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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, T/SR.841-847) (continued)

HEARING OF PETITIONERS (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. ABIKUSNO (Indonesia), recalling that the visit of the United Nations Commission on Togoland under French Administration had allegedly given rise to agitation by the opposition parties, wished to know whether there was any truth in the allegation or whether the agitation had been deliberately worked up in order to give the impression that peace and order had not prevailed in the Territory even before the arrival of the Commission.

2. Mr. OLYMPIO (All-Ewe Conference) replied that his party had never agreed with the Administering Authority's assertion that visits of United Nations missions tended to create disorder. On the contrary, it felt that such visits gave the inhabitants more confidence and lessened the fear which had been deliberately inculcated by the Administering Authority. The opposition parties had never used United Nations missions as a pretext for agitation and had only asked for an opportunity to meet the members of the mission in private or at rallies. Ever since 1952 it had been the policy of those who now formed the Togoland Government to prevent members of missions from attending rallies, on the pretext that violence would ensue. It was much to the credit of the Commission, however, that it had refused to be deterred by such threats and had attended rallies without encountering any disorders.

3. Mr. ABIKUSNO (Indonesia) asked in what manner the opposition parties were prevented from expressing their opinions in public.

4. Mr. OLYMPIO (All-Ewe Conference) said that in the northern part of the Territory the chiefs, with the support of the Administering Authority, had consistently opposed the holding of political rallies. It was on the occasion of the visit of the Commission that rallies had been held for the first time in Lama-Kara

and Sansanné-Mango, thus giving the nationalists in the north their first opportunity to express their opinions.

5. Mr. ABIKUSNO (Indonesia), referring to paragraph 472 of the Commission's report (A/3677), noted that the Commission had found in the Territory a highly developed political consciousness and a lively interest in its political future. He asked whether the majority reputed to have voted in favour of the Statute had been prompted by the desire for a speedy betterment of political conditions and had believed that the Statute might create conditions likely to further the attainment of self-government.

6. Mr. OLYMPIO (All-Ewe Conference) said that it was true that the people of Togoland were alive to the political situation and realized that a decision for the future of the Territory was imminent. His party, however, had never subscribed to the Administering Authority's conclusion, from the referendum, that the majority had voted in favour of the Statute. It maintained that the alleged figure of a 70 per cent majority was fictitious, since the opposition, which was numerous, had not voted at all.

7. Mr. AKAKPO (Mouvement populaire togolais) pointed out that a number of people who had voted in favour of the Statute had been opposed to the termination of trusteeship. Thus if the two questions had been kept separate, there would have been very few votes in favour of ending the Trusteeship Agreement.

8. Mr. SANTOS (Juvento) explained that the referendum had placed the population in a very difficult situation. A number had voted against the Statute on account of the conditions in which the referendum was held; others had abstained because, although in favour of the Statute, they were apprehensive of the consequences of terminating the Trusteeship Agreement; a third group, comprised of officials, had felt unable to abstain for fear of losing their positions but had hoped that the opposition parties would intervene with the United Nations to prevent the termination of trusteeship. It was significant that the Commission had received a number of visits from the representatives of the parties in power, who had confessed that they were opposed to the termination of the Trusteeship Agreement. Finally, a small proportion had voted in favour of the Statute, for reasons of self-interest.

9. Mr. OHIN (Mouvement populaire togolais) quoted from an article published in *Afrique nouvelle* to the effect that various officials and chiefs had been allocated several hundred ballot papers each. By that means it had been easy to obtain a high percentage of votes, but the figures reported did not reflect the actual number of voters.

10. Mr. ABIKUSNO (Indonesia) said that he realized that the economic conditions of the Territory would largely affect the extent of the powers granted under the

Statute. Togoland was very dependent on the French budget; the organization of the various government departments would be contingent upon French financial support for an indefinite period. The question was whether the Statute would give Togoland the political status to enable it to undertake its own economic programmes or whether it was designed to legalize Togoland's dependence on France after the attainment of independence. It was therefore important to know whether the petitioners thought that the gradual transfer of residual powers from France to Togoland would include the power to manage the economic and financial affairs of the Territory.

11. Mr. OLYMPIO (All-Ewe Conference) replied that the Statute did not enable the Togoland authorities to elaborate any plan of their own for full economic development. He drew attention to paragraph IV of the procès-verbal, reproduced in annex II (sect. O (ii)) of the Commission's report, concerning the adaptation to the Statute of Togoland of the regulations for administering funds from the Fonds d'investissement pour le développement économique et social (FIDES), from which it was clear that those funds would be administered according to a plan already elaborated in Paris. As he had stated earlier, only upon the achievement of political independence would Togoland be able to draw up economic plans that would serve its own interests and not the interests of an overseas Power.

12. Mr. SANTOS (Juvento) recalled that a member of the French delegation had pointed out at the 694th meeting that expenditure in Togoland far exceeded income. It should be borne in mind, however, that he had also stated that 70 per cent of expenditure had gone towards salaries for officials. That percentage was vastly disproportionate to the percentage of population that the officials represented. Farmers, who formed 95 per cent of the population, received an annual income of only 6,000 francs CFA, whereas officials, who together with the trades and the professions made up the remainder of the population, earned 300,000 francs a year. The same member of the French delegation had quoted a statement by Mr. Defferre, former Minister for Overseas France, to the effect that independence would be worthless if Togoland had to seek outside loans and assistance every year. If, however, public funds were not squandered on official salaries in order to bolster French authority, and if the economy were planned to the advantage of the country, by means of favourable trade agreements and judicious development, Togoland could become self-supporting.

13. Mr. FILALI (Morocco) recalled that in his statement at the 696th meeting Mr. Akakpo had complained of persecution, which it had been hoped that the Statute would abolish. He would like Mr. Akakpo to supply some details about that persecution and to say what action had been taken by the judiciary in the matter.

14. Mr. AKAKPO (Mouvement populaire togolais) replied that the nature of the persecution differed according to whether the victims were peasants or city dwellers. In the case of the former, it often took the form of brutality, summary arrests and imprisonment under inhumane conditions. In one particular case he had attempted, in his official capacity, to give a prisoner badly needed medical attention but he had been refused access to the prison. Upon release the prisoner had been forcibly transferred from his native district

and had not been allowed to rejoin his family for a considerable time. Such cases were far from rare, especially in the north of the Territory. In the case of city dwellers, the persecution took a different form: if the victim was an official, he would lose his occupation and might be sent to an outlying district or deported. When the Republic of Togoland had been set up it had been hoped that those persecutions would cease, but that had not been the case.

15. Voluminous documentation on such acts of persecution had been submitted every year to the judiciary but the matter had never been taken up. That was not surprising in view of the fact that the judiciary did not take action even in the case of ordinary offences.

16. Mr. OHIN (Mouvement populaire togolais) said that, apart from the illustrations given by Mr. Akakpo and other petitioners, the absence of political freedom in Togoland was a fact which was recognized everywhere in French West Africa, where, until the application of the Statute, Togoland's position under the Trusteeship System had been envied. Furthermore, the suppression of political freedom in Togoland had been reported in a French newspaper, *Afrique nouvelle*, which had pointed out that Togoland was the only remaining country in "Black" Africa without communes de plein exercice or a Legislative Assembly elected by universal suffrage and that a majority of Togoland's were indignant over the importance attached in official circles to concessions which had been made from motives of expediency while most elementary civil rights were disregarded. That article admirably summed up the situation in Togoland with regard to political freedoms.

17. Mr. OLYMPIO (All-Ewe Conference) considered that an incident described earlier by Mr. Akakpo provided a very good illustration of the absence of political freedom in the Territory. Mr. Akakpo had related how his party had been prevented by the local chief from holding a political meeting in a certain village and how the audience had been dispersed with the connivance of the commissioner of police and the district commissioner, who had been present at the incident but had failed to intervene.

18. Mrs. SINHA (India) asked Mr. Olympio to comment on the plan for Africanization of the civil service and to state whether he considered it adequate. Her delegation attached the greatest importance to that aspect of preparation for independence, for unless a country had its own trained civil service it could not be self-governing.

19. Mr. OLYMPIO (All-Ewe Conference) pointed out that the Africanization plan actually applied to two different services: namely, the services reserved to the French authorities and those administered by the Togoland Government. The posts in the higher echelons of the former services were occupied by Frenchmen but the Administering Authority had given assurances that it was striving to enable Togoland's to enter those services. In his opinion, although service in such posts would give Togoland's a certain amount of experience it would not in itself promote Africanization in the way that responsibility for services within the competence of the Togoland Government would. With regard to the plan for Africanization of the latter services, the way in which it was supposedly being put into effect gave rise to serious misgivings. Just before the

arrival of the United Nations Commission, for example, a certain number of African clerks and teachers had been hastily promoted to the post of assistant district commissioner. Needless to say, the district commissioners themselves did not look upon them as assistants but continued to regard them as clerks and teachers. It was surely not in the interests of Togoland to carry out the Africanization programme by promoting unqualified personnel for the sake of making a good impression.

20. It was obvious that a well-thought-out plan for training future administrators was needed, but there was as yet no such plan.

21. Mr. SANTOS (Juvento) said that the Administration had not only promoted unqualified people but had refused to promote others to posts for which they had adequate training. There were, for example, three young physicians and an engineer who, having obtained their diplomas in France, had returned to the Territory with the intention of dedicating themselves to the service of their country. Not having sufficient funds to go into private practice immediately, they had hoped to obtain employment in the administrative services until such time as they could become established financially. As public opinion would have reacted unfavourably had they been refused employment of any kind, the authorities had agreed to engage them but only on a day-to-day basis, which meant that they had no security of tenure and could be dismissed immediately at the whim of the commandant de cercle in whose district they served. The young men in question had had no alternative but to accept the unsatisfactory conditions of employment offered.

22. Mr. AKAKPO (Mouvement populaire togolais) said that there were Togolandese at present in France who had completed their studies and wished to return to the Territory but that the authorities had discouraged them from doing so on the pretext that there would be no work for them.

23. Mrs. SINHA (India) recalled that in his opening statement (695th meeting) the French representative had referred to the resolution adopted by the Rassemblement démocratique africain at Bamako calling for the association of the territories of French West Africa in a great political and economic community. She asked Mr. Santos to comment on that resolution as it might affect Togoland.

24. Mr. SANTOS (Juvento) replied that, although there was no branch of the Rassemblement in the Trust Territory, the Togolandese had been keenly interested in the Bamako meeting and had been kept informed of all that had taken place on that occasion. What had interested them most was the fact that the meeting had shown, on the one hand, that the African masses represented by the delegates were becoming increasingly determined that the territories in Africa should attain their independence and, on the other, that they wished to achieve such independence within some sort of West African federation. That position, which coincided with the position taken by the Convention africaine at Dakar was in direct conflict with French colonial policy as expressed by the French African Conference at Brazzaville, which had ruled out the possibility of the evolution of any of France's West African territories outside the framework of the French empire.

25. The position taken by the Rassemblement at Bamako was in contradiction with that of its own

founder, Mr. Houphouët-Boigny, who was now a member of the French Government. Mr. Houphouët-Boigny had told the Committee at its 590th meeting, held during the eleventh session, that the only solution for the problem of French Africa lay in a fraternal union with France. At the Bamako meeting the masses of whom he was supposed to be the spokesman had repudiated his position and had made it clear that they did not wish to be represented in the French Parliament but preferred to join in a free association of States along the lines of the British Commonwealth. The people of Togoland agreed that the future of Africa lay in such a free association. If and when France's West African territories attained independence and formed such a federation, Togoland would not wish to find itself in the position of being unable to leave the French Union and join that federation should it so desire.

26. Mr. OHIN (Mouvement populaire togolais) pointed out that a representative of the Parti togolais du progrès and a member of the Togoland Government had been present at the Bamako meeting which had adopted the resolution referred to by Mr. Santos. That would seem to indicate that the Togoland Government and the Administering Authority were not at one in their interpretation of the meaning of the Bamako conference.

27. Mrs. SINHA (India) asked Mr. Ohin to clarify the statement he had made at the 695th meeting to the effect that the indigenous inhabitants were being forced to return to the tribalism of their ancestors. She would like to know whether he thought that the introduction of universal suffrage would serve to counteract that trend.

28. Mr. OHIN (Mouvement populaire togolais) replied that the old tribal way of life was a complex of prejudices and superstitions which could not be changed overnight. After a period of exposure to European civilization the indigenous inhabitants had been well on the way to freeing themselves from the influence of the old ways. Now, however, the Union des chefs et des populations du Nord-Togo was trying to reverse the trend of recent history and to force the people back into the ways of the past. Furthermore, it was aggravating the division between the North and the South by its policy of fostering the notion that the Southerners hoped to rule the country and exploit the Northerners after the French had gone. The violent incidents of which the clash at Lama-Kara was an example had been provoked by just such regional rivalry. Attempts to pit one sector of the population against another would in no way contribute to the attainment of the goal of independence.

29. Mr. SANTOS (Juvento) recalled that until the 1955 elections the right to vote had been restricted to what the Administering Authority called the *élite*: in other words, to what might better have been called the colonial political personnel. Under that policy, Administration officials and the chiefs in the north had qualified as voters. That in itself had strengthened their traditional hold on the people. One of the ways in which the old tribalism manifested itself was the fact that, despite the abolition of slavery, the chiefs could still oblige their subjects to perform agricultural labour for them without pay. The Administering Authority also gave considerable financial support to the chiefs. One cantonal chief, for example, had received a subsidy of 168,000 francs CFA for a one-year period while another had subsequently received the sum of 300,000 francs and still another the sum of 504,000. That naturally

gave rise to the suspicion that the purpose of such large allocations was to bind the chiefs to support certain policies of the Administering Authority.

30. In the circumstances, it was not surprising that the chiefs should be opposed to elections based on universal suffrage. Neither was it surprising that opposition to the granting of political freedoms should come so largely from the village chiefs, who took the attitude that the villages were their private domain and tried to prevent the opposition parties from holding meetings there. After the United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955, had been in the Territory one of the chiefs of the North had told the leaders of a certain political group that if it had not been for the presence of the Mission he would have killed them. The Administering Authority had done nothing to dissociate itself from that statement.

31. Mr. JELEN (Poland) asked to what extent Togoland participated in the central administration of the school system in the Territory, in the drawing up of school curricula and the operation of the various schools throughout the country. He also wished to know the approximate number of Togolese teachers in the schools.

32. Mr. OLYMPIO (All-Ewe Conference) said that until the introduction of the Statute Togoland had been allowed no participation whatever in the administration of either elementary or secondary education and that the teaching of the indigenous language had been prohibited. Under the terms of the Statute the Togoland Government was responsible for the curricula and the administration of the elementary schools. Although he could not quote the exact figures offhand, he could state that at present most teachers in the elementary schools were Africans either from Togoland itself or from other territories. The inspectors however, were all French, as was also the Director of Education, and the bulk of the personnel administering higher education.

33. Mr. JELEN (Poland), noting that in its report the United Nations Commission expressed the hope that an effort would be made by all parties concerned to lessen the existing tension in the Territory, asked whether any such effort had been made since the establishment of the Togoland Government.

34. Mr. OLYMPIO (All-Ewe Conference) said that there had been little change as far as public freedom was concerned. Under the original terms of the Statute the central organs of the French Republic had been responsible for the system of public freedoms and the protection of their exercise. In March 1957 those powers had been transferred to the Togoland Government, which had, however, continued the Administering Authority's policy of intimidation, perhaps hoping in that way to eliminate the opposition. His own party, thinking that once those powers had been transferred to the Togoland Government political liberties would be safeguarded, had tried to hold a rally at Atakpamé; they had been set upon by an armed band of members of the Parti togolais du progrès and after they had succeeded, thanks to their numerical superiority, in driving off the attackers, they had been forced by troops brought in by the French district commissioner to leave the town. It was the suppression of political

liberties which was at the root of the tension deplored by the United Nations Commission.

35. Mr. OHIN (Mouvement populaire togolais) said that when he had returned recently to the Trust Territory after a long absence he had been told by members of the Togoland Government itself that they occupied the posts they did only because they had no alternative. Political tension in the Territory was considerably worse than it had been before his departure five years earlier.

36. Mr. OSMAN (Egypt) asked the petitioners to comment on article 26 of the Statute, which reserved to the central organs of the French Republic powers of legislation and regulation concerning the personal and property status of French citizens. In his view that reservation was highly significant and might have very serious implications for the future of Togoland. Since the category "French citizens" included Togolandese who had acquired French citizenship, the reservation instituted a special régime in favour of one category of Togolandese and a foreign minority.

37. Mr. SANTOS (Juvento) entirely agreed with the Egyptian representative. The transfer to the Togoland Government and Legislative Assembly of powers to organize and administer justice would not really mean much unless article 26 were deleted. Legislation concerning the penal code and the criminal investigation code remained in the hands of the French Government; matters relating to the personal and property status of French citizens were also reserved to the central organs of the French Republic. Hence if a French citizen had a dispute with a Togolander concerning a contract, he would go to a French court for the protection of his rights, although the verdict would be pronounced in the name of the Togoland State. Moreover the verdict could be carried out only in accordance with French law.

38. A further proof of his contention was that although the courts would be organized and administered by the Togoland Government, appeal in civil cases would be to the Court of Cassation and in administrative matters to the Conseil d'Etat.

39. U PAW HTIN (Burma) said he had gained the impression from the petitioners' statements and replies to questions that the Administration and the Government of Togoland had created an artificial situation in the Territory in order to foil any attempt by the opposition parties to hold public meetings.

40. Mr. OLYMPIO (All-Ewe Conference) said that for many years political parties regarded as anti-French had met with many difficulties. He referred to paragraph 476 of the Commission's report, which stated that the situation in regard to political freedoms could be considerably improved and that in many areas opposition parties did not enjoy the same measure of political freedom of expression and assembly as did the pro-Government parties. He would cite an example in support of that statement. During the Commission's stay in the Territory the Legislative Assembly had decided to hold a meeting and had invited the members of the Commission to be present. Admission tickets had been issued to representatives of the local Press and others who wished to attend. On the day set for the meeting, however, the part of the town in which the assembly hall was situated had been cordoned off by police and troops, road barricades had been erected and machine guns had been posted on the roof-tops.

41. On another occasion the members of the Commission had been going to Palimé by train. Some journalists who wished to accompany the Commission had gone to the station and had bought tickets; subsequently they had been informed by the authorities that they could not board the train because they were in sympathy with the opposition party. It had been only owing to the intervention of members of the Commission that they had been allowed to board the train.

42. Many other such instances could be cited and it was clear that things would have to change if a really democratic régime was to be instituted in Togoland.

43. U PAW HTIN (Burma) referred to a statement made by the Togoland Minister of Information and of the Press at a public meeting during the Commission's stay at Tsévié (A/3677, annex II, sect. D). The Minister had stated that the opposition was daily losing ground, that in the eyes of the public it had done nothing except boycott institutions, that it was disintegrating and that its supporters were abandoning it. As a proof of that assertion he had mentioned the constitution of a new party, the Union démocratique togolaise, which, he said, was composed of former supporters of the Comité de l'Unité togolaise (CUT). The Burmese representative would like to hear the petitioners' comments on that statement.

44. Mr. OLYMPIO (All-Ewe Conference) said that the statement in question was merely propaganda. The new party, which was alleged to have been formed of ex-members of the CUT, was in fact not a party at all. It consisted of a number of young men who were hoping to obtain posts in the Administration and who held meetings in the house of Mr. Fiawoo, the Minister of Information, who had promised them employment if they succeeded in impressing the Commission.

45. While the Commission had been at Tsévié some young men representing themselves as members of the Union démocratique togolaise had asked for an interview. The members of his own party had informed the Commission that the young men in question did not belong to the Union démocratique togolaise but were Government officials working in the town.

46. The so-called party had never carried on any activities and since the Commission had left the Territory it had not been heard of.

47. Mr. GRINBERG (Bulgaria) observed that it had always been a tenet of the United Nations that one of the most important tasks of the Administering Authorities was to promote education with the greatest possible speed in order to train local inhabitants for the civil service. Many of the non-administering Members had offered scholarships to inhabitants of the Trust and Non-Self-Governing Territories for that purpose. At the 694th meeting, Mr. Ajavon, a member of the French delegation, had stated that if and when Togoland achieved independence it would be faced with the problem of unemployment of the élite.

48. Mr. SANTOS (Juvento) did not agree that there was any such problem. On the contrary, it had been impossible for certain powers to be transferred to the Togoland Government for lack of trained personnel. For example, if judicial powers were to be transferred to the Togoland Government all magistrates' posts would have to be filled by Frenchmen for although there were a number of capable Togolese law students

they had not the necessary training to act as magistrates.

49. Mr. Ajavon had informed the Committee that many Togolandians had applied for French citizenship. The fact was that until 1946 no one who was not a French citizen had been able to enter the upper ranks of the French colonial administration. The same remark had applied and still applied to the liberal professions; there was no possibility of promotion for Togolandians who were not French citizens.

50. He could not therefore agree that the granting of scholarships or other educational facilities would result in a plethora of educated personnel.

51. Mr. GRINBERG (Bulgaria) recalled that at the 695th meeting the French representative, speaking of the transfer of additional powers to the Legislative Assembly, had said that such transfers were of course linked with the termination of the trusteeship, for as long as France was still responsible to the United Nations it could not relinquish the powers it needed to carry out that responsibility and in particular the provisional trusteeship provided for in article 38 of the Statute. He would like to hear the petitioners' observations on that question.

52. Mr. OLYMPIO (All-Ewe Conference) replied that it was difficult to understand why France continued to hold the view that it could not meet its obligations if more powers were transferred to the Togoland Government. Under the Trusteeship Agreement, France was responsible for Togoland's welfare until the day when the Territory became free and independent. By the Statute it had established a Government which was gradually being provided with the necessary powers to govern the country. Surely France should go all the way by endowing that Government with all the attributes of a true government of an independent State. Mistakes might of course be made, but France would still be there to step in and correct them if necessary. In his party's opinion France's attitude was explained by the fact that it did not wish to grant Togoland all the powers of a fully self-governing State before the trusteeship had been terminated, after which it would have the sole responsibility for deciding whether or not to transfer further powers.

53. Mr. Ajavon had tried to give the impression that France was now willing to transfer all the residual powers except perhaps those concerning currency and diplomacy. The French representative, however, had given no such formal undertaking in his statement.

54. In a speech made a few days previously, reported in the local newspaper, *Togo républicain*, which was a Government publication, the High Commissioner of France in the Territory had stated that the transfer of the residual powers was incompatible with the exercise of trusteeship and that it was therefore for the United Nations to end the trusteeship. The residual powers to which the High Commissioner had referred were those relating to the organization of justice, constitutional reform and the laws and regulations relating to public freedoms.

55. The members of the Committee should therefore exercise caution in accepting statements made by the French delegation to the effect that France was prepared to transfer all powers to the Togoland Government except those concerning diplomacy and currency.

In his opinion there was nothing to prevent France from transferring all those powers while the trusteeship was still in force. That had been done in Togoland under

British administration and the terms of the two Trusteeship Agreements were almost identical.

The meeting rose at 12.50 p.m.