

12. It would also be premature to talk of an association between Togoland and the French Union. Any attempt at the present stage to determine the Territory's status after it had become independent would jeopardize the attainment of complete independence. To take a decision on the matter while the Territory was still under French administration would be tantamount to perpetuating its dependent status. The existence of such a danger was demonstrated by the efforts that had been made to settle the problem through a bilateral agreement, concluded without reference to the United Nations, in spite of the fact that the Trusteeship Council had a right of control that constituted a safeguard against any agreement which might be prejudicial to the Trust Territories.

13. The problem of terminating the Trusteeship Agreement should also be studied from the point of view of the Territory's attainment of independence. The Territory's independence must be complete before trusteeship could be terminated. The referendum on whether the trusteeship should be continued, which had been organized by the French authorities on 28 October 1956, had been contrary to the provisions of the Charter, and its sole purpose had been to withdraw Togoland from international control. As to future elections, particular attention should be given to the circumstances in which they were held. They should take place on a date on which the Togoland parties, the United Nations Commission and the French authorities were all satisfied that the population could express its will without any restriction. That did not conflict with the general desire that the elections should be held in the near future and should be supervised by a United Nations Commission from the preparatory stage onwards, since the appropriate conditions could readily be established, given the agreement of the French authorities.

14. The Hungarian delegation believed the report of the United Nations Commission and the recommendations that would result from the discussion in progress would contribute greatly to the attainment of independence by Togoland.

15. Mr. KHAN (Pakistan) considered that a brief review of past developments was necessary for an understanding of the present stage of the discussion. He therefore recalled the circumstances surrounding the adoption of the Statute, the organization of the referendum and the dispatch of the United Nations Commission to Togoland. The United Nations had wished the referendum to be held under its supervision and the population to be offered a choice between independence and the continuation of trusteeship. Its wish had not been complied with. The referendum had been held without United Nations participation and the only alternatives offered to the population had been the Statute or the continuation of trusteeship. It was not surprising in the circumstances that the Administering Authority had been the target of some criticism.

16. As had been pointed out, it seemed somewhat illogical for France to make the termination of trusteeship a condition for the transfer of the residual powers. Furthermore, while the Statute admittedly represented an advance, some of its provisions might be regarded as an attempt at integration and others

as a restriction on Togoland's sovereignty. The Statute represented a step forward in the Territory's development, but in its present form did not provide for the Territory's emancipation. It also contained certain ambiguities. Article 1, for instance, referred to an "Autonomous Republic". But the autonomy was limited to certain spheres and did not correspond to the final objective of trusteeship.

17. The Territory was participating in the central organs of the French Republic. While such participation was necessary at the present stage of development, he hoped that it would soon prove unnecessary. He also thought that the High Commissioner's role could be limited to that of an adviser and that it would be preferable for the Prime Minister to be designated by the Legislative Assembly. Article 26 of the Statute listed the reserved powers. He acknowledged that the Administering Authority had interpreted those provisions liberally but thought that they nevertheless contained restrictions incompatible with the attributes of self-government. The same was true of article 37; that article stipulated that the Statute was susceptible of evolution, but the Legislative Assembly of Togoland was free only to express a wish (*voeu*) and the decision to accept or reject proposed amendments rested with the French Government. He did not wish to seem sceptical, but hoped that all those ambiguities could be cleared up, thus allaying the apprehensions they aroused.

18. With respect to political freedoms, he noted that the Commission on Togoland itself had observed in

paragraph 476 of its report (A/3677) that the opposition parties did not enjoy the same measure of political freedom of expression and assembly as did the pro-Government parties. It was essential for that situation to be corrected and he urged all political parties to improve the situation.

19. The Administering Authority claimed that it could not transfer the residual powers before the termination of trusteeship. He personally was sure the opposite was true. The representative of France had himself admitted at the 695th meeting that the Statute did not finally determine the relationship between France and Togoland. Mr. Khan considered that the time was not yet ripe for a request for the termination of trusteeship. Furthermore, the General Assembly was bound to ask for the holding of a referendum under conditions conforming to the provisions of the resolutions it had adopted. Elections to the Legislative Assembly must also be organized forthwith under United Nations supervision. Lastly, it was the French Government's duty to transfer additional powers to the people of Togoland without undue haste or undue delay. If all the parties concerned genuinely co-operated in facilitating the Territory's accession to independence, and if they displayed goodwill, there was every likelihood that Togoland would choose voluntarily to associate itself with the Administering Authority.

The meeting rose at 12.15 p.m.