

THE TRUSTEESHIP SYSTEM:

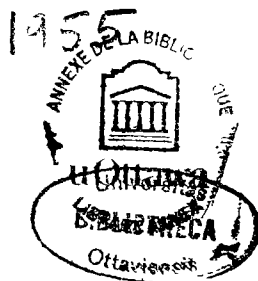
A Study of the Colonial Problem in the
United Nations with Special Reference to
the Trust Territories in Africa.

*Good research
backing in personal thought -
Mark: Probatus -
J. M. D. Paul.*

By

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Thesis presented to the
Faculty of Political, Economic and Social Sciences of
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INTRODUCTION

To anyone who regularly follows the discussions taking place at the United Nations, it would appear that undue time is given to matters pertaining to the Trust Territories. All under-developed regions with rather small populations, their actual importance would seem to be quite insignificant when compared to other regions of a crisis-bound world. Still, they occupy a very large place in the deliberations of the U.N., and the reasons for such attention can only be extrinsic to the areas themselves. The main reason can be discovered in the very establishment of the Trusteeship System.

The Colonialism of the 18th and 19th Centuries is in the process of a rapid transformation. Control of colonial areas by European powers has been instilled with a new principle. Its aim is no more the economic advantage of the colonial power but rather the development, in all fields of human activity, of the territory and mostly of the people themselves who are to be trained in self-management and eventual self-government. The Bill of Human Rights inspired by the best that is included in Liberalism has ceased to be the prerogative of the so-called "civilized" and has become universally recognized rights of man regardless of race, nationality, colour or creed.

Whatever the ^{motives} ~~motives~~ of the colonial powers, it is ^{only} with their necessary concurrence and collaboration that this new principle could be elaborated. Bent on realizing ^{it}, under one form or another, in their colonies proper, they agreed not to annex new regions but rather to contribute their experience and even their own resources to the development of the few remaining areas which could still be called "regiones nullius". To that effect they continued and improved upon the Mandate System of the League of Nations by establishing a Trusteeship Council with powers that the League had not deemed it possible to exercise. The consequence could very well be a new confidence in Asia and Africa that Western civilization had truly abandoned its imperialist designs. On the condition, however, that the principle receive a practical implementation. "The proof of the pudding is in the eating." Newly independent peoples and under-developed regions as they advance toward self-government will judge of the sincerity of official pronouncements with regard to human rights by the success of the established system of Trusteeship. Thus, future world harmony and collaboration is closely linked to the success or failure of the Trusteeship System, and this, alone, would justify the intense interest of the U.N. in the apparently insignificant Trust Territories.

Furthermore, in the "cold war", which could be better described as the struggle between Western Liberalism and Communist Totalitarianism, the stakes are precisely, to a great extent, the confidence and support of the Asiatic and African masses. In this critical situation, many members of the U.N., who would normally be rather disinterested in these territories, are now keen observers and energetic actors in the unfolding drama.

These two factors explain the importance that Trusteeship has assumed in the U.N. It is a real problem and a very complex one -- and it appeared to us as one deserving of study. Our aim is not, therefore, to exhaust the question and to analyse it in a thoroughly objective way but only as it appears in the U.N. Hence, our almost complete reliance on U.N. documents. It is in them and not in any independent studies that are found the problematical elements that the U.N. must work with. Besides, the latest information is available only in these sources and all possible points of view are expressed in the divergent petitions and reports.

The Trusteeship System is a legacy of the League of Nations. It was, thus, necessary that in an introductory Chapter an historical summary be made of the operation of the Mandate System. The task of assessing the success of a system entails a comprehensive study of its ideals and practical aims;

so, a whole Chapter is devoted to an examination of the System itself. A firmer grasp will, ~~thus~~, be had of the advantages and disadvantages inherent in the System itself. The gist of the problem, however, is expounded in Chapters III, IV and V, describing the various local conditions that complicate the problem for the U.N. and how the latter has dealt with them. Chapter VI is given as a kind of test case, which, being described in fuller details, will afford a better idea of the operation -- whether commendable or blameworthy -- of the Trusteeship System. With Chapter VII, we shall endeavour to examine more objectively the System and its operation.

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Chapter 1

HISTORY

CHAPTER I
HISTORICAL BACKGROUND

MANDATE SYSTEM.

When the representatives of fifty-one nations assembled in San Francisco to formulate the Charter of the United Nations in an attempt to build solid foundations for a peaceful, free world, their thoughts were equally engaged with the problems of the dependent peoples. They realized that the aspirations of these dependent peoples could not be ignored. Hence, the United Nations Charter devoted three of its nineteen Chapters to this subject. Two of these Chapters relate to the International Trusteeship.

The Trusteeship System came into existence, in a sense, as a replacement of the pre-war Mandate System of the League of Nations. It may not be strictly correct to say that this new system is a mere continuation of the Mandate System, but in a political sense, from the point of view of the conduct of international relations, the Trusteeship System can be directly traced to the Mandates System. It seems, therefore, appropriate here to state the growth of the idea of the Trusteeship System, and in so doing, we have to study the Mandate System, as well as the earlier conceptions which provided the embryo for the present System of Trusteeship. The League of Nations on the Mandate System expressed the same idea more fully:-

"Though the Mandate System was an innovation in the fields of international law and of colonial policy and though it owed its creation mainly to the needs for disposing of a pressing political problem, it is also a fact that, underlying this institution, are ideas which had for a long time been taking shape in the minds of idealists, statesmen and experts in colonial matters and in international law and which had been disseminated by philanthropic and progressive circles in different countries. Some of these ideas had in fact already found expression, though in somewhat indefinite form, in international conventions." ¹

During the early period of colonialism, between the seventeenth and eighteenth centuries, and specially in Africa, the colonialists were mainly concerned with the exploitation of the colony for the benefit of their own selves and their mother country. The welfare and social betterment of the natives did not, by and large, enter into their considerations, whether political or economical.²

At that time the conception of international law also had a somewhat limited application, as peoples living outside the sphere of the European civilization were not afforded legal recognition as an object of international law. Since most of the colonial nations in that period in Africa were European, the people under their colonial rule were ipso facto excluded from enjoying rights under the international law, either as individuals or as communities. Being thus deprived of legal rights, which concerned their well-being or material and moral needs, the natives were entirely dependent upon the humanitarian

1. League of Nations - The Mandate System - Page 7.

2. League of Nations - The Mandate System - Page 8.

feelings and sentiments of their conquerors. It was here that the idealists and moral thinkers provided the bridge to the gap which the international law of that period had left unfulfilled.

The vigorous mercantilism and imperialism of the conquerors created its own reaction so far as the treatment to the natives was concerned. This reaction was motivated by humanitarian, political and economic considerations. The reaction became vocal during the eighteenth and nineteenth centuries. Theologians, missionaries, moral thinkers and politicians of advanced ideas criticized such abuses as slavery and advocated fair treatment to the natives. Economically, also, it was being gradually recognized that the policy of good treatment to the natives would ultimately be beneficial to the colonialists as well. With the settling down of the conditions in the territories, the economic considerations were perhaps being interpreted not solely as an appendage of the economy of the mother-country, but also as the interests of the territories themselves. The growth of consciousness of fair treatment to the natives should be correctly assessed as a feeling which was taking its roots and not as a policy that had started functioning between the relations of the colonialists and the natives. Even the practical politician had started taking this into his consideration.

The main attack on the ill-treatment meted out to the natives originated on the humanitarian grounds that slavery should be abolished. This was an important step in recognizing that the

natives also had some inherent human rights. The French Revolution had stressed equality, fraternity and liberty, and gave life to the ideas which were to create the modern world. It is no wonder, therefore, that the Laws of the Sixteenth Pluviso of the Year II abolished slavery in the French Colonies. At the same time philanthropic societies were formed with a view to abolishing the Slave Trade. The movement had taken ground and since 1830 series of legislative action were promulgated prohibiting slavery, and making it a penal offence to indulge in the Slave Trade. In this respect at least, the status of the natives had distinctly improved. Among other reasons, the humanitarian factor which brought about this change contributed to a great extent to the conclusion of treaties between indigenous chiefs and the colonial powers. In these agreements the native chiefdoms were actually mentioned as "protecto-rates".

INTERNATIONAL CONVENTIONS

The formal recognition by law of the native as an individual was not an isolated incident created by progressive humanitarian forces. It was in fact symptomatic of the tendency which was taking shape. This can be illustrated by the further series of events which appeared in the form of international conventions conducted at the end of the nineteenth century. The two conventions drawn at the Conference of Berlin, in February, 1885,

and the Conference of Brussels, in July, 1890, made specific references to the natives and the colonies in Africa.

The General Act of the Conference of Berlin laid down its aims as:-

- 1) "in a spirit of good and mutual accord, to regulate the conditions most favourable to the development of trade and civilization in certain regions of Africa, and to assure to all nations the advantages of free navigation on the two chief rivers of Africa flowing into the Atlantic Ocean."
- 2) "to obviate the misunderstanding and dispute which might in future arise from new acts of occupation on the Coast of Africa."
- 3) "the furthering of the moral and material well-being of the native population." ³

The Convention elaborated the above-mentioned third point in Article Six of the Act, as follows:-

"All the Powers exercising sovereign rights or influence in the aforesaid territories bind themselves to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being and to help in suppressing slavery and especially the Slave Trade. They shall without distinction of creed or nation, protect and favour all religions, scientific or charitable institutions and undertakings created and organized for the above ends, or which aim at instructing the natives and bringing home to them the blessings of civilization."

The same article also provided:-

"Freedom of conscience and religious toleration are expressly guaranteed to the natives, no less than to subjects and to foreigners. The free and public exercise of all forms of divine worship, and the right to build edifices for religious purposes, and to organize religious missions belonging to all creeds, shall not be limited or fettered in any way whatsoever."⁴

The same idea has been incorporated into the preamble

3. As stated in the League of Nations pub: "The Mandate System" No. 1945, VI, A.I. p. 9.

4. *ibid.*

of the General Act of the Conference of Brussels. The following declaration is made in the Convention:-

"Equally animated by the firm intention of putting an end to the crimes and devastations engendered by the traffic in African Slaves, of effectively protecting the aboriginal populations of Africa, and of assuring to that vast continent the benefits of peace and civilization;"

"Wishing to give a fresh sanction to the decisions already taken in the same sense and at different periods by the Powers; to complete the results obtained by them; and to draw up a collection of measures guaranteeing the accomplishment of the work is the object of their common solicitude."

The Final Declaration of this Act reiterated the concern for the welfare of the natives. The measures were taken "to improve the moral and material conditions of existence of the native races".⁵

A detailed examination of these conventions will show that they included legal and moral considerations towards the natives. The legal obligations, however, were confined to the slave trade, traffic and spirituous liquors, and firearms and international navigation. The welfare of the natives, both moral and material, did not form any legal obligations of the Powers. These statements were in the nature of general declaration, without any legal enforcement. In fact, these conventions could at their best be described as a code of ethics in political administration of Africa. "These were more in the nature of aspirations, of generous statements of intention, of

5. *ibid*, p. 10.

a declaration or acknowledgment of moral obligations."⁶

No attempt was made by the Powers to define what was precisely the meaning of the "moral and material conditions of existence of the natives". The conventions did not specify the means by which to achieve these objectives, neither was a higher supervisory authority created to which an appeal could be made, in the event of failure on the part of the Powers to take steps for the betterment of the natives.

Contrasted with this sentimental approach were the legal obligations undertaken by the Powers. The International Commission of the Congo, established under Article 17 of the Act of Berlin, was entrusted with the work of supervision of the provisions of the Act of Navigation. The International Office at Zanzibar had the functions of centralizing "all documents and information of a nature to facilitate the repression of the Slave Trade in the Maritime Zone", but none of the functions of these international organizations included the supervision of the moral obligations set forth in the Acts. The attitude towards these declarations was righteously manifested in the report of the Committee of the French Chamber of Deputies which was entrusted with the examination of the draft law approving the Act of Brussels. It spoke of these declarations as a "great moral obligation and a supreme duty to be fulfilled". These declarations were merely indicative of a moral uneasiness on the

6. League of Nations - The Mandate System - Page 10.

part of the colonial powers, and an admission that the policy towards the natives stood in need of correction. This was an achievement, fraught with great possibilities.

Elsewhere, a significant trend was taking place in the colonial doctrine, which was becoming more and more imbued with the idea of tutelage. This idea implied the right of the native populations to their independence when they had reached a sufficient degree of maturity, and was partially realized by the granting of independence to the territories of the Western Hemisphere. The hope was entertained that other dependencies might eventually undergo a similar evolution.

Thus in 1898, the United States gave independence to Cuba. The following year, the United States Senate announced its intention to grant local self-government to the Philippines. The President of the United States described the Philippines as "the wards of the Nation" and stated that the United States had "an obligation" towards them "as Guardians".⁷

The Mandate idea, however, had previously appeared in international politics in a number of isolated cases. In 1815, after the Conference at Paris, the United Kingdom assumed protection over the Ionian Islands. Under the Treaty of Paris of November 5th, 1815, Russia, Prussia and Austria conferred this Mandate on Great Britain. Similarly in 1860, France was given a mandate by the Great Powers to intervene in Lebanon to protect

7. ibid, p.11

the Maronite Christians. Again Crete was placed under a provisional Governor, "in virtue of a delegation from the "Great Powers". In Africa itself, Morocco and Algeciras received this Mandatory treatment when the United States suggested that France and Spain should be given a Mandate to supply officers for the Moroccan Forces, and to maintain an open door on the commercial treatment. The Union of South Africa under Article 151 of the South Africa Act of September 20th, 1909, was given mandate over the administration of the South West Africa. The mandate provided specially for the respect of the native rights, and provision was made with regard to the inalienation of native lands and the holding of native assemblies (pitsos). Similarly the Protectorate of Papua (British New Guinea) was entrusted to Australia in 1887.

Thus on the eve of the first World War, the basic notions of tutelage, trusteeship and mandate were not unknown. In fact these ideas, in a limited sense, were even put into practice in a few cases.

GENESIS OF THE MANDATE SYSTEM

Political events leading to the mandate system:

After the defeat of Germany and its ally Turkey, the Principal Allied and Associated Powers were busy reshaping the frontiers of a new Europe and re-allocating power among themselves. The task was not an easy one. In 1919, when the Peace Conference found itself confronted with this problem, a medley

of factors required attention, namely, the principles insisted upon by various governments as a criteria for peace settlement, special agreements between the powers and the interests of the inhabitants of the territories whose fate the Allied Powers were to decide. What should be the fate of the possessions beyond their national frontiers of the defeated Powers? The answers will be the mandate system with which alone we are concerned and whose principles will now be the object of our enquiry.

The German colonies in Africa and the Pacific were handed over to the Allied Powers. According to Article 119 of the Treaty of Versailles, "Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her overseas possessions."

In the case of Turkey, the Treaty of Sevres of 1920 contained a similar renunciation (Article 132) of her territories outside Europe. The subsequent political events, which led to the passing of power from the Sultan to Mustapha Kemal, made the Treaty of Sevres void. By the new Treaty of Lausanne of July 24th, 1923, Turkey again renounced all her rights and titles over the territories situated outside the new national frontiers recognized by the Allied Powers and laid down in this Treaty. The same Article (16) also provided that the future of these territories would be settled by the parties concerned to the Treaty.

Accordingly, these German and Turkish territories became the joint responsibility of the Principal Allied Powers. How was this responsibility to be exercised? Would each territory be attached to one of the powers? If so, by what method? Or would they fall under an international administration such as was being decided for the Saar? How would they fit in the scheme of a League of Nations? The complexity of the problem explains the generality of the terms of surrender. Since the territories were surrendered to the Allied Powers, it was up to them to nominate the States who were to exercise control over the ceded areas. The League of Nations was only concerned with the mandate agreements and their proper execution.

At the conclusion of the hostilities, the German colonies were under occupation of the Allied forces, and some of the Allied Powers had shown an intention to annex one or other of the colonies in question. This was especially the case with the German territories which were situated in the Pacific. The reasons given for this annexation were based on the sacrifices made by the States during the war, national security or humanitarian grounds. But there was a general feeling against annexations. As David Hunter Miller has stated, there was "

"A feeling which was pretty strong even in 1919 against the extension of the British Colonial rule in any form, whatever, anywhere - "The British Empire is big enough" is the way this sentiment was reflected among some of the most responsible British representatives at Paris."⁶

6. D.H. Miller: The Drafting of the Covenant, Vol. 1 - Page 104

On the other hand, President Wilson's point of view that German colonies should not be allowed to revert to their former sovereignty, found general agreement and approval.⁷

As for the ex-Turkish Territories, the British had negotiated with the Emir of Mecca in 1917 for the independence of the Arab Countries. Behind this was the history of the rise of Arab nationalism, a movement supported by Great Britain. The British made certain reservations, however, in favouring independence to the Arabs, as they had contemplated a special regime for Palestine, for which they had made an agreement with France. The same policy with regard to Palestine had been approved by the American, French and Italian Governments.

Furthermore, the principle that the peace settlement should

"be based upon self-determination and not by annexation had been proclaimed towards the end of the war by the leaders of the Russian Revolution and had, also, found expression in the declarations of the Allied Statesmen. The principle of "non-annexation", brought forth only the general aspect of the problem, since the principle of self-determination could scarcely be applied automatically to peoples which had not attained an adequate degree of political maturity and still less to populations devoid of any real national consciousness. In respect of such peoples, therefore, this principle had to be adapted to meet different requirements".⁸

Mr. Balfour in 1917 suggested internationalization of the German colonies. He said, "If the United States will help us, my wish is that these German Colonies should be

7. D.H. Miller: Op.cit. Vol. 1 - Page 105.

8. League of Nations - Mandates System, - Page 14
also Scott: Official Statements of War Aims and Peace
Proposals, Washington, 1921 - Page 108.

internationalized".⁹ The British Labour Party at its National Congress in December, 1917, proposed that all colonies of Tropical Africa should be placed under the supervision of the League of Nations. It suggested that the administration of these territories should be

"under the legislative Council of that authority as a single African State with its own trained staff, on the principles of (1) taking account in each locality of the wishes of the people when these can be ascertained; (2) protection of the natives against exploitation and oppression and the preservation of their tribal interests; (3) all revenues raised from the territory should be spent on the welfare and development of the African State itself; and (4) permanent neutralization".¹⁰

As regards the non-Turkish territories of the Ottoman Empire, the declaration rather strangely suggested that:

"if in these territories it is impracticable to leave it to the peoples to settle their own destinies, the British Labour movement insists that,....., they should be placed for administration.....under the supernational authority of the League of Nations." ¹¹

Among the territories subsequently placed under the Mandate System, the Arab areas were considered by the Big Powers as ripe for independence, and they were placed under "A" type Mandates, which recognized provisional independence of the new countries thus created. The contrast of position taken by the Labour Party vis-a-vis Arabs and Africans would therefore appear to be inexplicable.

9. Hendrick: The Life and Letters of Walter H. Page. Vol II, P.297

10. Documents of the American Association for International Conciliation, 1918, Pages 50-51.

11. Op. Cit.

President Wilson's famous Fourteen Points had also covered the Colonial question, and he had suggested that the interest of the populations of these territories must be given equal consideration with the equitable rights of the Governments claiming these territories, whose titles were to be determined. The President also favoured granting of independence to the non-Turkish portions of the late Ottoman Empire.

The broad outlines of the Mandate System were for the first time given by General Smuts in December, 1918.¹² He described his plan in twenty-one points, the first nine of which related to the fate of countries which had belonged to the collapsed European or Near Eastern empires. For these states he proposed that the League of Nations should be counted as the reversionary. The principle of self-determination could be applied to these territories, although perhaps they still needed the guiding hand of some external power to steady their administration. He observed that the population of these territories was sufficiently homogeneous.

But in the case of other territories, the population was heterogeneous, and they were not capable of managing their own affairs. The administration of such territories would have to be provided by some external authority, pending their attainment of necessary experience to enable them to stand alone.

12. General Smuts: The League of Nations, a Practical Suggestion, London 1918.

General Smuts' recommendations can be summarized as stated below:-

"That any authority, control or administration which may be necessary in respect of these territories and peoples, other than their own self-determined autonomy, shall be the executive function of and shall be vested in the League of Nations and exercised by or on behalf of it."¹³

He examined the weak points of a joint international administration, and came to the conclusion that, while in international business such arrangements may work, it would not be advisable to take the same course in trusteeship. One power should be nominated to exercise the trust on behalf of the League. He pointed out that the delegation of certain powers to the Mandatory State should not be looked upon as impairing the authority of the League. For this purpose, it was important that the League should issue a Charter defining the terms under which the Mandate should be exercised.

The Mandatory State should maintain the policy of open door, or equal economic opportunity for all in the Mandate territory. No military force, except for the purpose of the internal policing, should be raised in the mandated territory.

The above proposals were made by General Smuts only for the Eastern European or the Near Eastern territories. As for the German Colonies, in his opinion they were

"inhabited by barbarians who not only cannot possibly govern themselves, but to whom it would be impracticable to apply any ideas of political self-determination in

13. ibid.

the European sense..... The disposal of these colonies should be decided on the principles which President Wilson has laid down in the fifth of his celebrated Fourteen Points." ¹⁴

President Wilson was much struck by the plan proposed by the South African statesman, and in his two drafts of the Covenant of the League of Nations he embodied General Smuts' proposal, with some modifications, and extending it to include the German colonies in Africa and the Pacific. The British delegation also submitted a "Draft Convention on Mandates", which differentiated between "vested territories" and "assisted states" and included establishment of a Commission to assist the League of Nations in its supervision of the Mandatory States. The negotiations which culminated in a resolution by the Committee of Ten, also show the influence of General Smuts' proposals, since the text of the resolution is mainly based on those proposals. After little modifications (i.e. addition of "who are willing to accept" regarding the nations to whom the mandate shall be given), the resolution appeared as Article 19 of the original draft of the Covenant, which became Article 22 of the finally approved Covenant. ¹⁵

In the words of Mr. David Hunter Miller, "the world took a very long step forward when Article 22 of the Covenant came into force." ¹⁶

14. League of Nations - Mandate System - Page 17.

16. D. H. Miller - The Drafting of the Covenant, Vol 1 - Page 105

15. League of Nations - Mandate System - Page 18.

Establishment of the System:

As the German and Turkish territories were surrendered to the Allied Powers directly, the task of selecting the mandatory powers fell to the Supreme Council. On May 7th, 1919, the Supreme Council took the following decision:

The Council allotted the Mandates for Togoland and the Cameroons to France and Great Britain. The German East Africa (Tanganyika) was allotted to Great Britain, South West Africa to the Union of South Africa, Western Samoa to New Zealand and the Island of Nauru to the British Empire. The German possessions in the Pacific south of the Equator were entrusted to Australia, and the German Islands north of the Equator to Japan. Further negotiations led to the north western part of Tanganyika (the provinces of Ruanda and Urundi) being placed under the Belgian Mandate. At the San Remo Conference on April 25th, 1920, France was given the mandate of Syria, and Great Britain that of Palestine and Iraq. The League of Nations drew the Charters laying down the authority each mandatory power was to exercise in the area. The mandates for South Africa, New Guinea, Nauru, Samoa and the Islands north of the Equator were approved by the Council of the League of Nations on the 17th December, 1920.¹⁷ As the United States had subsequently requested that the other mandates be submitted to her also for approval, it was not until July 20th, 1922, that the mandates

17. League of Nations - Mandate System - Page 20.

for the Cameroons, Togoland, Tanganyika, Ruanda-Urundi were finally approved by the Council.¹⁸ Negotiations between the U.S., France and U.K. continued on the remaining mandates and were concluded late in 1923. The Council gave its approval to these agreed terms of mandates on September 29th, 1923.

THE PRINCIPLES OF THE MANDATORY REGIME

1. The Covenant:

The fundamental principles of the system are enunciated in Article 22 of the Covenant which contains nine paragraphs. The article is as follows:

(1) "To those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the states formerly governing them and which are inhabited by people not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant."

(2) "The best method of giving practical effect to this principle is that the tutelage of such people should be entrusted to advanced nations who, by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as mandatories on behalf of the League."

(3) "The character of the mandate must differ according to the stage of the development of the people, the geographic situation of the territory, its economic conditions and other similar circumstances."

18. League of Nations - Mandate System - Page 20.

- (4) "Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory."
- (5) "Other peoples, especially those of Central Africa, are at such a stage of development that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of the military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League."
- (6) "There are territories, such as South West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population."
- (7) "In every case of Mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge."
- (8) "The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council."
- (9) "A permanent commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the Mandates."

Articles 1, 2, 7, 8 and 9 are the general guiding principles as they are applicable to all the territories put under the mandates. The above articles lay down the aim as well as the method to attain it. The intention of the article is clear. The territories are to be handed over to more civilized and advanced nations only in trust, and not as colonies. It therefore follows that the objective of the tutelage is to train these less advanced peoples for self-government and, therefore, the trust is not an eternal one but only for such time as these nations are not "capable of standing by themselves under the strenuous conditions of the modern world."¹⁹ To borrow an analogy from the civil law, the tutelage will only last during the minority of the ward. In this case, it was not the age (or time limit) which was to decide whether the ward had attained majority, but the capacity to stand by himself. Since the conditions were so different in each case, no time limit could naturally be prescribed, yet the intention had been plainly stated by calling this tutelage a "trust". The international character of the tutelage was maintained not by appointing an international commission which was entrusted with the task of administration in the territory--General Smuts had already pointed out the drawbacks of such a measure,--but by appointing one single member of the League to administer the territory under the aegis of the League of Nations. This

19. The Covenant - Article 22 - para. 1

was further stressed by the condition that the Mandatory must submit an annual report on the advancement of the territory. For this purpose, machinery was also set up under Para. 9 of Article 22.

The Mandates were classified into three categories, "A", "B" and "C", depending on the stage of development of the territory. Paragraphs 3, 4, 5 and 6 of Article 22 of the Covenant were the basis of this classification.

In the first group: "A" Mandates (Syria and Lebanon, Palestine and Transjordan, and Iraq). These nations were provisionally recognized as independent but received the advice and assistance of the Mandatory, in its administration until such time as it no longer needed them.

In the second group: "B" Mandates (the Cameroons, Togoland, Tanganyika, Ruanda-Urundi). As it was impossible to grant autonomy, the Mandatory was "responsible for the administration" under certain specific conditions. These conditions which were briefly indicated in the Covenant, were designed to prevent certain abuses and to ensure that the Administration had the welfare of the natives constantly in mind. They aimed also at securing respect for the rights and interests of other members of the League of Nations.

Finally, the territories in the third group: the "C" Mandates (South West Africa and the Islands of the Pacific), were "administered under the laws of the Mandatory as integral

part of its territory" and subject to the same safeguards in the interests of the indigenous populations as the territories under "B" Mandates.²⁰

2. The Mandate "Charters"

Para 8 of Article 22 states that the Council will define the degree of authority the Mandatory shall exercise on the territory concerned. Accordingly, Charters were drawn for all the territories (except Iraq)²¹, and presented to the League Council for approval.

In the Charter certain clauses were common to all Mandates. The Mandatory had full power of administration and legislation, subject to the terms of the Mandate, with the exception of Syria and Lebanon. According to the Mandate agreements, annual reports on the administration and advancement of the territories were required in all cases; in case of dispute with other members of the League or on the terms of reference of the Mandate, the judgment of the Permanent Court of International Justice will be binding; any modifications in, or amendments to, the terms of Mandates will be subject to the approval of the Council.

The terms of Charters in the case of "C" Mandates were relatively simple; whereas the Charters for "L" Mandates entered more into details.. The special features of these

20. League of Nations - Mandate System - Page 24.

21. Actually no Mandate Agreement was drawn up for Iraq.

two types of Mandates appeared to be that the "C" type of Mandates could be administered as integral part of the territory of the Mandatory, liquor import was prohibited (whereas in the case of "B" type it was to be controlled), missionaries could acquire property in the territory for which special mention was made in the "B" type of Mandates. It would appear from the examination of the Charters that the difference between the two is one rather of elaboration of the terms under which mandates were to be exercised than of form and matter. The agreements for "A" type of Mandates were more detailed and each territory was treated separately on the merit of its own case, since politically they were entirely on a different basis to the territories of "B" and "C" type Mandates.

3. The Supervision of the Mandatory Administration
by the League of Nations

The League exercised supervision over the Mandatories under paras 7 and 9 of Article 22 of the Covenant.

Para 7 stated that the annual reports by the Mandatories would be rendered to the League Council and that (para 9) these reports were to be received and examined by the Permanent Mandates Commission, which would report to the Council. It would appear from the foregoing that the League Assembly was precluded from considering Mandate questions; since, however, Article 3 of the Covenant authorized the Assembly to "deal with any matter within the sphere of action of the League", the Mandate questions also fell under the jurisdiction of the

Assembly which, in fact, did exercise this right. Hence, the League of Nations actually had three organs which considered the administration by the Mandatory, i.e. the Council, the Assembly and the Permanent Mandates Commission.

The question of the degree of control which the League could exercise over the Mandatories can best be illustrated by quoting the Belgian representative on the Permanent Mandates Commission:-

"What will be the responsibility of the Mandatory power before the League of Nations.....? Is the Council to content itself with ascertaining that the Mandatory power has remained within the limits of the powers which were conferred upon it, or is it to ascertain also whether the Mandatory power has made a good use of these powers and whether its administration has conformed to the interests of the native population?

It appears to me that the wider interpretation should be adopted." 22

But more significant was the caution that he had given.

In the same statement, he said:-

"In this matter the Council will obviously have to display extreme prudence so that the exercise of its right of control should not provoke any justifiable complaints, and thus increase the difficulties of the task undertaken by the Mandatory power."

This view, in fact, summarized the attitude of the majority of the members of the League, as will be seen later.

The Council alone had the right to take decisions in regard to the Mandate questions. The Permanent Mandates

22. League Assembly document 20/48/161 (The Belgian Representative's statement).

Commission was appointed to advise it on the basis of the information available, mostly the annual reports. Although the Commission was only an advisory body, it soon became an important unit within the League set-up in exercising the control over Mandatories.

With the exception of the "Permanent Advisory Commission for Military, Naval and Air Questions", the Mandates Commission alone was established by articles of the Covenant. It was essentially an organization created to assist the Council in carrying out its task. The Commission was regulated by its own constitution, which had been approved by the Council. Under this constitution, the Commission consisted of ten members of whom the majority were the nationals of non-mandatory states. To assure impartiality, the persons appointed to it were to be men of recognized merit, and not in the employ of the civil or military organization of the states exercising Mandates. They were nominated by the Council as individuals and not as representatives of the governments of member-states. The Commission was required to meet once a year at least, and extraordinary meetings could be called on the request of one of its members, provided such request was supported by the majority and approved by the President of the Council. The powers of the Commission, even with respect to receiving information, were limited. It could not make on-the-spot investigations, and it could not collect information by direct means. It was, there-

fore, limited to examining the reports and receiving petitions through the Mandatories. As we shall see later, the power of on-the-spot investigation was found to be necessary for the exercise of supervision on the Administering Authorities under the present Trusteeship System.

The Mandate System has been outlined above merely as a matter of historical background, in order to understand the development of the tutelage idea. We shall elaborate on those points of the Mandate System as may require further explanation, whenever necessary.

Chapter 11

T H E I D E A L S

CHAPTER II

TRUSTEESHIP SYSTEM IN THE UNITED NATIONS

Historical events leading to the formulation of the Trusteeship System and its enunciation in the Charter of the United Nations are largely connected with the World War II period and its aftermaths. World War II was not fought purely on economic grounds, the reasons leading to it may be economical and commercial, but added to them was an ideological element. In the "Atlantic Charter", the leaders of the major powers had pronounced their stand for democratic principles. An important fact which emerged out of this conflict was the active participation in the world politics of the American people. The Allies included Great Britain and France, who had vast colonial empires at the beginning of the war, and as compared to them the Americans had much less at stake in denouncing colonial rule. The political philosophy which motivated most of their policies was no doubt to a great extent influenced by President Wilson's exposition of the right of self-determination, and augmented by their traditional respect for liberty.

Among the political factors which also exerted an influence in evolving a system of international supervision of the dependent peoples towards "self-government or independence" was the strength of the nationalist feelings among them.

"The issue of dependent peoples had grown more acute for many reasons: nationalistic sentiments had increased among dependent peoples, greatly stimulated

by Pan-Arab nationalism, by the efforts of India to secure its independence, and by the anti-European and anti-white propaganda of the Japanese." ¹

The feeling that Colonial peoples were entitled to independence, or self-government of some form, had grown in the West due to the efforts of these dependent peoples in the Middle East and the Indian subcontinent. Similarly, Indonesia was showing a keen desire to cast off the colonial rule which it had endured for three centuries. The United States had decided to free the Commonwealth of the Phillipines as a full fledged member of the Comity of Nations; and its independence was finally proclaimed on July 4th, 1946. Alaska, Hawaii, Puerto Rico and the Virgin Islands were granted complete internal self-government. India was also leading towards independence, and in 1947 two independent governments within the British Commonwealth of Nations, India and Pakistan, came into existence as fully sovereign states.

In 1943, President Roosevelt, and his Secretary of State, Hull,

"agreed upon proposals looking toward independence for all dependent peoples who desired it and who seemed ready for it, and suggested a sort of 'Colonial timetable' to be made by each Colonial power indicating the date at which the independence of each colony should be granted; in the meantime, there should be an international Trusteeship System for colonies detached from their previous owners." ²

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1. The U.N. in Action, Chase, E.P., New York, McGraw-Hill, 1950,
 2. Ibid - Page 289. p.228.

Proposals were made during the war for a French Union and a Dutch Commonwealth which were to include the French and Dutch colonies respectively, on the pattern of the British Commonwealth. The American feeling towards colonies was such that at one stage President Roosevelt went so far as to suggest that after the war, Indochina should not be returned to France.

By the Cairo Declaration of 1943, Japan was to be reduced basically to four main Japanese islands, and the Italian and Japanese territories were to be taken away from their sovereignty by the Allies. International public opinion was too strong to let these territories be annexed by a foreign power and, therefore, their future had to be decided. This was the prospective situation when plans for the San Francisco Conference were being made. The main points of view were those of the Russians, the Americans and the British representatives. "The Soviet Union, which had boasted that even its least developed areas were equal and constituent parts of the Union, was uncompromising in its insistence that colonies must cease to exist."³ The British favoured a continuance of colonial empire, under some form of regional international supervision. The Americans drew plans for an international Trusteeship System based on the Mandate System, but with more supervision under the control of an international organization. From these divergent points of view, one thing was certain: no prospects for immediate independence of these peoples were possible. Because

3. The U.N. in Action, Chase, op.cit., p. 289.

of these differences of opinion on the future status of the colonies, not a single mention is made of this problem in the Dumbarton Oaks Proposals.⁴

The Americans were keen on proposing some sort of international control of colonial rule. They even wanted to formulate the principles of a "Colonial Charter" which would be binding on all metropolitan powers in relation to such colonies as they might keep. American pressure on the British secured a three-power agreement that an international Trusteeship System might be established as part of the proposed Charter of the United Nations.⁵ At the San Francisco Conference, three points of view were again manifested, one for independence taken up by the Soviet Union, the Arab States and the Philippines, the other, its anti-thesis, by the United Kingdom, France and the Netherlands, and the middle-course attitude of the United States, Australia and New-Zealand. Eventually, a compromise was accepted which produced the International Trusteeship System.

THE U.N. CHARTER:- TRUSTEESHIP SYSTEM

The colonial problem is dealt with in Chapters XI, XII and XIII of the Charter of the United Nations. Chapter XI deals with the non self-governing territories, whereas Chapters XII and XIII deal with the International Trusteeship System. Chapter XII lays down the foundations of international

4. Charter of the United Nations - Goodrich & Hambro - Page 232

5. U.N. in Action, Chase, op.cit., p. 291.

supervision, and Chapter XIII defines the machinery which was established under the United Nations to exercise this supervision.

Chapter XII comprises eleven articles (75 to 85), dealing with the establishment of the International Trusteeship System. Here it is proposed to study singly each article, its meanings and implications.

Article 75 reads as follows:-

"The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories."

This article establishes an international trusteeship system, as part of the United Nations' functions. It is comparable to article 22 of the League of Nations Covenant which established the Mandate System. The detailed implementation of this international system of the United Nations is elaborated in the ensuing articles.

In the background of this article are the results of two international conferences: the Yalta Conference and the San Francisco Conference.

At the Yalta Conference,⁶ it was agreed upon between the Heads of the Governments of the Soviet Union, the United Kingdom and the United States that, before the Conference on the United Nations Charter, the five permanent members of the

6. Charter of the United Nations - Report to the President on the Results of the San Francisco Conference, etc. - Page 128.

Security Council should consult with one another with reference to the international trusteeship. It was further agreed upon that the trusteeship would apply to:

- (a) the existing Mandates of the League of Nations;
- (b) territories to be detached from the enemy as a result of war;
- (c) any other territory that may be placed voluntarily under the Trusteeship System. (This appears to have been instituted in view of the American desire to place as many colonies as the colonial powers might agree to, under the Trusteeship System.)⁷

At the Yalta Conference, it was also agreed upon that at the Conference or United Nations Charter, only machinery and principles should be discussed, and not specific territories. It was to be decided later which of the territories would be placed under the System. This attitude, taken by the U.K. Government, shows the reluctance of the colonial powers, at that time, to discuss their possessions at an international conference.

On the other hand, at the San Francisco Conference, various proposals were submitted by the sponsoring governments. This shows that no general agreement had been reached by the major powers on the Trusteeship System. The governments of

7. U.N. publication: "For Trust Territories", Preface by Mr. Ralph Bunche - Page 1.

Australia⁸, China⁹, France¹⁰, Union of Soviet Socialist Republics¹¹, the United Kingdom¹², and the United States¹³ submitted their Draft Proposals at the beginning of the Conference. The United States presented a "Proposed Working Paper for Chapter on Dependent Territories and Arrangements for International Trusteeship". The acceptance of this paper finally led to the drafting of the article quoted above.

Article 76 defines the objectives of the trusteeship, as follows:-

"The basic objectives of the Trusteeship System, in accordance with the purposes of the United Nations, laid down in Article 1 of the present Charter, shall be:

- a) to further international peace and security;
- b) to promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c) to encourage respect for human rights and for fundamental freedom for all without distinction as to

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- 8. UNCIO, Amendments to the Dumbarton Oaks Proposals submitted on behalf of Australia, Doc. 2, G/14(1), Page 6.
 - 9. UNCIO, Draft Proposal of the Chinese Delegation on International Territorial Trusteeship, Doc. 2, G/26(e).
 - 10. Ibid., French Preliminary Draft, Doc. 2, G/26(a).
 - 11. Ibid., Amendment of the Soviet Delegation to the U.S. Draft on Trusteeship System, Doc. 237, G/26(f).
 - 12. Ibid., Territorial Trusteeship, U.K. Draft of Chapter for Inclusion in U.N. Charter, Doc. 2, G/26(d).
 - 13. Ibid., Arrangements for International Trusteeship. Additional Chapter Proposed by the U.S., Doc. 2, G/26(c).

race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

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

It will be seen that the fundamental objectives of the Trusteeship System as defined above extend considerably beyond those of the League. As such, they are more fully set out than were the principles of the Mandate System as defined in Article 22 of the Covenant.¹⁴

The Covenant provided for the promotion of the "well-being and development of such peoples". Only in the case of type "A" Mandates, specific mention of independence as a goal was made. Class "A" Mandates emphasized "freedom of conscience and religion", and in the case of "C" Mandates, purposes relating to the indigenous peoples were recognized. The rather vague, general, overall purposes laid down in the Covenant of the League, while they constituted a great step forward in the colonial policies of those days, lack the specific, clear expression of mandatory objectives and duties which is found in the U.N. Charter article.

It may also be noted that this article of the Charter has four definite advantages over those of the Covenant:-

14. A Commentary on the Charter of the United Nations, Bentwich and Martin.- Page 147.

i) Educational advancement of the inhabitants is particularly and explicitly made a responsibility of the Trustee. This duty was not listed in the Covenant.¹⁵

ii) Independence or self-government is stipulated as an objective. Hence the trusteeship is given to the Administering Authority with the express mention of the objective towards which its efforts should be directed. In the Mandates, this idea was implied, and only the moral and social welfare of the natives was put in the foreground. It will be seen that the goal under the trusteeship is that of self-government or independence. Early independence would appear to be the goal for the more advanced peoples.

iii) Under the Covenant, the Mandatory was restrained from establishing fortifications or military or naval bases, and military training of the natives for other than police purposes and the defence of the territory was prohibited. In the present article, or for that matter in any subsequent article, no such prohibition is imposed on the Administering Authority. Some think that the reason for this omission is to be traced to the experience of the Second World War, when it was proved that detaching the Mandatory from the emergency of war was tantamount to creating a vacuum in the part so detached. The examples of New Guinea and the Pacific Islands under the Japanese Mandates are quoted.¹⁶ The reason may well

15. Please see p. 18 Article 22 of the Covenant.

16. A Commentary on the Charter of the U.N. - Page 147.

be that under the U.N. Charter the member States are under obligation to place their forces at the disposal of the Security Council, if called upon to do so, and also to apply sanctions¹⁷ against the delinquent states.

iv) The recognition of the interdependence of the peoples of the world is new.¹⁸ This is understood by some jurists to have contemplated some regional arrangements which it was the intention of the Charter to encourage. It appears, however, that this may very well have meant the recognition of the role of the United Nations in world affairs. The reference to human rights, while it does not add a new element to the Trusteeship System in comparison with the Covenant, adds perspective to the responsibilities both of the Administering Authorities and of peoples under the Trusteeship System.

It may be noted that the Trusteeship System has definite understanding that the Administering Authorities will eventually grant "self-government or independence" to the people in the Trust Territories. This objective in a sense marks the difference between the international observation which is provided for in the case of non self-governing territories by the Charter, and the International Supervision which is the keynote of the Trusteeship System. A comparison of the Article 73(b) with Article 76(b) will illustrate this point.¹⁹

17. U.N. Charter. Articles: 39 to 51.

18. A Commentary on the Charter of the U.N. - Page 148.

19. Charter of the U.N. - Commentary and Documents -
Goodrich & Hambro - Page 235.

Under Article 73(b), Members are obligated to develop "self-government" and "to assist them in the progressive development of their free political institutions". It only implies an obligation to develop self-government which may take the form of independence, or may not. Under Article 76(b), the aim of the Trusteeship System is declared to be "progressive development towards self-government or independence". As pointed out by Goodrich & Hambro,²⁰ the factors determining which of the two alternatives, self-government or independence, should be pursued are "the particular circumstance of each territory and its people", "the freely expressed wishes of the peoples concerned" and "the terms of each trusteeship agreement".

Article 76, paragraph (d), also needs a comment: The phrase "without prejudice to the attainment of the foregoing objectives" seems to permit discriminatory practices in commerce and trade, for example, bilateral trade agreements,²¹ where such agreements might appear to be necessary for the economic development of the territory. It is a necessary safeguard, but it seems to be seriously weakening, if not destroying the very principle itself. It will no doubt depend on the Administering Authority concerned to decide in which cases such measures are profitable to the

20. ibid p.235

21. ibid p.236

territory. While making exceptions to the principle of equal economic treatment to all member States may sometimes be necessary, if great care is not taken and the exceptions are resorted to frequently, the principle is likely to defeat its own purpose.

Article 77 defines the territories to which this system will apply:-

"1. The Trusteeship System shall apply to such territories in the following categories as may be placed thereunder by means of Trusteeship:

- a) Territories now held under Mandate;
- b) Territories which may be detached from enemy states as a result of the Second World War; and
- c) Territories voluntarily placed under the System by states responsible for their administration."

It is to be noted that this article is basically the same as the agreement reached at the Yalta Conference. This article does not become operative automatically. It becomes applicable only following agreement between "the states directly concerned" as the second paragraph of this article and Article 79 makes clear.

The implications of the sub-paragraph (b) are that those territories which have been part of the Italian and Japanese empires may be put under the Trusteeship System.

"The Italian colonies of Eritrea, Somaliland and Libya will fall under this category, if the decision is taken to detach them from Italy, together with such other territories as it may be decided to take from that country, and.....the insular possessions of Japan, and Korea".²²

22. Charter of the United Nations - Commentary and Documents - Goodrich & Hambro - Page 238.

Sub-paragraph (c) leaves the door open for any member who wishes to place his colonies under the United Nations Trusteeship. President Roosevelt's idea that all colonies may be placed under the Trusteeship of the U.N. seems to be the motive of this clause. The possibility that diplomatic negotiations, persuasions, strong nationalistic forces, may lead a colonial nation to such a course, could also be at the root of this idea.

Para 2 of this article states:-

"It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the Trusteeship System, and upon what terms."

The phrase "upon what terms" can be misleading. It may imply that the above and following articles are declaratory of the intention of the Trusteeship System, whereas the details which will be settled with the Administering Authorities will define the nature of relationship between the United Nations, the Administering Authorities and the territory. It can be pointed out that such a course may lead to the acceptance of some such qualifying clauses as may well take away the basic ideas and fundamental principles. However, in practice, the terms have been defined in full regard to the fundamental principles, and have only led to such clarifications as the Administrative status of the territory (like administrative union with an adjoining area), limiting the period of the trusteeship arrangements, like Somaliland, etc.

Goodrich and Hambro take the view that it would seem that Charter places greater emphasis on the agreement stage and makes the conclusion of these agreements appear to be a voluntary matter subject to less moral compulsion than was implied in the Covenant.²³

Article 78: "The Trusteeship System shall not apply to territories which have become members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality."

While the contents of the above article are almost self-evident and therefore it would seem tautologous to state this article, there is a historical reason behind this article. Syria and Lebanon, though participants in the San Francisco Conference, and original signatories to the Charter, were regarded technically by France as subject to Class "A" Mandate of the League. Similarly, Ethiopia had been under the Italian domination, and had a special treaty with United Kingdom. It was thought desirable to make this explicit for the reassurance of these participants.

Article 79: "The terms of trusteeship for each territory to be placed under the Trusteeship System, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the Mandatory power in the case of territories held under Mandate by a member of the United Nations, and shall be approved as provided for in Articles 83 and 85."

This article brings forth three important points concerning provisions of, parties to, and approval of the agreements.

23. Charter of the United Nations - Commentary and Documents -
Page 239.

The details of the provisions of the Agreement will naturally be such as to give effect to the basic principles of the Charter and more specially those of the Chapters XII and XIII. The provisions will presumably cover matters pertaining to the territory to which the Agreement is to apply (Art. 77), the nature of the Administering Authority (Art. 81), the designation of any area, the whole or part of the territory in question, as strategic (Art. 82), the obligations assumed by the Administering Authority, the responsibility of the Administering Authority in the maintenance of peace and security (Art. 84), the organs by which the functions of the United Nations are performed, and various other obligations such as submission of reports, adherence to the questionnaire, provision for the visiting Missions, revising the Agreement, etc.²⁴ In other words, this article should be read together with the other articles to explain fully the settlement of the details of the provisions of the Agreement.

An interesting question to ask on this article is the intention of the statement "shall be agreed upon by the States directly concerned", or the parties concerned with the Trusteeship Agreement. The Charter only stipulates that the Agreement of the Mandatory Power is essential, but it does not say which are the states "directly concerned" with the terms of Trusteeship.²⁵ This has led to the surmise that the states concerned

24. Charter of the United Nations - Commentary and Documents - Pages 240-241.

25. A Commentary on the Charter of the United Nations - Page 151.

may mean the Principal Allied and Associated Powers at the time the original mandates were assigned, the members of the League of Nations' Council who were made responsible for securing observance of the terms of the Mandates, to be so regarded.²⁶

In practice, however, the Agreement is between the General Assembly--or the Security Council in case of trust territory being declared strategic,--and the Administering Authorities.

Article 80 has the effect of maintaining the status quo, and thus safeguarding existing rights, pending the entrance into force of the Trusteeship Agreements. Its immediate application is to the mandated territories. The article reads:-

"1. Except as may be agreed upon in individual agreements, made under Articles 77, 79 and 81, placing each territory under the Trusteeship System, and until such arrangements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties."

It will appear that Article 77 had mentioned Mandates specifically, and then limited the application of the article automatically to any territory. Similarly, Article 79 emphasized the contractual nature of the Trusteeship, instead of ipso facto character following from the articles. Since the United Nations was replacing the League of Nations, there could be a doubt as to whether the Mandates are automatically placed under the

26. Charter of the United Nations - Commentary and Documents - Page 241.

United Nations. It can, therefore, be said that this article specifically takes a step against such a misunderstanding.

The United States Delegate explained this position by saying that by this article he meant: "that all rights, whatever they may be, remain exactly as they exist--that they are neither increased, nor diminished by the adoption of this Chapter".²⁷ He also stated that these rights included any rights set forth in paragraph 4 of the Article 22 of the Covenant.²⁸

"2. Paragraph I of this article shall not be interpreted as giving grounds for delays or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the Trusteeship System as provided for in Article 77."

This provides the expressed wish of the United Nations against using Paragraph 1 of Article 80 as a pretext for not submitting the territory under the Trusteeship System. It may be noted that the Article states "mandated and other territories", and not only "mandated" territories. "There is no sanction provided, however, and no means of coercing a Mandatory into concluding a Trusteeship Agreement."²⁹ It will therefore appear that this provision only expresses a wish and a request that all such territories as are envisaged to be placed under the Trusteeship administration may so be placed. It is essentially voluntary that members may place their territories under Trusteeship. As it is, South-West Africa has not yet been placed under the Trusteeship System, and therefore at present that territory

27. UNCIO: Draft Report of the Rapporteur of Committee 11/4, Doc. 1091, 11/4/44 (Summary Report of the Tenth Meeting of Committee 11/4, May 24, 1945. - Page 2.

28. Ibid., Summary Report of Thirteenth Meeting of Committee, 11/4, June 8th, 1945, Doc. 877, 11/4/35, - Page 3.

29. Charter of the United Nations - Commentary and Documents - Page 245.

alone is covered by the provision of status quo of the article.³⁰

Article 81 lays down the essential contents of the Trusteeship Agreements:-

"The Trusteeship Agreement shall in each case include the terms under which the Trust Territory will be administered, and designate the authority which will exercise the administration of the Trust Territory. Such authority, hereinafter called the Administering Authority, may be one or more states, or the organization itself."

This article relates to the nature of Administering Authority. The important point provided under the article is that the Administering Authorities for each territory may be more than one state, and the organization itself can perform the functions of the Administering Authority. That each territory is being functioned under one separate authority is based on the practical considerations, and it is likely to be more effective than the administration by more than one state, and since the United Nations will practically have the same difficulty, from the point of view of composition of the officials, and supervision, the direct administration by the United Nations is to be treated practically on the same basis as joint administration. Hence the full provisions of this article only reflect the permissibility, and not the actual practicability, of the administrative system.

Moreover, the Administering Authority need not be a

30. A Commentary on the Charter of the United Nations - Page 153.

a Member State.³¹ It therefore cannot be assumed that membership will be a prerequisite. Italy, in fact, was nominated as the trustee of the Italian Somaliland, and she is not a member of the United Nations.

This article, in fact all the other articles also, are silent on the termination of Trust Agreement. The League permitted termination on two conditions:

1) "de facto" conditions justifying the presumption that the territory has reached the stage of development where it no longer needed the Mandatory power.³²

2) Provision of certain guarantees.³³ This was the case in terminating the Mandate of Iraq.

While the problem did engage the attention of the San Francisco Conference,³⁴ the draft resolution moved by the Egyptian Delegation embodying certain principles was withdrawn. It was generally contended that such a provision was not necessary, in view of the voluntary basis upon which the System was to rest, and, also, on the basis of League experience, a provision for the termination of a Trusteeship through recognition of independence was unnecessary.

However, as elsewhere stated in this thesis,³⁵ an

31. Charter of the United Nations - Commentary and Documents - Page 244.

32. Ibid. - Page 244.

33. League of Nations - The Mandate System - Page 118.

34. UNCIO, Summary Report of Fourteenth Meeting of Committee 11/4, June 15th, 1945. Doc. 1018/ 11/4/38.

35. Please see chapter on Togoland and Ewe Unification Problems: British Togoland. -(in this thesis).

interesting development will take place on the question of termination of the Trusteeship Agreement, if the U.K. proposal on the future of Togoland under the British administration is accepted.

Article 82: "There may be designated, in any Trusteeship Agreement, a strategic area or areas which may include part or all of the Trust Territory to which the Agreement applies, without prejudice to any special agreement or agreements made under Article 43."

This article, to be read together with Article 83, is a special application of Article 76(a). It establishes a link between general security and the Trusteeship System.³⁶ It takes account of the special needs of the country or state placing a certain area under the Trusteeship System. It encourages the voluntary placement of the territories under the System, which may be counted as strategic, and therefore may cause reluctance on the part of the States in placing such territories under the System. It has, therefore, transferred the Supervisory powers of the General Assembly to the Security Council.

This article also recognizes the obligations which the State administering it may have made, for military facilities, bases, and the location of forces in dependent territories.³⁷

It appears that the transferring of the Supervisory functions to the Security Council is due to the fact that

36. A commentary on the Charter of the United Nations - Page 154-155.

37. Charter of the United Nations - Commentary and Documents - Page 247.

on the Security Council, any one of the permanent members³⁸ will be in a position to veto any action by that body. Hence, a permanent member will be in a better position to protect its special national interests on the Security Council than in the General Assembly.³⁹

Article 83:-

"1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the Trusteeship Agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the Trusteeship Agreements, and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the Trusteeship System relating to political, economic, social and educational matters in the strategic areas."

This article brings forth the power which the Security Council and its permanent members can exercise over the Trusteeship arrangements of the territory; its relation to Article 76, and the position of the Trusteeship Council over those Trust Territories which may be declared strategic.

The Security Council can exercise control over the modification, alterations of subsequent arrangements by giving its assent to those changes, or holding them up. Further, each of the five permanent members can exercise veto, if such arrangements are repugnant to it.⁴⁰ Similarly, the permanent

38. Charter of the United Nations - Commentary and Documents - P.247.

39. In fact only one territory is affected by this provision: the Pacific Islands under the U.S. administration.

40. No such veto has been exercised so far.

member, if himself an Administering Authority, can veto proposals not acceptable to it.⁴¹

Paragraph 2 of this article connects the territories declared as strategically important with the rest of the Trust Territories by stating that the basic principles are applicable as much in this case as in the case of ordinary territories. In practice, however, these considerations have been made applicable to the territory "subject to the requirements of security", in the Agreement with the United States on the Pacific Islands. It may be due to the memories of the Pearl Harbour attack which were still fresh in the minds of the Americans.

Paragraph 3 of this article also reduces the importance of the Trusteeship Council vis-a-vis such territories. The Administering Authority of a strategic area may avail itself of the assistance of the Trusteeship Council in all such matters as in the case of the Trusteeship of ordinary territories but this obligation is subject to "security considerations". As such, the locus standi of the Trusteeship Council in exercising control over the strategically important Trust Territories (only the Pacific Islands are declared as strategic areas) is virtually at the discretion of the Administering Authority and the Security Council.⁴²

⁴¹ A Commentary on the Charter of the United Nations, Page 155

⁴² Ibid. - Page 157

The background of this article is the discussion which took place in the technical committee as to whether the assistance of the Trusteeship Council should be made obligatory or consultative.. It was agreed that the Security Council should be given some discretion in the matter, and for this purpose two safeguards were provided: one states that this obligation is subject to the Trusteeship Agreements, and the other is that it is without prejudice to security consideration.⁴³

Article 84 reverses the League of Nations precedent:-

"It shall be the duty of the Administering Authority to ensure that the Trust Territory shall play its part in the maintenance of the international peace and security. To this end, the Administering Authority may make use of voluntary forces, facilities and assistance from the Trust Territory in carrying out the obligations towards the Security Council, undertaken in this regard by the Administering Authority, as well as for local defence and the maintenance of law and order within the Trust Territory."

The League of Nations' position was that of keeping the Trust territories out of the defence allignments and commitments. The United Nations places the responsibility on the Administering Authorities to see that the Trust Territory also plays its part in the maintenance of international peace and security.⁴⁴

Article 85 defines the powers of the General Assembly vis-a-vis the Trusteeship Agreements:

⁴³. Charter of the United Nations - Commentary and Documents - P.24
⁴⁴. Ibid - Page 249.

"The functions of the United Nations with regard to Trusteeship Agreements for all areas not designated as strategic, including the approval of the terms of the Trusteeship Agreements and of their alteration or amendment, shall be exercised by the General Assembly."

The supervision of the Mandates is therefore twofold:-
by the General Assembly in the case of the ordinary territories,
by the Security Council in the case of strategically important areas. Here again the Trusteeship System has been made more effective by enlarging the sphere of control over them. In the League of Nations, it was the Council which exercised the supervision. In the United Nations, it is the General Assembly which is made responsible for these functions. It gives "the smaller nations which are perhaps more likely to be disinterested a relatively greater share in the international supervision that is established".⁴⁵

Para 2 of the article reads:-

"The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions."

This replaces the Permanent Mandates Commission and establishes a Council specially designated for these matters. It is responsible to the General Assembly, but the Security Council makes use of it.⁴⁶

45. Charter of the United Nations - Commentary and Documents - P.250

46. Ibid. - Page 250.

TRUSTEESHIP COUNCIL

The United Nations Charter, Chapter XIII, establishes a Trusteeship Council. The Chapter contains six articles, from 86 to 91, and lays down the constitution of the Council. It states what shall be the composition of the Council, what will be its powers and functions, its procedure and the manner in which its decision shall be made.

Composition of the Council:

Article 86 states that the Trusteeship Council shall be composed of those members of the United Nations who are administering Trust Territories, the permanent members of the Security Council who are not administering the territories, and as many other members elected for three-year terms⁴⁷ as may be necessary to ensure that the total number of the members administering Trust Territories is equal to the number of the non-administering members.

The position with regard to the League of Nations was this: The Permanent Mandates Commission consisted of ten experts, sitting as individuals and not as representatives of the Member States.⁴⁸

The Trusteeship Council consists of three categories of members: the members administering Trust Territories,

48. League of Nations - The Mandate System - Page 36.

47. The Charter of the United Nations - Commentary and Documents - Page 252.

permanent members of the Security Council not administering Trust Territories, and the additional members necessary to balance the number of members administering Trust Territories. Article 86, sub-paragraph (c) makes the total number of the Trusteeship Council members variable, depending upon the number of Members administering territories. This meant, the larger the area put under the Trust (provided such increase in the area is commensurate with the increase in the strength), the more the membership of the Council. It may be noted that in the case of the League of Nations, the majority of experts belonged to the non-Mandatory powers, whereas in the case of the United Nations, the principle of keeping balance between the Administering and Non-Administering Powers has been established.⁴⁹ The original idea was to provide for equal number of members, both from the Administering and Non-Administering Authorities, but subsequently the United States moved a resolution for the inclusion of all the permanent members of the Security Council.⁵⁰ But these members (China and Soviet Union) were added to the membership from amongst the seats provided for the Non-Administering members.

Article 86, sub-paragraph 2, also states that "each member of the Trusteeship Council shall designate one specially qualified person to represent it therein". Here the idea is to retain the basic nature of the Permanent Mandates Commission, i.e. a body of experts deliberating on the technical matters of colonial policy.⁵¹

49. At present the total membership is 12 members, of which the members elected by General Assembly are El Salvador, Syria, Haiti, & India.

50. UNCIO, Summary Report of the 13th meeting of Committee II/4, June 5th, 1945, Doc. 877, II/4/35, page 4.

51. Charter of the United Nations, Commentary & Documents - Page 253.

Functions and Powers:

Articles 87 and 88 define the functions and powers of the Trusteeship Council so constituted.

The General Assembly, and under its authority, the Trusteeship Council are given the powers to examine the reports submitted by the Administering Authority, accept petitions, and examine them by consulting the Administering Authority, provide for periodic visits of the missions to the Trust Territories at a time agreed upon by the trustee, and take other actions in conformity with the terms of the Trusteeship Agreements.

The Trusteeship Council acts under the authority of the General Assembly, which implies that it should act under the direction and supervision of the General Assembly.⁵² Here the set-up is analogous to the League framework. Some of the functions previously accepted as part of the Mandate System are enumerated in Article 87 as function of the Trusteeship Council. These include the reports on the territories and their examination, which follows from "consider reports submitted" (by the Administering Authority), stated explicitly in the article. The petitions, which the Council can receive on the Trust Territories, though originally not provided in the League of Nations' Covenant, were accepted by the League

52. Charter of the United Nations - Commentary and Documents, -
Page 254.

under the procedure adopted by the Council in 1923. The procedure adopted by the Trusteeship Council draws heavily on the experience of the League of Nations.

As for the periodic visiting Mission, provision for which is made by sub-paragraph (c) of the Article 87, the position taken by the United Nations is quite different from the position of the League. The League considered that the investigations on the spot were not within the competence of the Mandates Commission.⁵³ Moreover, they thought that such investigations would have the effect of weakening the authority of the Mandatory. The desire, and the importance of establishing a system of investigation on the spot were keenly felt even among League circles.⁵⁴ Hence, provision for these visiting Missions in the United Nations Charter was a great achievement. The Trusteeship Council has made use of this provision very often, as it has exercised its power in relation to receiving the petitions very extensively.

Article 88 calls upon the Trusteeship Council to formulate a questionnaire on the political, economic, social and educational advancement of the inhabitants of each trust territory. It also enjoins upon the Administering Authorities to supply an annual report to the General Assembly, based upon such a questionnaire. This procedure, which broadly speaking,

53. League of Nations - Mandate System - Page 43.

54. Ibid - Pages 42, 43 and 44.

is based upon the practice of the League to receive reports on the questionnaire formulated by the Permanent Mandates Commission, differs from the League practice in the mode of submission of the report. These reports are to be submitted to the General Assembly (and to the Security Council presumably in the case of reports concerning the strategically important territories), whereas under the League procedure they were submitted to the Council. The main headings under which the questionnaire, and consequently reports, will be based are already indicated in the Charter.

Voting:

The voting in the Trusteeship Council is based on the simple parliamentary procedure that each member shall have one vote, and the decisions of the Council shall be made by a majority of the members present and voting. (Article 89)

It may be pointed out that the colonial problem in the United Nations has been made the concern of all the permanent members of the Security Council, who are, so to say, ex officio members of this Council, whereas in the Economic and Social Council, they are not placed in toto. Perhaps this is to the advantage of the system: the small powers may not always be able to exert an influence on the colonial powers as much as the big powers can. However, it is a mixed blessing, and may not always promote the objectivity which is required in a Council of such a composition as the Trusteeship Council.

Procedure:

Articles 90 and 91 provide the procedure for the Council. The Trusteeship Council is authorized by the Charter to adopt its own rules of procedure, including the method of selecting its President. It can meet when required in accordance with its rules. Provision shall be made in the Rules of Procedure for the convening of the meetings on the request of a majority of its members. The Charter also provides for availing the services of the Economic and Social Council, and of the specialized agencies, such as I.L.O., W.H.O., etc., as the case may be.

The Mechanism of International Supervision:

Having examined the set-up of the Trusteeship System and the functions of the Council, it is now proposed to study the application of those powers and how the principles laid down by the Charter are put into practice.

Articles 87 and 88 are the foundation stones of the whole system of international supervision. It is in these articles that the powers are given to the General Assembly, and under its authority, to the Trusteeship Council, to examine reports, accept petitions and examine them, send visiting Missions to the Trust Territories periodically, and formulate a questionnaire on political, economic, social and educational advancement of the inhabitants of the Trust Territories, in conformity

with which the reports are to be submitted. These four details of the functions provide the mechanism of the international supervision.

The Questionnaire:

At its first session in April 1947, the Council approved a provisional questionnaire, which was then sent to all the Administering Authorities.⁵⁵ The ad hoc Committee which devised this Provisional Questionnaire included the representatives of Australia, Mexico, the United Kingdom and the United States of America, under the presidency of the Australian Delegate.⁵⁶ It will be noted that out of the four members, three were from the Administering Authorities of the Trust Territory. The Provisional Questionnaire was prepared on the basis of suggestions submitted by the delegation of the United Kingdom.⁵⁷ the delegation of France,⁵⁸ the delegation of the United States⁵⁹ and the Secretariat,⁶⁰ as well as the Questionnaire of the Permanent Mandates Commission. The representatives of the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, participated with regard to the formulation of those

55. United Nations Trusteeship Council Provisional Questionnaire - T/44, 8th May, 1947.

56. Provisional Questionnaire - T/44, Page 3.

57. United Nations Document T/6.

58. United Nations Document T/11.

59. United Nations Document T/24.

60. United Nations Document T/9.

questions of interest to them.

The experimental nature of this effort was emphasized by the Council in pointing out that the Questionnaire was provisional, and as the Administering Authorities were to prepare their first annual report based on this questionnaire, they would no doubt advise the Council of the most satisfactory means of presenting the desired information, and suggest alternative questions which may prove to be of a great value in relation to local conditions.⁶¹

The Provisional Questionnaire:

The Questionnaire requested a "Brief Introductory Description"⁶² and included enquiries on the status of the territory and its inhabitants; international and regional relations; international peace and security; maintenance of law and order; political advancement, economic advancement; social advancement; educational advancement; and such miscellaneous subjects as research and publications. It also included a chapter dealing with suggestions and recommendations, and another on summary and conclusions.

Various statistical appendices were also required to be submitted with the report. These appendices pertained to population, taxation, trade, public finance, production, labour, cost of living, etc.

61. Provisional Questionnaire - U.N. Publication VI A.1947.1,

Page 3.

62. Ibid, - Page 5.

This Provisional Questionnaire was submitted by the Council at its Seventh Session in 1950, to a Special Committee in order to eliminate all duplications and ambiguities. This Committee revised the Questionnaire by taking into account the comments and suggestions of the Administering Authorities and other United Nations organs. The final draft was examined at the Tenth Session of the Council, and ultimately it was approved by the Trusteeship Council at its 414th meeting of the Eleventh Session, on 6th June, 1952.⁶³ It contains approximately 250 detailed questions concerning the government of a Trust Territory. It touches on almost every aspect of life in the Trust Territory. It is frank and direct in approach, and aims at obtaining detailed information on the conditions of the Trust Territories. Since the first and foremost data on which the work done by the Administering Authority can be judged are based on the Questionnaire, it will be appreciated that due emphasis on the details required, from the Administering Authorities on the Trust Territories, has been the main concern of the authors of the revised Questionnaire. The international supervision in assessing the application of the objectives as laid down in Article 76 rests on the Questionnaire.

63. United Nations Questionnaire, etc. Doc. T/1010.

A few questions bearing on the political advancement are reproduced below:⁶⁴

"19.- Describe the Councils or Organs which exercise legislative powers in respect of the territory; in respect of such organs within the territory:

- a) indicate the statutory or other basis of each organ;
- b) explain the composition of each organ, indicating the representation of each section of the population in these organs and the principles by which representation is allocated to each;
- c) explain the method by which the members of each organ are elected or appointed, the qualifications required of them and the duration of their term of office;
- d) list the present members of each organ, indicating name, sex, representation, manner of selection;
- e) state the number and duration of the sessions held, the languages in which conducted, and the manner in which the records are kept; etc. etc."

The Universal Declaration of Human Rights, as adopted by the General Assembly on 10th December, 1948,⁶⁵ forms an integral part of the Questionnaire.⁶⁶

The revised Questionnaire goes more into the details of the trusteeship administration than the Provisional Questionnaire did. Full and due emphasis is placed on all the four aspects of development, political, economical, educational and social.

64. United Nations Questionnaire, etc. Doc. T/1010, Page 6.

65. United Nations General Assembly Resolution No. 217(III).

66. "Questionnaire": Doc. T/1010, Page 35.

The Questionnaire by itself does not form the only means of enquiry into the affairs of the Trust Territories. Where a certain problem requires fuller treatment, the Council appoints Special Committees to study it. Thus, for example, the Council made a study of the problem of administrative unions affecting Trust Territories.⁶⁷ Similar treatment was given to the question of higher education in African Trust Territories.

The Annual Reports:

The above-mentioned "Questionnaire" forms the basis of "Annual Reports" submitted each year by the six member states and the Government of Italy to the General Assembly, except the one dealing with Pacific Islands, which is submitted by the United States to the Security Council. The information supplied in the "Annual Reports" shows how far the Administering Authorities have exercised their powers towards the materialization of the aims as set out in the Chapter XII of the Charter. The information contained gives full account of the political, educational, social and economic advancements. It also takes the observations and recommendations of the last visiting Mission into consideration, and reports on the action taken by the Administering Authority in complying with those recommendations. As such the Trusteeship

67. Special Report of the Trusteeship Council, etc., General Assembly, Official Records: Seventh Session. Supplement No. 12 (A/2151).

Territories, comprising eleven territories under seven different administrations, are examined each year by the Council. At the meeting at which the Annual Report is examined, a special representative of the Administering Authority (in practice now an official of the Administration of the Territory concerned) presents the report. This gives a good opportunity to the members of the Council to put questions on the report as well as on the other aspects of the Territories, and to know the latest position from an expert, and particularly the attitude of the Administering Authorities as reflected in day-to-day policies and administration of the area concerned.

The Visiting Missions:

The basis of Visiting Missions is in Article 87 of the Charter. The Charter does not make it a duty of the General Assembly to arrange for periodic visits. The Rules of Procedure have transformed this from a permissive into a mandatory provision.⁶⁸

This idea of international inspection of the Trust Territories has its origin in the wish which was so frequently manifested during the Mandate System. The Permanent Mandates Commission repeatedly proposed visits to the Mandated Territories. These proposals were invariably rejected by the Council of the League. The investigations on the spot were

68. A Commentary on the Charter of the United Nations - Page 161.

generally regarded as within the competence of the Mandates Commission. Even the idea of regular inspection of the Mandated Territories was put forward in the days of the League. At its first session, the Assembly received the proposal of the Haitian representative that each Mandatory Power should send to its territories a mission of control, the membership of which should be composed of the representatives of its own Parliament. The report of the Commission should be submitted for consideration of the Council of the League of Nations.⁶⁹ The proposal was favourably received by the Chairman of the Commission (the Italian member), and the Vice-Chairman⁷⁰ (the Dutch member). Similar views were also expressed by the Swiss and Portuguese members, but the British delegate opposed the proposal, on the ground that it was impracticable.⁷¹ In his estimation, such a step would undermine the prestige of the Mandatory (in the eyes of the population); the Visiting Mission would appear to be a Court where the Mandatory Power was the defendant.⁷²

The Rules of Procedure,⁷³ Article XVI, lays down six rules (Nos. 94 to 99) on the Visiting Missions. These visits will be made periodically with a view to achieving the basic

69. League of Nations - Mandate System - Page 42.

70. Ibid. - Page 43.

71. Ibid. - Page 44.

72. Ibid. - Page 44.

73. U.N. - Rules of Procedure of the Trusteeship Council, 1952, Pages 16-17. Doc: T/1/Rev.3.

objectives of the International Trusteeship System. (Rule 94). It shall define the terms of reference of each Visiting Mission and shall issue to each Mission such special instructions as it may consider appropriate. This gives the right to the Mission to emphasize special aspects of the affairs of the Trust Territories, where needed. The Missions have in practice exercised this function by special reports on the Ewe and Togoland unification problem, and Western Samoa petition for self-government. The periodic visits need not be of a general nature and made after a specified period: The Council may, in agreement with the Administering Authority, conduct special investigations or inquiries when it considers that conditions in a Trust Territory make such action desirable.⁷⁴

The change in the attitude towards the Visiting Missions may be illustrated by the co-operation the Administering Authorities have given to the Missions. Each report of the Visiting Missions bears a testimony to it. In fact, theoretically speaking, the Mission may be refused to visit the Territory by the Administering power by refusing to agree on a suitable time (since this condition of acceptability of the time is expressly provided in the Charter). However, so far no such non co-operation has taken place. The composition of the members of the Mission has in practice been limited to four, two from amongst the Administering Authorities, and two

⁷⁴. Rule 97 of the Rules of Procedure.

from the non-Administering members of the Council. The two non-Administering members may be from the smaller nations. While the members of the Mission are nominated on the basis of nationality, since the nominations to the Missions are made by the Member States, they are responsible to the Council individually.

"Thus, in the last analysis, the appointment is personal but based on nationality, but individual members of the Visiting Mission are responsible to the Trusteeship Council.⁷⁵ This may seem to be a contradiction but it is more a lack of faith in the ability of an individual to act independently of his government."⁷⁶

The main functions of the Visiting Missions are to observe and report the way in which the mains of the Trusteeship are being materialized.⁷⁷ For this purpose, the Missions are also authorized, by specific terms of reference, to receive oral and written petitions and, without prejudice to their acting in accordance with the rules of procedure, to investigate on the spot, after consultation with the local representatives of the Administering Authorities concerned, such of the petitions received as, in its opinion, warranted special investigation. A general study of the terms of reference of the Visiting Missions reveals that their main duties are as follows:-

i) To investigate and to report as fully as possible on the steps taken in the Trust Territories towards the realization of the objectives set forth in Article 76.

75. Rules of Procedure - Rule 96.

76. The Year Book of World Affairs, 1954. Page 166.

77. Ibid - Page 167.

ii) To give attention, as might be appropriate, in the light of discussions in the Trusteeship Council and in the General Assembly and of resolutions adopted by them, to issues raised in connection with the examination of the annual reports of the Trust Territory concerned. This is also to include the petitions received by the Trusteeship Council.

iii) To receive petitions, both oral and written, and to examine them on the spot.

iv) To report on any special problem which the Trusteeship Council might have charged them with.

The Trust Territories, for the purpose of Visiting Missions, have been geographically divided into East Africa, West Africa and the Pacific. It has not been possible to send more than one mission each year. Neither the Charter, nor the Rules of Procedure lay down the frequency of visits, and, therefore, financial considerations have made more than one visit each year unfeasible. Thus, each area is visited triennially. Some of the U.N. delegates were of the opinion that the Visiting Mission should spend more time in the territory than they had been doing so far. Seeking to remedy this situation, the General Assembly passed a Resolution that the Mission should spend more time in the territory and that the number of territories to be visited by the Mission should be reduced.⁷⁸

78. Official Records of the General Assembly: Resolution 434(V).

So far, all the territories of the Trust have been visited more than once and the reports on the visits have been published. These visits have been very fruitful, for the Missions have recommended certain actions on political, educational, economic and social problems, as we shall see later, and the Administering Authorities have tried to meet their recommendations as far as possible.

These visits have served a dual purpose of understanding the points of view of the Administering Authorities as well as of the populations in the Trust Territories. As such, they have interpreted the administrator and the administered of each other's needs and points of view. Moreover, these visits have added an element of realism in the deliberations of the Council. Further, these visits make the populations feel that the United Nations is not only theoretically interested in their welfare but is fully conscious of its duties towards them.

Petitions:

Article 87(b) establishes the right of the General Assembly and the Trusteeship Council to "accept petitions and examine them in consultation with the Administering Authority". The Charter does not say anything more on petitions. Hence, it merely provides the two organs of the United Nations with the right to accept petitions.

The League of Nations Council adopted its Rules of Procedure in respect of petitions on January 31st, 1923. By these rules, the Council authorized the (Permanent Mandates) Commission to receive petitions from the inhabitants of the Mandated Territories, or from other sources.⁷⁹ The petitions from the inhabitants of the Mandated Territories were to be presented through the Mandatory power, which could make its own comments before passing it on to the Commission. The Commission decided which of the petitions were to be regarded as sufficiently important to merit attention. On the receivable petitions, the Commission could make its own recommendations and observations before sending them up to the Council.

The following types of petitions were considered unreceivable: (i) if they contained complaints incompatible with the provisions of the Covenant; (ii) if they emanated from an anonymous source; (iii) if they were on the same subjects as had already been covered by a recent petition; (iv) if they brought forth a dispute which could be taken before judicial organizations which could deal with it, or if they criticized the judgment of a duly constituted court of law.⁸⁰

The idea that the petitioners may be granted oral hearings where necessary was mooted by the Commission in

79. League of Nations - Mandate System - Page 38.

80. Please also see League of Nations Document: "Summary of the Procedure to be followed in the Petitions concerning Mandated Territories. Doc. No. C.545.M.194.1927.VI.

its recommendation to the Council that the views of the Mandatory Powers should be obtained on this subject. In their reply, all Mandatory Powers opposed strongly the granting of oral hearings. They felt that any procedure which would involve the hearing of the Mandatories before the petitioners would weaken their authority. The parties would be engaged in controversy before the Commission, which would make it look like a court of law; this would be inconsistent with the very nature of the mandates.⁸¹ The Council accepted these ideas, and did not follow the matter any further.⁸²

The practice of the United Nations is based on Article XV of the Rules of Procedure, concerning petitions, as formulated by the Trusteeship Council. Unlike the League of Nations, the petitions may be submitted to the Secretary-General directly, to him through the Administering Authority, to the Trusteeship Council, or to the Visiting Mission.⁸³ The petitioner may be anybody, whether an inhabitant of the Trust Territory, or not.⁸⁴ The Administering Authorities should promptly submit the petitions to the Secretary-General, with or without their comments (Rule 83). Similarly, the Secretary-General would circulate promptly all the petitions received by him to the members of the Trusteeship Council, even if anonymous, unless they are inconsequential.

81. League of Nations - Mandate System - Page 41.

82. Minutes of the Forty-Fourth Session of the Council - Page 438.

83. Rules 76, 82, 84 of the Rules of Procedure, 1952,
Document: T/L/rev.3.

84. Rule 77.

"Perhaps the most important development as compared with the League practice is the hearing of oral petitions."⁸⁵ The Council is authorized to hear petitions presented to it orally (Rule 78). At its Seventh Session, the Fourth Committee of the General Assembly decided to hear representatives of eight different African groups. This extension of the power to grant oral hearings was opposed by the representatives of the Administering Authorities. However, since, this power has been made use of extensively by the General Assembly and the Council, especially in the case of the Ewe and Togoland unification problem.

In the beginning, due to the increasingly heavy receipt of petitions, the Council set up an Ad Hoc Committee at the beginning of each session, to undertake a preliminary examination of the petitions without appraising their substance.⁸⁶ Since the problem was still not fully solved, in February 1950, the Council decided to increase the powers of the Ad Hoc Committee, but the increasing numbers of petitions finally necessitated the setting up of a Standing Committee on Petitions, replacing the Ad Hoc Committee, to meet at any time between sessions, whenever convened by its Chairman.

85. The Year Book of World Affairs - Page 165.

86. Rules of Procedure, Rule 90, T/1/rev. 1.

The Standing Committee on Petitions is composed of six members, three being representatives of the Administering Authorities, and the remaining three being members from the non-Administering Authorities (Rule 90). Thus the principle of balance is maintained in the Standing Committee, as in the Trusteeship Council. The Committee, appointed at the end of the session, can undertake preliminary examination of all written, and such oral, petitions as may be referred to it by the Council (Rule 90, para. 1). It can also make a preliminary examination of those petitions on which the Administering Authorities have submitted their observations. In cases where the Administering Authorities concerned have agreed to the examination of the petition without the presence of their special representative, the Standing Committee can examine the petitions (Rule 90, para 4). It can also recommend to the Council the action which it considers desirable on the particular petitions examined by it.

In the examination of the petitions, the Administering Authority has been given the right to send its special representative to express its opinion on the matter under consideration of the Council or the Committee (Rule 92).

It may be pointed out here that the petitions from the strategic areas under the Trusteeship System are to be governed by Article 83 of the Charter and the terms of the Trusteeship Agreements. As such, the petitions from the two

categories of the territories under trusteeship are to be dealt with separately.

The petitions received so far by the Council run into thousands, and it is difficult to keep track of them. They are from all the territories under the Trusteeship System, and thus keep the United Nations directly in touch with the populations of those territories. They reflect the manner in which the administration there is being run, and also the aspirations, problems and grievances of the peoples in the Trust Territories. The subject matter of these petitions concern political, educational, social and economic affairs and matters. From the petitions for the unification of Togoland and Ewe people, self-government for the people of Western Samoa to the desire for the repatriation of the son from Japan;⁸⁷ the feeling that Cameroon should be independent,⁸⁸ to the questions of election of the local assemblies,⁸⁹ nomination of the chiefs,⁹⁰ phosphate royalties,⁹¹ complaints on wages being paid to the local people,⁹² war damages compensation which the local people of Nauru feel have not been paid to them by the Administering Authority,⁹³

87. Petition No. T/PET.10/11, dated 26th March, 1953.

88. Petition No. T/PET.5/490, dated 15th February, 1955

89. Petition No. T/L.466, dated 2nd June, 1954.

90. Petition No. T/OBS.5/5.

91. Petition No. T/PET.9/8.

92. Petition No. T/PET.9/14.

93. Petition No. T/PET.9/10, dated 25th March, 1953.

requests for overall review of the existing land arrangements in Nauru,⁹⁴ and for better education,⁹⁵ land claims from French Togoland,⁹⁶ payment on Japanese currencies held by the local people,⁹⁷ all matters form subject of petition by the local people.

These petitions have served, and are serving a very useful object in the United Nations. The United Nations has taken them into consideration, invited attention of the Administering Authorities to the petitions, and after hearing their comments, it has recommended actions which the Administering Authorities, in most of the cases, have implemented.

The large number of petitions which have been received by the United Nations show the responsible attitude of the people, for in most of the cases, the subject matter of a petition has been found to be genuine. They also reflect a growing political maturity among the people of the Trust Territories, as well as the awareness of the place which the United Nations occupies in the political set-up of their areas.

94. Petition No. T/PET.9/8.

95. Petition No. T/PET.9/8, Part II.

96. Petition No. T/PET.7/321/rev.1.

97. Petition No. T/PLT.10/15.

Chapter III

POLITICAL CONDITIONS IN THE TRUST TERRITORIES

- (a) The Problem
- (b) Factors Determining Political Progress
- (c) Political Structure of the Territories
 - (i) Administrative Unions
 - (ii) Territorial Governments

CHAPTER 111

POLITICAL CONDITIONS IN THE TRUST TERRITORIES:

THE PROBLEM:

The ideal of the Trusteeship System is self-government, or independence of the Territories. It is obvious that the Administering Authorities must continue to perform the task of training the indigenous peoples in achieving this objective. The duties of educational, economic and social advancement placed on the Trustees are additional efforts to materialize this purpose, for the contents of political advancement are generated by the socio-economic progress. Having set forth the ideals as contained in the Charter, it is necessary to examine the political conditions in the Trust Territories, to compare the ideals with the realities.

The United Nations exercises supervision over the Administrations to ascertain that the objective is being implemented. It is the aim of the Trusteeship to ensure that the policies of the Powers in the Trust Territories are not only conducive to law, order and good government, but also coordinated with the realization of the objective. The Trusteeship Agreements are written in general terms, without any programme which should be adhered to by the Administrations. Hence, it is the duty of the Trusteeship System to interpret the facts and also to assess that each policy in various fields in the Territories is actually motivated by Trusteeship ideals. Each Trust

Territory has its own problems, and, therefore, the special features of the areas must be considered. What may appear to be a fast step for one territory may be slow for another. It is the role of the Trusteeship supervision to determine the pace of development in these regions. The success of the system would depend on the degree the declared intentions of the Administering Powers match with their practices.

The study of political conditions in these territories is a complicated task. The eleven Trust Territories are under seven Administering Authorities and extend over a wide area in East Africa, West Africa, and the Pacific. The eighteen million peoples, while retaining some common features, have attained different stages of development. The economic problems are different, although the type of economy is the same: agricultural and under-developed. The Trust Territories can be studied, despite the similar economic and political problems, under two different headings: the Trust Territories in Africa, and those in the Pacific. We will occupy ourselves mostly with the former, for it is in Africa that the sphere of Trusteeship is likely to extend. The Colonial problem is more urgent there, than in the small Pacific islands, which except for Western Samoa, are in a low stage of development. As we shall see later, the effectiveness of the Trusteeship in the Pacific is solely dependent on the efforts of the Administering Authorities.

The political structure of the Territories is an important manifestation of the policies of the Administering Authorities concerned. The future governments of the Territories would rise on these superstructures. Moreover, some practical administrative problems like the Administrative Unions may affect attainment of the objective. As all the Trust Territories in Africa, with the exception of Somaliland are linked with the Administrative Unions of some sort, the merits and implications of these unions have to be assessed. Africa is a sensitive spot of the World. It is still, generally speaking, under the Colonial rule of the same powers who are the Administering Authorities. It's peoples have a memory of slave traffic and annexations, and this has been crowned by the policies of the 'white' rule in the Union of South Africa, Kenya, and others. Racial dissemination lurks behind the policies of some Colonial powers in these areas. Hence, unless justified, the native peoples may look upon the Administrative Union apprehensively.

The pattern of Administration is a loose federation in Tanganyika, the French Cameroons and Togo, Somaliland and Ruanda-Urundi, the latter could better be described as a native confederation under the supervision of the Belgian Administration. However, the problem before the Administrations is to develop a single government system: the machinery of modern government is a new thing to the indigenous inhabitants, and

therefore we still find two parallel administrations, viz., the modern bureaucracy headed by the Governor, and the traditional authority at the lower levels. This duality of administration, is a legacy of the 'indirect rule' policy, which had been practiced by most of the powers in Africa. The integration of the administration with a single system of hierarchy is necessary for the development of a unified country.

FACTORS DETERMINING POLITICAL PROGRESS:

The task of the Administering Authorities in Africa is circumscribed by the geographical features, the complexity of the populations, educational and economic backwardness of the regions.

The Trust Territories vary in size and population, and include from small strips of land such as Togoland under United Kingdom Trusteeship (area: 7,196 sq. miles), (population 404,000,) to big territories like Tanganyika (area: 362,698 sq. miles, population approximately 8,000,000). Modern administration is a costly business, and in view of the limited economic resources, smaller territories do not afford the possibility of remaining separate political entities. Could they not be integrated with the adjacent territories, with which they have other affiliations, like racial and economic? In certain cases, like Togoland and the Cameroons, administrative relationships may be a necessity, but in others they may have only political implica-

tions, though economic benefits may follow in the wake, e.g. in Tanganyika. On the other hand, in larger areas like Somaliland and Tanganyika, the lack of a national consciousness among the indigenous peoples may aggravate the problem of synthesis of the tribes.

The complexity of the population affects the political progress more than any other single factor by itself. In a region where the frontiers were created not by any ethnic or economic considerations but by the forces which carried the flag of a foreign power and only stopped from where they could not go any further, the name of a territory generally speaking does not imply any national unity by itself. African Territories are handicapped by a lack of ethnic or national unity in the modern sense of it. The tribal organisation of the African Society adds to the difficult problem of unifying the indigenous peoples. The foreign rule has mostly accounted for the erection of the existing loose hegemony of different peoples and the economic community of interest that has grown. More concentrated efforts are needed to combine the diverse tribal units into one nation.

A brief survey of the ethnic composition of the Trust Territories would prove the difficulty of the task of synthesizing the tribal and other units.

In Tanganyika, we find two factors governing its population: a large number of immigrants and a composite indigenous population. According to the 1952 estimates ¹ the eight million population consisted of 84,000 Asians, 20,000 Europeans and the remainder Africans. The latter belonged to about 120 tribes which could be counted as distinct entities. There were only six large tribes consisting of the Sukumas (approximately 1 million persons), the Nyamwezi, Gogo, Chagga, Turu and Haya. ² Their stage of development differs greatly from tribes to tribes. It is difficult to name any one native language as the lingua franca, though Swahili is generally understood throughout the territory. However, because of the inter-racial composition of the population, the politics of the territory have become a complicated problem.

The Cameroons under British Administration is inhabited by many African tribes. An idea of the variety of the tribal composition can be made from the fact that the total population of 1,430,000 ³ living in the small area of 34,080 sq. miles has 23 major tribal groups, not counting the smaller tribes. There are only about 600 foreigners, hence no racial

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1. Report on the U.N. Visiting Mission (1954) Report on Tanganyika, U.N. Document T/1142, p. 9.
 2. Annual Report on Tanganyika, 1950, H.M. Stationery Office, London, 1951, p.6.
 3. Le Cameroun sous Tutelle Britannique, p.4.

problem exists in this territory as in Tanganyika. French Cameroons is equally without any ethnic uniformity. Like its British counterpart the population is divided between the north and the south, though it has a larger European population, about 13,740, than British Cameroons.⁴ Doualas, Bamileke, Malimbos, Kouris, Abos, Arabs, and a large number of other tribes compose the Cameroonian population. We have studied the ethnic composition of the two Togolands in Chapter VI of this Thesis in detail and, therefore, here we will only limit to the remark that the Togolands also present a complex picture.

It is appropriate here to state that the various tribal groups in the two Togolands and the Cameroons have such strong feelings for their continuations, in the upper part with the north and the lower part with the south, that the boundaries of the Trust Territories have only become political rather than national frontiers. The problem is discussed at a later stage.

The Ruanda-Urundi and Somaliland populations are more homogenous than in the other territories. However, in Ruanda-Urundi, the structure of the society is again based on the time-honoured African system of chiefs and tribes. Political divisions have widened the growth of a single unit. The Trust Territory is composed of two indigenous kingdoms: Ruanda (area: 26,338 sq. kilometers) and Urundi (area: 27,834 sq. kilometers).

4. Report of the Trusteeship Council (Dec. 31 - July 52) p.149.

The system of tribal allegiance culminates in the two Bami. Otherwise, the indigenous population is about 85% of Bahutru and almost the remainder of Batutsi origin.⁵ In Somaliland, the population consists of Nomadic, Semi-Nomadic and settled groups. However, the tribal structure is well-established. The principal tribal groups are the Darot, Hawiya, Dirr and Sab; the latter are further subdivided into the Dighal and Rahanuins.

The above description will indicate the multi-tribal nature of the populations. This diversity has many co-ordinates: race, tribe, and linguistic considerations. They cross in all directions, creating a diversified society. The allegiance of the individual is to his tribe, or to the chief. It becomes difficult to develop the conception of a 'nation' or 'country' among the peoples who do not think beyond the interests of their tribes.

It also hinders the development of a modern system of government because of the respect for the tribal authority and consequential 'indirect rule' system. In certain cases, it becomes difficult to adhere to franchise because of the small circles into which the constituencies must be divided before the elections can be held. It is also natural that the more well-established the tribal authority, the more it will be difficult to democratise and modernize the administration. In

5. Rapport sur l'administration du Ruanda-Urundi, Bruxelles, 1953.

other words, elementation of the tribal authority should be an important objective of the Administering Authorities. Of course, it would be necessary to wait till the substitution of the tribal authority is acceptable to the indigenous peoples themselves. On the larger scale, the administrative pattern would have to be based on a federation; so that national consciousness may be developed without coming into conflict with the tribal interests.

Educational Backwardness: While it cannot be denied that rapid progress has been made by all territories in general,⁶ as a study of relevant statistic would prove, the problem of educational advancement is still arduous. In certain areas, for example in northern Togos and Cameroons (French and British both), the progress is much slower than in the southern regions of the same territories. The progress has therefore not been uniform. However, with all the laudible efforts that are being made in the territories to widen the circle of literate persons, and especially children, the educational backwardness of the masses continues. For, education in all the seven territories in Africa presents one pattern: primary education occupies main attention of the administrations, middle and secondary education is still in the early formative stages,

6. It is beyond the scope of this Thesis to discuss the economic and educational progress of the territories by themselves. It is only proposed to mention the general state of affairs in this respect.

facilities for technical instruction are far and between and very little provision exists for higher education. In fact, in the Trust Territories themselves, there is practically no institution of higher education; the territories draw on the available facilities in the neighbouring colonies like the Gold Coast, Kenya, Belgian Congo, Nigeria, and others.

It cannot be denied that efforts are being made to spread education, but those are hardly sufficient to create the 'intelligentzia' which is most important in forming a public opinion, and it's leadership.

The results of educational backwardness are apparent in the political sphere. The Civil Service is still managed by the nationals of the Administering Authorities. The public does not have a clear understanding of the problems facing them. Social standards are also affected by the lack of appreciation of the democratic values by the masses. It is no doubt true that a handful of well-educated persons are the exception to the above remarks. But this disharmony in the concepts understood by those who are the leaders, and the masses, results in a slow political activity, or irresponsible lines of actions taken by the political organisations. Hence, it is also important that the Administering Authorities accelerate their efforts to educate the masses. The concepts of modern democracy

can be misused by the leaders unless an educated public opinion comes into existence.

Economic backwardness: All the territories have an economy of subsistence, based on agriculture. The mode of agriculture is primitive, which creates the low standards of living and production. In East African Trust Territories, the serious problem or shortage of water makes agriculture an uncertain factor in the prosperity of these regions. While draught may create famine in some parts of Ruanda-Urundi and Tanganyika; in Somaliland shortage of water is a permanent feature. Livestock, which is also a source of foreign exchange, has added to the pressure on the land.

All the Trust Territories are raw-material producing areas without any industry. The prosperity of the Territories is connected with the cash-crops, but because of the lack of industries, the economy is inelastic. Increased purchasing power does not lead readily to increased production. Consequent increase in purchasing power could result only in drastic price inflations. The economy of the Togos is associated with Cocoa; of Ruanda-Urundi with coffee and cotton; of Tanganyika with sisal, coffee, cotton, tobacco and copra; of the British Cameroons with bananas, rubber, hides and skins, palm-produce, ground-nuts and coffee. Similar materials are produced by the French Territories. Since most of the necessities of life have

to be imported, the social structure and economic developments are linked up with the foreign demand for these raw materials. Industries, which exist in a very rudimentary stage, do not create economic activities of a national consequence. Reliance on the revenues through the sale of the raw materials is dependable because of the great fluctuations in the world market.

Somaliland is less fortunate economically. Cotton and bananas are the major sources of foreign exchange, though the banana trade exists because of the government protection it enjoys. (Most of the banana growers are Italians) The Territorial budget each year shows large deficits, which are met from subsidies by the Italian Government. Petroleum prospecting has been successful and, if good oil is found in large quantity, it may compensate the poor economy of the territory.

The mineral resources of the territories include iron ore, gold, diamonds, mica, tin, lead and gypsum. Most of these resources are still in an unexploited position and even in Tanganyika, which is the richest in all the Trust Territories in mineral resources, mining has not yet become an important element in the economic life, in the sense in which it can set into motion the forces which may create a modern economic activity. These mineral resources have not increased the fortunes of the indigenous people; except by increasing the demand for labour. Whatever exploitation of the mineral resources has taken place

is by foreigners, which is natural because of the large capitals and technical knowledge needed to engage in mining. None-the-less, it explains the insistence of the Administering Authority in emphasising the need to develop an inter-racial society in Tanganyika. The mining titles in Tanganyika were held to the extent of 97.24% by the Europeans, 1.98%, by Asians and only .78% by Africans.⁷

The general situation in the Trust Territories is this: the Africans are engaged in the traditional agriculture (as against cultivating cash crops), though they grow coffee and cocoa also. A small percentage of them do retail business, but the wholesale business, cultivation cash crops, and mining are in the hands of the foreigners. The economy of the Territories is agricultural. There is hardly any production of consumers goods. Technical knowledge, advanced methods of agriculture and mining are still unknown to the indigenous inhabitants. This results in a primitive society, low standards of living and in turn accounts for the unsatisfactory political progress of the territories.

All political advancement comes either from the above, from the political institutions and powers creating these institutions, or from below, the peoples themselves. It is

7. Report of the Trusteeship Council (July 53 - July 54), p.57.

apparent from the present state of affairs, that for a long time to come the development should be motivated from the above, i.e., by the Administering Authorities, and the United Nations.

ADMINISTRATIVE UNIONS

All the African Trust Territories, with the exception of Italian Somaliland, are administered in union with the adjacent colonies, as in the case of British and Belgian Territories or with the Metropolitan Country, and this holds good for the French Trust Territories.

These "Administrative Unions", permitted by the individual Trusteeship Agreements, authorize the Administering Authorities to exercise "full powers of legislation, administration and jurisdiction in the Territory" and to administer it as "integral part" of the adjacent colony or its own territory. The Trusteeship Agreements also authorize the Administering Authority to constitute the Territory into fiscal, economic or administrative unions with the adjacent territories under its control.

A study of the various Trusteeship Agreements will show that the above condition has been modified in each Agreement to suit the Territory concerned. For example, Article 4(A) of the two French Trust Territories reads as follows:

Article 4(A): (The Administering Authority)
"1. Shall have full powers of legislation, administration and jurisdiction in the Territory and shall administer it in accordance with French Law as an integral

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1. See Trusteeship Agreements Nos:
T/Agreement/5 for Cameroons, p. 4, and
T/Agreement/7 for Togo, also p. 4.

part of French Territory, subject to the provision of the Charter and of this Agreement;"

"2. Shall be entitled, in order to ensure better administration, with the consent of the Territorial Representative Assembly, to constitute this Territory into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty or control and to establish common services between such Territories and the Trust Territory, provided that such measures shall promote the objectives of the International Trusteeship System."

The same clause appears in the British² and Belgian³ Trusteeship Agreements, as Articles 5(a) and (b) and 5(1) and (2) respectively, so that 5(a) and 5(1) are identical with 4(1) quoted above, and 5(b) and 5(2) are the same as 4(2) minus the phrase "in order to ensure better administration, with the consent of the Territorial Representative Assembly". The modification is understandable for no comparative organs existed in British and Belgian Territories.

Before proceeding further in the discussion of administrative unions, it should be pointed out that the practice of the Trusteeship System in this respect substantially differs from that of the League of Nations. The League Mandate Charters expressly specified that the identity of the Mandated Territory shall be maintained, and only 'C' type Mandates described the administration "as integral part" of the Mandatory powers. The clauses, in the Trusteeship Agreements, reading "subject to the provision of the Charter and of this Agreement" and

2. See Trusteeship Agreement : NOT/Agreement/3, p. 3.

3. See Trusteeship Agreements (Togoland) T/Agreement/6, p. 3. and T/Agreement/4, p. 3.

"provided that such measures should promote the objectives of the International Trusteeship System" would appear to lay emphasis on the Trustee's responsibilities which continue to be operative notwithstanding federation or administrative union, and thus provide necessary safeguards against the defeat of the objectives of the Trusteeship System. The Trusteeship Council lacks the power to examine the conditions in the neighbouring colonies so that, without this necessary provision, the affairs of the Trust Territory could have been so conjoined with those of the colony as to render the right of examination of the state of advancement in the Trust Territories practically futile.

The reason for the existence, or better, continuation of the administrative unions is in the historical association which either already existed--as in the case of the British and Belgian Territories--or formalized a colonial relationship on the basis of a constitution as in the case of French colonies:

Thus in the early days of the British Administration in Tanganyika, Governors of several Territories met at intervals for consultations. In 1926, the Conference of East African Governors was given a formal character by the recommendations of a Parliamentary Commission; and a Select Committee of both Houses of Parliament suggested the creation, across the continent, of a Secretariat and Conference of Technical Officers for the Conference of East African Governors. The depression period after World War I led to closer economic programmes. These

arrangements continued, and during World War II various organizations, such as the East African Protection and Supply Board, and the War Supplies Board, were formed. At the end of the War, these inter-territorial collaborations had evolved into an organization of central administration for a considerable number of matters of common interests, but it had no juridical or constitutional foundation. The East Africa High Commission, created under legal authority, was the culmination of these trends toward the strengthening of inter-territorial links, and included Tanganyika, Uganda and Kenya. It has the normal powers of a territorial government in respect of the common subjects with which it deals. It has a Secretariat, its own services⁴ and a legislature, known as the East African Central Legislative Assembly.⁵

The Administrative Unions affecting Togoland and the Cameroons under British Administration would appear to have their basis in administrative necessities rather than conveniences. Both the Trust Territories are small strips of land, and economically their separate entity is not considered viable by the administration.⁶ In the opinion of the Administering Authority, the only practical means for Togoland to achieve self-government

4. The East Africa High Commission deals with 20 common services, which are not merely of a purely inter-territorial nature such as currency, research, literature, etc.

5. The above account is based on the Annual Report on Tanganyika, 1950, p. 18-22.

6. "Special Report on the Administrative Unions", U.N. doc. No. 12 (A/2151) p. 27.

is to remain closely associated, i.e. in federation, with the Gold Coast. The Trust Territory is administered as parts of the Northern Section and Southern Section, now called the Northern Territories and the Southern Territories of the Gold Coast. This administrative union seems justifiable on economic and political considerations. Northern Togoland wishes to remain associated with the Dagombas, Nanumbas and Mamprusi from whom they are divided by the Gold Coast and Togoland boundary, and the Ewe population on either side of the border in the Southern regions is similarly united. Moreover, the small economic resources and the natural trade relations render obvious the administrative benefits of association with the Gold Coast.

The Cameroons under British Administration, two small strips of land with a total area of 34,081 square miles, are in fact not even a geographical unit, since the Northern and Southern Cameroons are divided along the valley of the Benoue River by a gap of 45 miles of Nigerian territory. Both strips of land are narrow, nowhere of more than 100 miles in width, with an average width of 50 miles.⁷ Hence, the administrative union with Nigeria, as units of the Nigerian Federation, is a practical necessity. A result of the partitioning of the German Protectorate of Kamerun after the first World War, the British Mandate (Article 9) had made provision for the administrative

7. Report of the Trusteeship Council, (July '53-July '54), p. 123.

union of this Territory, by authorizing the British Government to govern it as an integral part of Nigeria. Various other legislative actions in 1926, 1932 and 1949 have confirmed and put the administrative union in line with the changes in the administrative and constitutional structure of Nigeria.⁸ Ruanda-Urundi was expressly made an administrative unit of the Belgian Congo by the Law of 21st August 1925. Since then, various ordinances have confirmed this relationship. The Belgian Congo shares its personnel with the Trust Territory and, thus, the benefits of common services in this case are different from those of Tanganyika where the common services are maintained and administered by the High Commission. The Belgian Government claimed that because of the experimental research carried out in the Congo, not only has the economy of the Territory been favourably affected, but it has enjoyed a rapid development. However, this administrative union is only with regard to administrative and custom matters and does not include fiscal matters. The Territory is given a separate juridical personality and does not form part of Belgian Congo in the same manner as Togoland and the Cameroons under British Administration.

The Administrative Union concerning the French Trust Territories is of a different type from those just mentioned. In October 1946, the constitution of the French Republic

8. Special Report on the Administrative Unions, p. 31-39.

established the French Union, defining overseas territories either as associated states or associated territories. The purpose of this Union was stated to be the establishment of common associations with the purpose of developing resources and civilisation and of increasing the well-being and security of France overseas. An important point to note, especially in connection with the French Trust Territories in Africa, is that the Union created equality of right, without distinction of race or religion. Consideration should also be given to the creation of organs of the French Union, namely the Assembly of the French Union and the Council of the Republic, in which representation was given to the inhabitants of the Territories. The French Union was automatically extended to include Togoland and the Cameroons, which were given the status of Associated Territories.

In the application of French Union to the Trust Territories in the field of representation, the indigenous inhabitants were given seats in the French Parliament and the legislative organs of the French Union. The Cameroonians elect four deputies to the French National Assembly by direct vote.⁹ They also have three representatives on the Council of the Republic and five representatives on the Assembly of the French Union.¹⁰ Togoland is represented by one deputy on the French

9. U.N. Visiting Mission Report on (Fr.) Cameroons, 1952. P.11.

10. Special Report on Administrative Unions, op. cit., p. 49.

National Assembly, two representatives in the Council of the Republic and one representative in the French Union Assembly.

The above description shows that the motives of the Trusteeship Powers for the creation of these unions have been threefold: administrative necessities, inter-regional cooperation and establishment of constitutional relationship between the Metropolitan Country and its Territories. However, the benefits and disadvantages of these unions have been viewed differently by the Administering Authorities and the indigenous peoples. The Governments of the Territories have underlined the economic benefits and administrative conveniences, whereas the indigenous peoples, when disagreeing with this point of view, have put forward political considerations, economic disabilities and legal reasonings to question the usefulness of these unions. There is even the contention, - more particularly but not exclusively, in Tanganyika and the French Trust Territories, - that they are but the insidious foundations of a plan for amalgamation with the neighbouring territories and, in the case of France, for annexation.

In Tanganyika, the inter-territorial organization is seen as a plan for setting up an East African Federation, and these fears are accentuated by the strained inter-racial relations in Kenya, the Union of South Africa and Tanganyika itself. During the visit of the U.N. Visiting Mission in 1954,¹¹ respon-

11. U.N. Visiting Mission: Report on Tanganyika, 1954, p. 215 (para 502).

sible officials were quoted by the indigenous peoples to prove that the East Africa High Commission was in fact a Federation of the three territories. An ex-Governor was alleged to have said that it "is of course a federal authority but there is an agreeable common understanding in all the territories not to say so aloud". Similarly, the statement in the middle of 1953 by the then Colonial Secretary was interpreted to mean that the intention of the inter-territorial organization was to create a political federation in East Africa.¹² These statements have spelled uneasiness among the indigenous and non-European people in Tanganyika lest the inter-territorial organization may assume, in the future, a form which may be against their interests. The 1954 Visiting Mission found that this organization "has left a sensitive spot" in the opinion of Tanganyikans, who wanted assurances that no federation would take place without their being consulted in advance.

Behind the protest against such a federation, there lies the conviction that it would establish white rule of the type of either the Union of South Africa or Kenya. The opposition is essentially founded on the lack of inter-racial understanding and confidence. In the eyes of those who understand them, the U.N. Charter and the Trusteeship System are a safeguard

12. U.N. Visiting Mission (1954), Report on Tanganyika, p.215.

against an extension to other regions of the policies of apartheid in any form. But it is difficult to blame the indigenous population, for there already is a growing awareness that the normal, every-day associations with Kenya have materially affected the policies of the Government in Tanganyika. Even a European member of the Tanganyikan Legislative Council, Sir Charles Phillips, expressed the feeling that due to the "Emergency" in Kenya, Tanganyika had to incur heavy expenditure on security measures and the police force.¹²

The popular reaction to administrative unions in the Trust Territories (both British and French) of the African West Coast is of a more composite character. Contrary viewpoints are formed in the northern and southern sections of both the Cameroons and the Togos with regard to administrative union, either with Nigeria and the Gold Coast respectively or with the French Union. Furthermore, whereas such union of the British Territories is with adjoining colonies, the French Territories are actual members of the French Union and this colours the reactions with a different hue. In the Togos, the problem is further complicated by the intense activity for unification of all the Ewes--the predominant tribe, settled along the seaboard from within the Gold Coast colony across the two Togos to the western border of French Dahomey. Since a special chapter (Chap.VI) will be devoted to the Ewe and Togoland unification problem, any discussion of popular sentiment

12. A: Statement by Sir Charles Phillips, quoted: U.N. Visiting Mission (1954) Report on Tanganyika, p. 217.

with regard to administrative union of the Togos will, here, be omitted save to include the French section in our general remarks about French Trust Territories.

In these territories, the French Union has generally been interpreted as an attempt to assimilate the local people into the French culture at the expense of the indigenous pattern of social life; and also as a tightening up of the grip on the territorial possessions. This opinion is fully supported by the political stand taken by the various political organizations in the French Togo and Cameroons, like the Union des populations du Cameroun, Comite de l'unite togolaise, and also reflected in various petitions.¹³ This is rather unfortunate. For, while the French Government has stated many times in the Trusteeship Council that such Union would not hamper the choice of the indigenous peoples should they, on independence, wish to leave the French Union.¹⁴ It would seem that the various facilities offered to the local people under the Constitution of the French Union,- such as representation in the French National Assembly, the Assembly of the French Union and the Council of the Republic,- have great educational value from the point of view of political advance-

13. Almost any U.P.C. petition harps on this subject, as an example one such petition is T/PET.5/487. Similar stand is taken by Comite in Togo, see p.278 of this thesis also.

14. Special Report on the Administrative Unions, U.N. doc. No.12 (A/2151), p. 50-53.

ment. This also gives them an opportunity to put their ideas across on the floor of the parliamentary organs of the French Union, as well as the French National Assembly. It has sometimes been asserted that the meagre representation granted to the indigenous peoples in the parliaments concerned will not make the representation effective.¹⁵ While the view is logical, it does not replace the educational value of these measures. It is likely that this attitude towards the French Union will undergo a change after independence has been granted to these areas, in the same way as the attitude of the former British colonies has changed towards the Commonwealth after independence. However, the allegation that the French Union is aimed at cultural imperialism or 'policy of assimilation' might have been caused by the actions of the French colonial officials. There is much ground to justify this opinion.¹⁶

The political aspirations differ from one British Cameroon to the other, not so much as to the fact, but as to the degree, of administrative union. In the North, the status quo is desired, with gradually greater integration with the northern region of Nigeria with whose population they are homogeneous in tribal composition. A different view

15. This argument reflects more the desire to dissociate from the French Union than a claim for more membership.

16. A large number of petitions were made both by C.U.T. of Togo and C.P.U. of Cameroons alleging official highhandedness. A graphic account of these alleged activities is given in 28-paged petition No. T/PEL.5/408, dated 9th February, 1955.

is held in the South and is based on purely legal grounds. As expressed by the Kamerun United National Congress and the Cameroons National Congress, Nigeria and the Cameroons are two distinct units and their separate political identity has been recognized and consecrated by the United Nations through the Trusteeship Agreement. They should remain so separate. They have no objection to being a part of the Nigerian Federation, but on condition that they form a separate province, autonomous within the Constitution of the Federation.

Thus, while the Administering Authorities of the various Trust Territories expound on the economic advantages and the administrative facilities provided by the administrative unions, which were originally sanctioned by the Agreements, local sentiment expressed itself in political objections supported strategically at times with doubts about the validity of such benefits. It is now time to examine the action of the Trusteeship Council itself with regard to this conflict of views.

From the beginning, the attitude of the Trusteeship Council was one of concern with regard to the compatibility of the administrative unions with the Trusteeship System, and the possibility that they would lead to subsequent merger of the Territories in the colonial empires of the Administering Authorities. This concern is reflected in the Council's preliminary observation: An Administrative Union "must remain

strictly administrative in its nature and its scope, and its operations must not have the effect of creating any conditions which will obstruct the separate development of the Trust Territory in the field of political, economic, social and educational advancement, as a distinct entity".¹⁷

At the Third Session, the General Assembly endorsed this statement, and passed a resolution¹⁸ requesting the Council to investigate the matter in all its aspects and to report to the Assembly at the next Session.

The Council appointed an Ad Hoc Committee on January 27, 1949, to investigate the matter and recommend safeguards to preserve the distinct political status of the Trust Territories, and to enable the Council effectively to exercise its supervisory functions. The General Assembly Resolution also asked the Council to consider "the compatibility of the arrangements already made with the provisions of the Charter of the United Nations and the Trusteeship Agreement".¹⁹

Without going into the various details of the workings of the Ad Hoc Committee on Administrative Unions, and the Standing Committee on Administrative Unions, it can be stated that the problem received the fullest consideration of the Committees. Special representatives of the Administering Authorities were carefully questioned and various statistics about revenues and expenditures were requested. The recommendations, finally accepted by the Council to safeguard its

17. U.N. doc. No. A/603, p. 17.

18. General Assembly Resolution 224(III), dated Nov 18, 1948.

19. General Assembly Resolution 563(VI) of 18th January, 1952.

authority over the Trust Territories, prescribed that the Administering Authorities should: supply separate statistical data on financial and otherwise pertinent matters; furnish the U.N. Visiting Missions with all information necessary to the writing of full reports; maintain the Trust Territory's separate status and boundaries; and appropriate to the Territory itself amounts not less than the revenue actually derived from the Territory. The Council felt, however, that each administrative union should be considered on its own merit; and due regard should be given to the differing ethnical, geographical and historical factors in the Territories concerned as well as the differing political advancement, practical operations of the administrative unions and individual laws establishing those arrangements.

The general conclusion drawn by the Trusteeship Council from a separate examination of each case of administrative union was that they are not incompatible with the provisions of the Charter and the objectives of the agreements. But the general approval of a union did not preclude criticism of singular aspects. Thus, with regard to the administration of British Togoland and the Cameroons²⁰ as units of the Gold Coast and Nigeria, respectively, a realistic view was taken of the situation, as may be seen in the following excerpt from the Report on Administrative Unions:-

20. Special Report of the Administrative Unions, op. cit., p.39.

"The present arrangements....., although prejudicing perhaps the progressive development of the Territory towards a separate independent status, are....capable of accelerating the progressive development of the Territory towards self-government within the wider framework of the political future of the Gold Coast."21

Again, in the case of Ruanda-Urundi, the union drew an unreserved commendation, save for the remark that the basic law of the Union, passed in 1925, might be brought up to date, in accord with present-day practices. On the other hand, the Council deprecated the complete integration of the political integration of the political institutions of Papua and New Guinea on the grounds that it would be likely to hinder the development as a separate entity of the Trust Territory of New Guinea.²² The incorporation of Trust Territories into the French Union was a poser of a different kind for the Council. The Report declares that it did not appear to be inconsistent with trusteeship objectives, but denied its competence to appraise the constitutional issues involved in these arrangements.²³

The union of Tanganyika under the East African High Commission called for a greater mixture of praise and blame. Some of the criticism directed against such common services as Post-Telegraph, Railways and Harbours, Customs and Excise, were ascribed by the Visiting Mission of 1951

21. Special Report of the Administrative Unions, op. cit. p. 31

22. Ibid., p. 48.

23. Ibid., p. 56.

to misunderstandings. However, "one field", says the Report, "in which the Tanganyika Government has surrendered some measure of its economic control over the Territory is that of industrial licensing".²⁴ Vainly did the Administering Authority contend that the Industrial Licensing Board under the High Commission was necessary to attract new industries, that the licensing power applied only to a few industries and was sparingly used, that the Tanganyikan representatives could veto any decision prejudicial to their regional interests. At its 13th Session, the Trusteeship Council declared that "it cannot be fully satisfied that the East African Industrial Council operates in the best interests of the economic development of the Trust Territory".²⁵

The whole question of administrative unions, which affects all the major territories of the Trusteeship System, is a practical problem of public administration. The principle is clear: such union must not be equated with annexation unless it be with the consent of the interested population, as in the Northern Sections of British Togoland and Cameroon. In practice, however, the principle may fall short of application for two reasons: (1) the insidious plans of the Trustees themselves who, slowly but inevitably, could bring about annexation by means of the union; (2) the prescriptive action of

24. U.N.V.M. Report on Tanganyika (1951), p. 16.

25. Report of the Trusteeship Council (July 53-July 54), p.47.

circumstances and time which, without any trickery on the Trustee's part, could bring about the same result. The Trusteeship Council has staunchly endeavoured to ward off the latter danger through its Visiting Missions and its own observations and it will, undoubtedly, continue to do so. But, in regard to the first threat to its System, it is difficult to see what measures it could take. In the absence of any power to enforce its decisions, its only recourse would be the expulsion of the culprit from the United Nations by the World Organization itself--a measure which certainly would not be taken for the sake of a few African tribes. In the last analysis, the success of the Trusteeship System in the matter of administrative unions rests upon the bona fide of the Trustee Powers.

TERRITORIAL GOVERNMENTS

It cannot be over-emphasized that the problem facing the United Nations in the administration of its Trusteeship System evolves from the factual situation at the time of its own organization. Of the three categories of territories which could be included in the System according to art. 77 of the Charter, the "Territories (then) held under Mandate" of the League of Nations were, by far, the most important as well as the more difficult to deal with. This applies to the Mandates held by the original members of the United Nations and not to the Territories that were to be "detached from enemy states as a result of the Second World War". In the latter case, a totally new type of administration could be set up by the victorious powers which were, at the same time, the organizers of the United Nations. When Japan was deprived of her Mandates, a completely new administration had to be provided for those Territories. Similarly, when a defeated Italy was entrusted anew with her former colony of Somaliland, definite conditions could be imposed. (How different the case of two of the Great Powers, permanent members of the U.N. Security Council whose Mandates date back thirty years, with set policies of administration!) As was shown in the previous paragraph, these regions already were more or less bound up in administrative unions which could threaten to frustrate the principles and objectives of the

Trusteeship System as expounded in art. 76 of the Charter, to wit, the direct responsibility to the Trusteeship Council of the Trust Territory's Administering Authority and the progressively gradual transfer of power to the indigenous people. The study of the administrative structure in the Trust Territories will throw further light on the various situation facing the United Nations.

The administration of the Trust Territories follows two patterns: In one case the territories are integral parts of adjacent colonies for the purpose of administration, thereby removing the necessity of a separate central government. We shall see the ramifications of this type of administration presently. The other type of Territories have their own separate identity, government, and central authority. In the first type of Territories are the two small land strips of Togoland and the Cameroons under British Administration, and it has already been said that they are governed as integral parts of the adjacent colonies, the Gold Coast and Nigeria respectively. Not that they are autonomous regions of the federations--the South Cameroon alone enjoys that status,--but they are included in the territory of one or another of the provincial units. The Northern Section of Togoland is a part of the Northern Territories of the Gold Coast Federation.¹ The Governor of the

1. cf: Togoland under U.K. Trusteeship. Report for the Year 1953, Her Majesty's Stationery Office, London, 1954, pp. 17-19.

Gold Coast is represented by the Chief Regional Officer for the Northern Territories whose headquarters are at Tamale and, therefore, not within the Trust Territory. The Southern Section is administered as part of the Trans-Volta/Togoland Region, and the Regional headquarters at Ho are not in the colony but in the Trust Territory. The Regions are subdivided into districts, with a "Government Agent" at the head of each. All administrative officers are civil servants of the Gold Coast Government, and are responsible to it for the general administration, the welfare of the district and the guidance of the local authorities, although they lack statutory powers over these local authorities. The district boundaries extend on both sides of the border, the Dagomba division comprising Northern Togoland and the Northern section of the Gold Coast colony.

The pattern of administrative structure in the Cameroons under U.K. Trusteeship System is the same as in Togoland. Formerly, the two sections, North and South, were respectively attached to the contiguous provinces and zones of the Northern Regions and the Eastern Regions of the Federation of Nigeria. Now, while Northern Cameroon, comprising the Adamawa and the Dikwa Emirates, forms part of the different provinces of the Northern Regions, in the South the small Tigon-Ndoro-Kentu area is administered as a part of the Northern Regions; but the movement led by the Kamerun National Congress brought about

the amalgamation of the Nigerian Bamenda and the Cameroon provinces as a single reconstituted "Cameroons Province", which was made a unit of the federation. The Governor of the Northern Regions attends to the administration of the Northern Cameroons, a Commissioner to that of the "Cameroons Province", and both are directly responsible to the Governor-General of Nigeria. The Territory is further divided into districts. Each district is administered by a Resident. The relation of the regional and district officers to the legislature is through the Governor-General or through the Governor, in case of a regional legislature. The district boundaries are not drawn on the lines of Trust Territory and Colony; for some districts extend on both sides of the border. Uba, for example, includes some villages of the Trust Territory.²

The Governor-General, in both Nigeria and the Gold Coast, is the Chief executive officer of the Territory. He is given power to withhold his assent to any bill passed by the Legislative Assembly if the application of such a law were repugnant to the Trusteeship Agreements or to existing international treaties.³ In this way, the U.K. Government has ensured that the administrative unions will not adversely affect the Trusteeship objectives.

The above description shows that Togoland and the Cameroons (under U.K. Trusteeship) are legally separate terri-

2. U.N. Visiting Mission (1952), Report on (Br.)Cameroons, p.3.

3. cf: U.K. Trusteeship Orders-in-Council, 1949 & 1950.
Pl. also see General Assembly, Official Records: Ninth Session. Supplement No. 4 (A/2680), p. 214.

tories, but administratively the border makes no real difference unless the application of a law be repugnant to the Trusteeship objectives. The reason for this administrative amalgamation could be that the policy of the United Kingdom in this area is eventually to grant self-government, and this intention, common to both territories, would imply that the ideals of Trusteeship are not incompatible with the Colonial policy in the Gold Coast and Nigeria. Through the special powers of the Governor-General, the Administering Authority is placed in a position to exercise their functions wherever necessary. At the same time, the intention of the U.K. Government might be gradually to make the Trust Territories parts of the adjacent territories in West Africa.

The hierarchy of officials, the Governor-General, Governors, Residents, the Regional Officers and district officers are all European. It is rarely that a senior civil servant is found from among the indigenous inhabitants in this organization. But this does not mean that the foreign rule in these Territories is totally unconcerned with the wishes of the local people. These officials are indirectly controlled by the indigenous peoples through the legislatures and the Executive Councils, where the Africans are in a majority. Factually, legislative control is so inoperative that the legislatures can be described rather as organs of public opinion than as policy-making bodies.

The only other Territory forming an administrative unit of a federative type with an adjacent Territory, is Ruanda-Urundi, which was given this status by the Law of 21st August, 1925. By this law, all the laws of the Belgian Congo are applicable to Ruanda-Urundi subject to similar reservation as in the case of the Territories under U.K. administration. In theory, the executive power belongs to the Belgian King, though these powers are delegated by him to the Governor of Ruanda-Urundi. The control of the Administering Authority is more direct in the case of Ruanda-Urundi than in any other Trust Territory in Africa.⁴ The legislative powers are exercised by the Belgian Parliament and the Colonial Council. The Governor-General of the Belgian Congo can enact legislation in the form of ordinances.⁵ The Trust Territory, however, has its own juridical personality, and, due to established practice, the Governor of Ruanda-Urundi has been placed on almost the same footing as the Governor-General of the Congo.

The administration is controlled and directed at the Centre by the Governor of Ruanda-Urundi, who also bears the title of Vice-Gouvernement-General of the Belgian Congo. The Governor is assisted in the exercise of his functions at

4. Pl. see Rapport sur Ruanda-Urundi, 1953 - p. 19-28.

5. Perhaps formally, though not materially, Tanganyika is similar in this respect, i.e., direct control of the Administering Authority over the Territory.

the Centre, by the Civil Service and the Conseil, and in the two residencies by the Residents. At Usumbura, the Capital, a Provincial Commissioner and a Provincial Secretary exercise the judicial functions under him, and an officer heads each of the sixteen departments of administration. Some of these departments deal with matters of justice, information, finance, economic affairs, etc. The Governor is the President of the Conseil, to which the heads of the departments can be called for consultation.

The Territory is divided into two separate regions, the Residencies of Ruanda and of Urundi, each of which is headed by a Resident. The other administrative units of the Residencies are all native authorities, chiefs, sub-chiefs and Mwami. The administration of the Territory presents an immediate turn of the composition. At the Centre of the Territory as well as of the Residencies, the administrative authority is European; at all other levels, it is native. The two pays (or residencies) are unconnected through any indigenous administration; the purely European administration at the top provides the link between them. In other words, the Belgian administration does not have any scheme, nor has it taken any steps--if such a scheme exists--to develop a unified territory. Speaking figuratively, the hyphen between Ruanda and Urundi is the European administration. Once it is gone (if it goes), there will be two small areas left, with no common government,

institutions or national consciousness. In fact, such a split is hardly conducive to a national consciousness. The practical result of this administration is a kind of personal union of two native states dominated by a foreign power.

The two French Trust Territories were given the status of Associated Territories in the French Union under the Law of 27th October, 1946, which established the Union. The executive power in each of the Associated Territories is vested in the Governor, or "Commissaire de la Republique" as he is technically called. He is directly responsible to the French Government, and is given wide administrative and legislative powers. It is he who promulgates the laws and decrees in the official gazette.⁶ He is assisted by a Civil Service at the Centre, and regional heads and other officials in the field. In the Cameroon, he is also assisted by the "Conseil d'administration" organized under various decrees of 1920, '21 and '27. The chief adviser of the Haut Commissaire is the Secretary-General.⁷ Cameroun is divided into nineteen administrative regions, which are further subdivided into fifty-six sub-divisions. The regions are administered by the "Chef de Region" or "Chef de Subdivisions" as the case may be, and a technical personnel who are under the Chief's authority, but are controlled, at the Centre, by the Department concerned.

6. Special Report of the Administrative Unions, p. 49.

7. Cf. Rapport Annuel.... du Cameroun, Annee 1953, pp. 36-39.

The Togo's Central Council is called "Conseil prive".⁸ The Togo is divided into eleven circonscriptions, (six of which are in the South) at whose head is the Chef. They, in turn, are subdivided into smaller units: Cercle or Subdivision, which are headed by a Commandant or Chef respectively. With the exception of Secretary-General, all administrative officers are under the control of the Commissaire.

In Tanganyika,⁹ the Chief of the Administration, like all the other Territories, is the Governor, in whom rests the executive authority. He is appointed as the representative of the Crown, and in matters of major policy, acts under the direction of the Secretary of State for Colonies. He is assisted by an Executive Council of officials and nominated non-officials. The official members are heads of the Departments at the Centre who are responsible to the Governor for the direction and supervision of their departments. The Governor enjoys wide administrative and legislative powers. Although the laws are enacted by him with "the advice and consent" of the Legislative Council, he can give his assent to any bill, or withhold it. He can also disallow any legislation on the direction of the Colonial Secretary. It is a necessary safeguard to the exercise of the functions of the

8. "Conseil prive", "Conseil d'administration" and all such organs are described in Chapter IV: "Central Assemblies".

9. Cf. Report on Tanganyika under U.K. Administration, 1953.

Trusteeship for which the British Government is responsible. Here the practice of all three British Trust Territories is the same. At the Centre, a Governor, an Executive Council, a Civil Service organized in departments, and a Legislative Council, but the policy may be laid down by the Colonial Secretary.

In the field, there are regional and district heads. For administrative purposes the Territory is divided into eight provinces, each under the charge of a Provincial Commissioner. Each province is divided into districts, under a District Commissioner. All District Commissioners are responsible to the Provincial Commissioners who, in turn, are answerable to the Governor. In this way the hold of the Governor extends to the smallest units of the administration. In this respect, the Governor of Tanganyika and the Administrator of Somaliland are similar, since both enjoy very extensive powers, administrative and legislative; their hold goes down to the smallest division of the Territory.

Somaliland under Italian Trusteeship is a special case. The Territory was entrusted to Italy under a specified time limit, i.e., ten years, after which it is to become an independent state. While all other Agreements only laid down the main outlines of Trusteeship administration, and made no specific mention as to how progress towards independence or self-government would be made, the Trusteeship Agreement for

Italian Somaliland is precise in stating the manner in which the Somalis shall be progressively given their share in governing the Territory. Development of free political institutions, implementation of elective principle, the Trusteeship period and its goal are all listed in the Agreement itself.¹⁰ A Declaration of Constitutional Principles¹¹ is also made part of the Agreement. A U.N. Advisory Council¹² nominated in the Agreement is appointed to what can be described as supervise and control, the Administrator. In other words, the basic policy of the Italian Administration has been prescribed by the United Nations in this particular case; whereas in the other Territories it only gave the two basic considerations, as stated above, on which the Colonial policy of the Administering Authority is to be elaborated.

The basic structure of the Somaliland administration is the same as in the other Territories. The Administrator has wide powers, administrative, judicial and legislative. He is assisted by a number of officials at the Centre, and by a Territorial Council. Like his opposite number in Tanganyika, he appoints the members of the Territorial Council. His control over the territorial administration in the field follows the line of Regional Commissioners, in charge of the

10. Trusteeship Agreement for Somaliland, No.T/Agreement/10,

11. Ibid., p. 11-13.

12. Ibid., p. 2

Commissariats, and Residents or administrative officers of the subdivisions. There are six Regional Commissariats and thirty residencies in the Territory. These administrative officers are responsible for the direction of political, economic and social work in their units, and this duty they perform under the laws of the Territory and the directives issued by the Administrator. All the administrative officers possess judicial powers.

As stated above, Somaliland has a special administrative feature, i.e., a United Nations Advisory Council.¹³ The Administering Authority is required by the terms of the Agreement (Article 8) to keep this Council advised of all matters relating to the political, economic, social and educational advancement of the Territory, including legislation on these subjects. The Advisory Council has its headquarters in the Territory itself.

The U.N. Advisory Council appears to have been given the powers of an impartial adviser as a necessary check on the authority of the Administrator: the Agreement stipulates¹⁴ that the Administering Authority should seek the advice of this Council on all matters appertaining to the inauguration, develop-

13. The "Advisory Council" is set up by the Trusteeship Agreement, Preamble and Art. 2 which states that "The Administering Authority shall be aided and advised by an Advisory Council composed of Representatives of Colombia, Egypt and the Phillipines". See Trusteeship Agreement, op. cit., p. 2 & 3.

14. Trusteeship Agreement re. Somaliland, op.cit., Art.8, p.6.

ment and subsequent establishment of full self-government, specially on (a) establishment and development of organs of self-government, (b) economic and financial developments, (c) educational advancement, (d) labour and social advancement; (e) and transfer of functions of self-government to a duly constituted independent government. It is apparent from the list of subjects that the Council is to be consulted on all the important policy matters. The Council may make observations and recommendations which, in its view, would be conducive to the attainment of the Trusteeship objective.

In practice, the Advisory Council has been consulted by the Administration on such important matters as the establishment and subsequent modification of the Territorial Council, the creation of the Municipal Councils, the medium of instruction in the schools, the rules and regulations for the economic development of the Territory, etc. These items are only the more important subjects on which it has been consulted.

The interest taken by its members in the affairs of the Territory and the harmony among them had in the early stages been of a doubtful nature.¹⁵ The (1951) Visiting Mission commented that the relations among the members of the Advisory Council left much to be desired; and considered "that certain factors have thus far restricted the effectiveness of the

15. U.N. Visiting Mission (1951), Report on Somaliland, p. 8.

Council.....it was apparent to the Mission that there was a considerable degree of disharmony among the representatives on the Council. Moreover, over long periods, one or more members of the Council have not been represented in Mogadiscio".¹⁶ The situation was the object of a resolution by the Trusteeship Council prescribing that the situation be set right.¹⁷

It is unfortunate that the only Advisory Council established for assisting and supervising the Trusteeship administration should have thus neglected its functions. If the member states do not take sufficient interest in their duties, the welfare of the dependent people can easily be relegated to a secondary place in the administration of the Territory. The experience could repeat itself on a wider scale, in the Trusteeship Council itself, and could reduce the whole edifice of international supervision to nought.

The brief description of the governments in the Trust Territories shows that the implementation of the Agreements depends mostly on the persons in whose hands the territorial administration rests. The government is based on a bureaucratic structure. The governor, by whatever names he may go, more than the metropolitan government, is the foundation stone of the whole administration. In the government itself,

16. *ibid*, p. 8.

17. Report of the Trusteeship Council, (July 53 - July 54), p.96.

indigenous people are found at the bottom of the ladder, the top and the middle is filled up by the Europeans running the country; and rarely does one find an indigenous inhabitant in the middle rung. It is through the governor that the Administering Authority exercises its responsibilities as trustee. The Colonial Department of the Metropolitan Country (Foreign Office in the case of Italian Somaliland), acts through him; but the degree of control it exercises varies for each Territory. The control depends on the legislative instruments passed by the metropolitan law-making bodies, the appointment of the chief civil servants, the relation between the Administrators and the Colonial Departments and the administrative policy itself. The actual operation of these powers perhaps more than the legal instruments makes the difference. To a great extent, the control over the Territories also depends on the powers of the Territorial Executive Councils and the Legislative Assemblies. This will now be the subject of our enquiry.

Chapter IV

PARTICIPATION OF THE INDIGENOUS PEOPLES IN THE GOVERNMENT

- (a) Central Assemblies
- (b) Regional and Local Governments
- (c) Civil Service
- (d) Political Activities of the
People
 - (i) Political Organisations
 - (ii) Suffrage

CHAPTER 1V

PARTICIPATION OF THE INDIGENOUS PEOPLE IN GOVERNMENT

So far, an attempt has been made to outline the problem facing the United Nations in the implementation of its programme for the political advancement of certain dependent peoples in Africa. The programme rests on a humanistic ideal with a restricted object. The ideal is the individualistic liberalism of the 18th century which could find no application in the new lands until it had firmly settled within the European colonizing countries and their original colonies. Then, in the second decade of this century, it burst forth in the enthusiastic expression of the Wilsonian principle, "the self-determination of nations". Great Britain, France and the Netherlands had already immensely liberalized the political institutions of their older colonies, but along quite different lines. The Netherlands' colonial policy is not pertinent to this dissertation; but the results obtained by the two other powers will determine their attitude with regard to mandates and trusteeship and therefore need to be understood.

By the end of the W.W.I., it was apparent that the older British colonies were shortly to become fully sovereign states and, as such, would assume their rightful place in the family of nations. Moral bonds, however, would still keep them attached to the Mother Country in the British Commonwealth of Nations. Other colonies of more recent date were undergoing

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the same transformation, developing along the same lines previously followed by Canada, Australia, New Zealand and the Union of South Africa. The evolutionary pattern had been the same for all: direct governor-rule, then, elected legislative assemblies without ministerial responsibility but with appointed executive councils; this, followed by self-government in internal affairs; until, like a ripe fruit peacefully detaching itself from the mother-tree, a full-fledged nation emerged to unfettered sovereignty. This pattern first evolved with respect to Canada through a system of trial-and-error but it was found, after the event, to have a twofold merit: that of safeguarding the principles of British liberalism and of canalizing the democratic forces in the colonial populations, thereby ordering an outcome which, in any case, was inevitable. All colonies would travel the same road with varying pace until the white Englishman might lay down his burden and enjoy life in peaceful association of sovereign sister nations, the British Commonwealth of Nations, covering 2/5 ths of the World.

While English liberalism at its best did not exceed an attitude of respect for the human person or look upon the native races as more than childlike populations in need of education and training, the principles of the French Revolution found application in the older French colonies as well as in the Mother Country. Even miscegenation, though not officially encouraged, was not frowned upon. Gradually, there developed in

the colonies of Martinique, Guadeloupe and Guyane a population which was not native or indigenous in the modern colonial sense of the word; but, whether white, black or mulatto, was French. "La formule France d'outre-Mer' ne pouvait germer que dans des cereaux francais," boasts a Frenchman, "et aucun Britannique ne songerait a parler de l'Angleterre d'outre-mer".¹ And this not only psychologically but also politically since these "assimilated" colonies are really "Departments" of the French Republic and have supplied the matropolitan government with high officials, judges, administrators, colonial governors, etc. Two deputy-ministers for colonies have been coloured colonials, one from Martinique and one from Guyane. Another Martiniquais was once Minister of Justice in a French Government. One of the most highly regarded governors of French Equatorial Africa was for many years, Mr. Felix Eboue, a coloured Guyanese. In the colonies themselves, less than 2% of government officials are from Metropolitan France.² The formula sounds very well to the ears of official France. What has been achieved in these old colonies, why could it not be done with the more recent? Why could it not be done even with the trust territories? Surely, feels the French, it would be to the advantage not only of France but of the African peoples themselves. Great Britain

1. De la Roche, Jean and Gottman, Jean. La Federation Francaise. Editions de l'arbre, Montreal, 1945, p. 573.

The whole book is an historical and political analysis of past French colonial policy and realizations of future possibilities, especially Chap. VI, "Evolution".

2. *ibid.* p. 459 sq.

herself, would like to see her trust territories gradually emancipated, but within the Commonwealth.

When the Trusteeship Council of the U.N. was formed these British and French policies had been in the process of implementation for a quarter of a century. It would, therefore, be understandable if the agreement of these two powers to a trusteeship system had been made reluctantly as a concession to the feelings of some other member states, particularly the U.S.A. The colonial history of the first decade of the U.N. would seem to bear out this assumption, particularly the British and French attitude with regard to the Togoland unification dispute which will be examined later.³ It will be seen at that time how Great Britain rejected any U.N. interference in any part of the Gold Coast which is a colony with self-government and not a trust territory. This position is legally correct, but it further complicates the trusteeship problem for the U.N.

It will be recalled that Article 77 of the U.N. Charter had included, among the trust territories, "territories voluntarily placed under the system by states responsible for their administration". It was the expression of a hope that the colonial nations would, of their own accord, relinquish their power over their colonies into the hands of the Trusteeship Council. The hope was still-born. Only the defunct League of Nations' mandated territories and those detached from the

3. cf. Chap. VI.

former enemy states, Italy & Japan, were placed under the trusteeship system. The consequence is that the British and French trust regions in Africa are practically hemmed in the more considerable colonies of the trustee nations. Furthermore -- especially with regard to the West Coast territories -- they are separated from the large colonies of Nigeria and Gold Coast, French Equatorial and Occidental Africa, by boundaries which are artificial, even quite arbitrary. This situation cannot but produce serious confusion in the thought of the Administering Authorities, the Trusteeship Council and even of the interested peoples themselves.

These difficulties, in turn, lead into world-wide ramifications. The U.N. may not abdicate its power of supervision over "the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence". To do so would mean to lose the confidence not only of the dependent peoples but also of the new sovereign states whose anti-colonialism is, at most, only dormant. As far as the dependent peoples are concerned communism thrives on such popular frustrations. The Administering Authorities are bound by the trusteeship agreements to promote these objectives and the time is passed when a state could shrug off its international obligations and still preserve the respect of the

World. However, these objectives are not expressed with such clarity that they may not be subject to different interpretations: "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".

Could not provincial membership in a federation, such as the Gold Coast and Nigeria, or participation in the government of an administrative union, such as l'Union française, be construed as self-government. And how does a people, that is homogeneous neither ethnically nor geographically, express its wishes? In a tribal society, is such an expression to be accepted from the urban, detribalized few or from the tribal chiefs? These aspects of the problem were forecast, even before the establishment of the U.N., by certain colonial authorities,⁴ and they now form the cause of the problem facing the Trusteeship Council. In a special chapter VI an attempt will be made to describe concretely the interplay of these various factors in a situation which has commanded the attention of the U.N. for the past eight years. It is now necessary, however, to examine in a general way how the Administering Authorities have understood their duty of training the indigenous peoples in the art of modern government to enable them to carry on their

4. cf. De la Roche and Gottman, op.cit p.25 and Chapter VIII; also Hailey (Lord), Britain and Her Dependencies, Longmans Green, London, p.44.

own administration, and manage their own political affairs. The ideal of political advancement would connote progress on the modern democratic concepts, such as representative governments, legislatures and parliaments, local self-governments and rule of the majority. Introducing these concepts to a people who are politically and economically underdeveloped would, under the duties imposed on the Administering Authorities, be the responsibility of the governments of the territories. The main purpose of the administrators in establishing the democratic institutions would be to give experience to the indigenous people and to set up the institutions which would ultimately become accepted social and political fundamentals. This task is the basis of political advancement. Its implementation provides the criterion by which we can judge the success, or otherwise, of the Administering Powers in evolving the modern state, as is envisaged by the Charter. No doubt, it would be a long and arduous task for the governments and the peoples to attain the objective. But the ideal would normally unfold itself progressively, and the ultimate aim would be reached by little steps taken in the right direction. Such political advancement is the usual responsibility of the Trusteeship Administration.

The territories are characterized by two types of administration: the modern system of government at the centre

and the regions, and tribal rule in the villages. Political democracy is being introduced in both systems of government. Our study must needs refer to both levels of government: parliamentary systems in the centre and the regions, village or chieftdom councils, and introduction of the municipal governments. The questions, which naturally pose themselves before a student of political institutions, concern the powers and functions of these councils, their composition, the interest shown by the people and willingness of the people to them as fundamentals of political structure.

The Civil Service of the territories will also engage our attention for two reasons: firstly, because of the bureaucratic system of government, participation in the day-to-day work of the administration is as important as participation at the policy-formation stage; and secondly, because modern administration is a complex process, the training of the indigenous inhabitants in the art is imperative if future self-government is to operate successfully.

In practice, political objectives are realized in democracies by means of political organisations, acting upon the electorate. A survey must therefore be made of the growth of political parties and their objectives, and of the legal and actual extent of the suffrage so as to determine how far the

people may thus manifest its wishes.

Hence, the sub-divisions of this chapter: central assemblies; regional and local governments; municipal organisations; civil service, its composition and its problems; political organisations and suffrage.

CENTRAL ASSEMBLIES

The trend of political representation in the territories is towards the establishment of a western parliamentary system. The organs set up are variously called Territorial Assembly, Legislative Council, Territorial Council, etc., but the pattern everywhere is the same. They are all territorial parliaments with varying legislative powers. On closer examination, there appear three types of such central parliaments. In British West Africa, the pattern is similar to that of Westminster. The territory (or the colony with which the territory is administered as integral part) has a legislature and an Executive Council, i.e., a parliament and a cabinet or council of ministers. The same principle, in a sense, is applied to Tanganyika, which possesses an Executive Council and a Legislative Council; but the power and functions of the two Tanganyikan institutions are much limited as compared to Togoland and the Cameroons under British Trusteeship.

The other type of government retains the characteristics

of the British pattern, but does not have the organic ^{relation} ~~retention~~ between the legislature and the executive council, or comparable organs, which is found in the British Trust Territories. The two French Trust Territories can be included in this type. The third pattern is seen in the parliamentary systems of the two Trust Territories of Ruanda-Urundi and Italian Somaliland. The former, has only the executive council, which also exercises some of the functions of the legislature, and the latter has only the legislative body, without any executive council.

The policies of the administrations in the establishment of the two components of representative government, thus lack uniformity. The ultimate, theoretical objective is always responsible government, even if such is not always the immediate practical goal of the trustees. As to the degree of responsibility the term (i.e., responsible government) is to be understood in the context of the particular conditions of the territory concerned; and therefore, the urgency^{of} granting responsible government varies from territories like Somaliland, Togoland and the Cameroons, to Ruanda-Urundi.

By the British Order-in-Council of 1951, ⁵ known as the Nigerian Constitution and revised by another Order-in-Council of 1954, the Cameroons (under British Trusteeship) were combined with Nigeria to form a single federation of three

5. cf. Official Records of the General Assembly, 7th Session, Suppl. No. 4, p.144.

provinces, subsequently called the Eastern, Northern and Western Regions, respectively. In the Northern Region is included the northern strip of the Trust Territory, while the southern strip is part of the Eastern Region. Under the Governor and Commander-in-Chief the powers of government are divided between a Central government and the governments of each of the three equal regions. At both levels are found an executive and a legislative power, and each region is headed by a Lieutenant-Governor. This work is not concerned with Nigeria, a Crown Colony, except insofar as its constitution throws some light on British intentions and realizations about self-government in the Trust Territory of the Cameroons. (This remark will also apply to the relationship between the Gold Coast and Togoland when it is later considered). But how the territory fares in the Federation, from the viewpoint of popular participation, is a matter of interest to the Trusteeship Council.

It was seen in the discussion of administrative unions that the Cameroons of the north was quite content with its status in the Nigerian Federation. Its satisfaction was expressed by its delegates to the conferences of London in 1953 and of Lagos in 1954. ⁶ However, the Nigerian (Constitution) Order-in-Council, 1954, increased its representation in the Northern

6. Examination of the Annual Report on the Administration of the Cameroons Under British Administration, year 1953, U.N. Document T/1147, p.2.

Regional Assembly from three out of a total of ninety elected representatives to seven, two being from the Dihwa Emirate and the other five from the Adamawa Emirate as a 'white'. In this House of Assembly, presided over by an appointee of the Lieutenant-Governor, there are also four ex-officio members and up to a maximum of ten special members, nominated by the Lieutenant-Governor to represent certain interests which, in his judgement, were under-represented as a result of the elections. The ratio is thus of 7 to 105 or 6 2/3%. The Northern Region of Nigeria has a bicameral system, the second House being the House of Chiefs consisting of the Lieutenant-Governor, three ex-officio members, all first class Chiefs, 37 other chiefs and one Adviser on Muslim Law. The 1954 Order-in-Council did not raise the Northern Cameroons representation in this House and it still stands at 2. But a special Consultative Committee for Northern Cameroons Affairs was constituted, comprising all the members of the Regional and Federal Legislatures and whose function will be to report on public reaction in the Territory with regard to proposed legislation. Furthermore, a Minister for Trust Territory Affairs in the Regional Government is to be appointed, chosen among the Representatives of the Territory. These latter developments have not yet been implemented. The Executive Council, in which no provision is made for specific

Cameroons members, is composed of a variable number of Government officials and of representatives in the two Houses.

Consequent on the agitation of the Kamerun National Congress recognition was given to the demand for a separate "regional" status of the Southern Cameroons in the Federation. By virtue of the Revised Nigerian Constitution of 1954, Southern Cameroon became a districtⁱⁿ regional unit. Instead of sending 13 representatives out of 80 to the Eastern Regional Assembly, the territory now has its own House of Assembly, presided over by the Commissioner of the Cameroons and composed of 3 ex-officio (or official) members, 6 representatives of native authorities, 13 popularly elected members and, as in other regions, 2 nominated representatives of special interests. Thus in a membership of 25, the House of Assembly includes only 4 government officials. ⁷ The Executive Council of the new Cameroon Province (as this region is now called) is constituted on the same basis as those of other regions with ex-officio members, appointed members at the discretion of the Commissioner and members chosen among the elected representation in the Assembly, the whole under the presidency of the Commissioner. Since they are not controlled by the Assembly on the principle of ministerial responsibility, they are, properly speaking, only Executive Councillors.

7. The absence of a House of Chiefs in the Eastern Region and in the new Southern Cameroon Province shows a lesser traditionally tribalized organisation in the southern part of the Trust Territory.

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Thus, while the northern part of the Trust Territory enjoys no local government autonomy, the southern section is a federation unit of Nigeria. The distinct character of both is, nevertheless, recognized at the upper level of the Federal or Central Government. In the Central Council of Ministers there are -- apart from the Governor -- 18 posts, of which 6 are filled by government officials and the others divided equally among the three regions. One ministerial post must be held by a Southern Cameroonian. The members of the Central Legislative House were not directly elected by the people but by the Houses of Assembly of each of the Regions of Nigeria: 68 jointly by the Northern Assembly and House of Chiefs and 34, each, by the Eastern and Western Assemblies. To these 136 members are added six ex-officio members and up to a maximum of six appointed, special members. In the former House of 149 members (including the president) there were 8 representatives of the Cameroons, five being from the South. Under the revised constitution there are 6 representatives from the South and 4 from the North, increasing one member for each region in the Federal Legislature. As previously, one ministerial post is reserved for a Southern Cameroonian in the Council of Ministers at the centre. ⁸ Since no criticism has been made so far by

8. Conditions in the British Cameroons (U.N. Document T/L842, 1955, p.4)

the two regions of the Trust Territory, it appears that the representation is considered by them to be adequate.

The constitution of the Gold Coast is also the basis of representative government for Togoland under U.K. Trusteeship. The legal instruments which provided this system are the Gold Coast (Constitution) Order-in-Council, 1950, and various other Orders-in-Council regarding Togoland Trust Territory. ⁹

The main features of the Gold Coast Constitution follow the Nigerian Constitution. An executive council and legislative assembly for the Gold Coast Colony, Ashanti, the Northern Territories of the Gold Coast, and Togoland, was established by the Order-in-Council. The executive council consisted of the Governor as its President, three ex-officio members, and at least eight African members, including the Prime Minister. ¹⁰ The executive council is the principle policy-making body. At present, the Trust Territory is unrepresented on the executive council. The Prime Minister and the Ministers are appointed by the Governor, subject to approval by the legislative assembly.

The legislative assembly is the legislature for the whole of the Gold Coast, including Togoland. Its total member-

9. See Colonial Reports: Gold Coast, 1953, p.79-80, 126-129.

10. By the Order-in-Council, the non-official members shall be the Prime Minister and not less than seven members chosen from the elected representatives of the legislative assembly.

ship is 85, of which only 3 are ex-officio official members. Togoland provides 6 members, the sixth normally being a Dagomba from the Northern Section, ¹¹ who are elected from the electoral college of the Northern Territories and the Trans Volta/Togoland Regions. Except for foreign affairs and defence, legislation is under African control. The French Colonies, being a member of the French Union, participate in the legislative organs of the Union, i.e. the Council of the Republic and the Assembly of the French Union. Representatives to these bodies are elected indirectly through the territorial assemblies. There are five Cameroonian representatives in the assembly of the union, three in the Council of the Republic, and also two on the Economic Council of the Republic. The Cameroonians elect four deputies to the French National Assembly. ¹² Togoland has one deputy in the French National Assembly, one representative in the Assembly of the Union and two in the Council of the Republic. ¹³ While the association with French Union has been criticised by the local people and some members of the Trusteeship Council, it should be noted that the only territories represented in the legislative organs of the metropolitan countries are the French. No other example exists of the participation by

11. Special Report on Administrative Unions, p.26.

12. U.N. Visiting Mission (1952) Report on (Fr.) Cameroons, p.11,

13. Rapport Annuel du...Togo, Annee, 1953, p.22.

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an indigenous people in the deliberative or even consultative organs of a metropolitan country. This is a generous gesture on the part of France. Why, then the apprehension with which it is received? Would not the reason be the deeply rooted fear of Colonialism and perhaps the manner in which the administrator on the spot conducts himself? A large number of petitions were received by the United Nations complaining against the "oppressive French rule". ¹⁴

Within the Territories, the local legislative organs of the two French Territories, Togo and Cameroons, are based on different foundations. The reason given by the Administering Authorities to explain the difference in the functions of the two assemblies is that the Togos have reached a higher stage of political advancement than the Cameroons.

In the Togos, the territorial assembly, which replaced the former representative assembly, by the law of 6th February, 1952, is given the powers of consultation and decision on some financial and administrative matters. The former Representative Assembly was criticised by the indigenous inhabitants on the grounds that its composition was based on two electoral systems: one electoral college for persons of French nationality and the other for the indigenous inhabitants. The Territorial Assembly is elected as one single body. Previously there has

¹⁴. See Petition No. T/PET. 5/481, dated 10th February 1955, Also Petition No. T/PET. 5/489, dated 14th February, 1955 are only two of a large number of such petitions.

been 30 members in all on the Representative Assembly, 6 from the 1st electoral college (for French nationals) and 24 from the second. ¹⁵ In the new Territorial Assembly, the 30 seats were filled by the elected representatives of various political parties. Their relative position in the House is given by the Administering Authority as follows:

Union des Chef et des populations du nord Togo. 14, Parti Togolais du progres 6, Comfi de l'Unite Togolaise 7, Independents 2, Union des Syndicats 1. ¹⁶ However, the indigenous inhabitants feel that the grant of Territorial Assembly was no special favour to them, since all other territories are given the same privilege, irrespective of their stage of development.

In the Cameroons, however, the system of double electoral college was maintained for the new Territorial Assembly which came into being with the elections of March 30, 1952, ¹⁷ though the preportion favouring the second electoral college was increased from a 24-16 to a 32-18 ratio. ¹⁸ But it is not a mere question of proportion. The system itself of a two-fold

15. Special Report on the Administrative Unions, p.50

16. Report of the Trusteeship Council (July 53 - July 54) p.29

17. U.N. Visiting Mission, (1952), Report on (Fr.) Cameroons, p.12

18. U.N. Visiting Mission (1952). Report on (Fr.) Cameroon. p.9

~~system~~ is under discussion as it supplies fuel for resentment and political activity. It is labelled as racial discrimination by the Union des populations du Cameroon and is attacked on the basis of an insufficient representation of the Cameroonians and the resulting incapacity of the Assembly properly to function.

Metropolitan France is notorious for the instability of its cabinet. In the Trust Territories, however, a double assurance was taken against the instability of the executive by refusing it any responsibility to and even any organic relation with, the Territorial Assembly. Indeed, the sole executive is the top official appointed by the Paris Government. He is called Commissaire de la Republique in the Togo and Haut Commissaire in the Cameroon. He is assisted by a purely advisory council composed of officers of administration and a number of notables appointed by the Commissioner himself. It is, therefore, only by a very broad acception of the word, that this council could be called a "cabinet", and the deliberations of the Territorial Assembly are liable to become rather inconsequential.

This arrangement caused even more discontent among the Togo political parties. It led to a temporary union of the otherwise antagonistic Parti Togolais de Progres and Comite de l'union Togolaise to insist with the 1952 U.N. Visiting Missions upon the substitution of an Executive Council to the

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Conseil Prive and the assurance that the change would not merely be one of name but of functions and powers.¹⁹ At its Eleventh Session the Trusteeship Council urged that the Conseil Prive be re-organized on a more representative basis and be gradually transformed into a genuine Executive Council.²⁰

The Administering Authority informed the Council that a draft embodying the replacement of the Conseil Prive by Conseil de Gouvernement has been passed by the Ministers and is now placed before the National Assembly.²¹ The new Conseil will be composed equally of the representatives of the Territorial Assembly and the officials nominated by the Commissaire. It would have the powers of decisions in certain matters, would meet more frequently than the Conseil Prive, and would report its deliberations to the Territorial Assembly.

The cabinet-type organisation in the Cameroons is called the Conseil d'Administration. It is an advisory body, which was created by the decrees of 1920, modified last time in 1927, and naturally does not bear any organic connection with the Territorial Assembly which, as it was a continuation of the Representative Assembly, can be dated to the Constitution of 1946. It consists of all departmental heads, of notables

19. U.N. Visiting Mission, 1952. Report on Togoland, p.5.

20. Report of Trusteeship Council (Dec 51 - July 52) p.218.

21. Report of the Trusteeship Council (July 53 - July 54) p.207.

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of French nationality, and notables of indigenous status. It is mandatory to consult the Conseil on important matters such as budget, alienation of the private or public land, and administrative organisation.²²

Crossing over to the East Coast of Africa, the Tanganyika Government follows the pattern of the British parliamentary system as modified by the status of non-self-governing territories. The Executive Council is altogether appointed by the Governor from among Africans, Asians and Europeans who are deemed to possess the suitable qualifications. By the end of 1954 it consisted of eight officials and five non-official members. Lately, a second African was appointed to raise the number to six non-officials (2 of each of the three races.) As the officials are all European, the Council thus, is formed of 10 Europeans, 2 Asians and 2 Africans.²³ The Legislature does not have the form of an elected assembly. It is a Legislative Council comprising 15 officials who are ex-officio members, and 14 non-officials, nominated by the Governor. The true legislator is the Governor, though he may enact legislation only on the "advice and consent" of the Council.

22. Rapport Annuel du ... Cameroun, Année 1953, p.38.

23. U.N. Document Conditions in Tanganyika, No. T/L 538 dated the 23rd of February, 1955, p.8.

The Committee on Constitutional Development, appointed in December 1949, which published its recommendations in 1951, also suggested to the Administering Authority the desirability of appointing additional (only one had been appointed by that time) African members to the Executive Council, since such a step is of the 'highest value' in training Africans for political responsibility.²⁴ Pressure in the same direction was also exerted by the Trusteeship Council itself.²⁵ But the Administering Authority maintained that training of Africans through the Legislative Council and the local government level must first be achieved. Knowledge and experience were the only criteria for appointment to the Executive Council.²⁶

As for the Legislative Council, the Committee was of the opinion that until experience had been gained in the making of the parliamentary system, an official majority was considered a necessity. It recommended, however, that the number be raised to 21 for each category. 21 non-official seats to be allotted to the three races on an equal basis on the principle of partnership.²⁷ But according to the Administering Authority the number of officials and non-official members will be 31 and 30.²⁸ The thirty seats will be allotted to the three races on an equal basis. The parity will be maintained. The

24. U.N. Visiting Mission (1951) Report on Tanganyika, U.N. Document No. 3 (T/L 032) p.5.

25. Report of the Trusteeship Council, (Dec. 51-July 52) p.32.

26. *ibid* p.31

27. U.N. Visiting Mission (1954) Report on Tanganyika, p. 197.

28. Observations of the Administering Authority on the Report of the U.N. Visiting Mission, 1954, U.N. Document No. T/1162, February, 1955, p. 26.

Government have also taken four steps to associate members of the Legislative Council with the Government business in the legislature. These members, one of each of the three races, will sit on the government benches provided they support the government on all major matters of policy. ²⁹

It seems appropriate here to examine the "inter-racial partnership" and "the parity" which the Committee on Constitutional Development recommended. This formula has become a controversial issue; and much resentment has been expressed against it by various political organisations.

The Committee recommended parity "on the need to obviate feelings of distrust and lack of confidence and to lay a sound foundation for future political development". ³⁰ Various points of view were examined by the Committee for basing representation of each race, such as financial interests, numbers and political maturity; but none could be made a satisfactory principle of political representation. In the circumstances of Tanganyika equal representation was the best method for ensuring and promoting friendly co-operation between the three main racial groups.

The (1954) Visiting Mission agreed that the inter-racial integration of the three races was required for the future development of the territory; but no policy of integration was

29. U.N. Visiting Mission (1954) Report on Tanganyika, p. 197

30. U.N. Visiting Mission (1951) Report on Tanganyika, p. 15

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being pursued by the administration. The result was that the multiracial complexion of the territory remained at the root of its trouble. The application of the inter-racial partnership was in inverse ratio to the size of the racial groups. "Europeans the most numerous" (in the legislative council and central administration), although there is the smallest minority in the territory; Asians next; and Africans, by far the largest population group, having numerically the smallest representation." 31

The U.N. Visiting Mission was in favour of "an African State" (as the Administering Authority viewed the recommendations) and recommended that the parity should be a temporary expedient limited to three years. The Administration on the other hand, felt that this arrangement should last for a considerable period. 32 They thought the parity was based on the contribution each race could make towards the development of the territory. At any rate, the Legislative Council would not be established on the recommended basis in the near future. Its composition would not even be reconsidered for a fixed period of five years. Even such a pro-administration element in the Council as New Zealand doubted that it was wise to do so. 33 In practice, the application of the "inter-racial Partnership" means that 1,100,000 Africans would be represented by one African,

31. U.N. Visiting Mission (1954), Report on Tanganyika, op.cit. p.188.

32. Observations of the Administering Authority on Report of the U.N. Visiting Mission, 1954, op.cit., p.24.

33. Report of the Trusteeship Council, (Dec. 51 - July 52), p.37.

11,140 Asians by one person, and 2,280 Europeans by one representative.

The Belgian Trust Territory has no legislature. The Conseil de Vice-Gouvernement-General was established by a Royal arrete of 4th March 1947, and its subsequent amendments in 1949 and 1953. It is only a consultative organ which examines the budget, considers the matters submitted to it by the Governor and transmits its desires (voeux) to the Belgian Government. ³⁴

In 1950 the Council was composed of 22 members; and included the Vice-Gouvernement-General, the Provincial Commissioner, the Public Prosecutor and the two Bami as ex-officio members. All the non-officials were nominated by the Governor who selected mostly from economic interests and colonial experts (nine, and three, respectively). The Vice-Gouvernement-General also selects three indigenous inhabitants or, if necessary, non-indigenous inhabitants. ³⁵

The African representation on the Council has been increased in recent years. After 1950, the two Bamis attended the Council as full members, while one African priest and three chiefs were invited to attend. In 1951, the same priest was appointed as full member and a chief was appointed as his alternate. The two other members, appointed by the Governor as

34. Rapport Sur Ruanda-Urundi, op.cit., p.23.

35. U.N. Visiting Mission (1951) Report on Ruanda-Urundi, p.6.

representative of the indigenous interests, both Europeans, were the Vicar Apostolic of Urundi and the Legal Representative of the Alliance of Protestant Missions of Ruanda-Urundi.

The Trusteeship Council at its ninth session recommended that the scope of the Council be widened through the grant of some legislative powers and that the number of African members be increased. ³⁶ The Administering Authority heeded the recommendation only by increasing the number of African representatives. Presently the Africans are represented on the Council by the two Bami, three notables selected for their competence, and three representatives of the indigenous people, selected as far as possible from among the indigenous people. ³⁷ Thus, since 1949 when there was no African on the Council to the present position when technically 8 African representatives are members, African participation has been on the up-grade.

A reverse position is observed in Somaliland, which has no executive council type of organ; but only a territorial council.

The Declaration of Constitutional Principles annexed to the Trusteeship Agreement, articles 4 and 5, ³⁸ lays down that a Territorial Council shall be established and the Administrator shall consult the Council in all matters, other than foreign

36. Report of the Trusteeship Council (Dec. 51 - July 52) p.76.

37. Rapport Sur Ruanda-Urundi, op.cit. p.23.

38. The Trusteeship Agreement, p. 12 (U.N. Document 1951 VI. A.I.)

affairs and defence; and the Administrator's legislative authority shall be exercised after consultations with the Territorial Council, till such time as an elective legislature has been established. In matters of defence and foreign affairs the Administering Authority is made accountable to the Trusteeship Council. 39

The Territorial Council was established, after consultations with the Advisory Council, by an ordinance of 1950. It is a central consultative and representative organ for the whole territory; and, with the exception of foreign affairs and defence, it can discuss all matters. The Administrator remains the legislative authority till the envisaged elective legislature is established.

The composition of the members of the Territorial Council has undergone changes twice since the inception of the Council. The membership has also increased and each time Somalis were given more seats.

At the start, the six commissariats elected members for 28 seats, out of which 21 seats were given to the tribal representatives and the remaining 7 seats were given to the political parties. The minority groups were also given representation in this way that two seats were given to the Italians,

39. The Trusteeship Agreement, p. 12 (U.N. Document 1951, VI. A.I., Article 6.)

2 to the Arabs and one to a representative of the Indian-Pakistani community. Two seats were given to economic representatives, both were Italians.⁴⁰ Hence 28 representatives were Somalis as against 7 foreigners in the Council.

In 1951, the number of representatives was increased to 40. The distributions of seats was as follows: 19 seats were allotted to the regional representation, thus giving less emphasis to the tribal representation; 11 seats to five political organisations (5 to Somali Youth League); 6 seats to economic groups, of which 3 were Italians and 1 Arab; and one seat each to the Italian, Arab and Indian-Pakistani communities and to the Institute of Social and Cultural Studies at Mogadiscio. According to the ordinance the non-indigenous representation could not increase more than 1/6th of the Somali representation.⁴¹

The number of representatives had further been extended to 51 in 1953, and the U.N. Visiting Mission found the Territorial Council consisting of 21 regional representatives, 18 representatives of political parties, 8 of the economic group, one representing the Institute of Social and Cultural Studies, and one representative of each of the three minority communities.⁴² The Administering Authority contemplates increasing the membership to 70.⁴³

40. U.N. Visiting Mission (1951) Report on Somaliland, p.8.

41. *ibid* p.9.

42. U.N. Visiting Mission (1954) Report on Somaliland, p.17.

43. *ibid* p.18.

The following conclusions can be drawn by the above study of the Central Assemblies: Most of the Central Assemblies are of recent origin. The Gold Coast and Nigeria Constitution were promulgated in 1950 and 1951, respectively; the French Territorial Assemblies, which are extensions of the Representative Assemblies, could be traced back to the Constitution of French Union in 1946; the Territorial Council in Somaliland was set up in 1950; the Conseil de Vice-Gouvernement-General was established in 1947. The stage of development achieved by the indigenous inhabitants and the policy adopted by the Administering Authorities determine the share the indigenous people get in the assemblies. The West African Trust Territories have a predominantly African representation in the legislative organs. The same can be said of the Territorial Council of Somaliland. In Tanganyika and Ruanda-Urundi; the indigenous inhabitants' representation is relatively very small. In the French Territories, Togo has African majority, but in the Cameroons, while the Africans are in majority, special consideration has been given to the representation of nationals with French nationality. This may be due to a substantial minority in Cameroons of the French national, whereas in Togo, foreigners are in an extremely small minority.

These assemblies owe their existence to three factors; the demands of the indigenous inhabitants, the policy of the

Administering Authorities and the manner in which the Trusteeship Council had urged the powers to grant democratic institutions to the indigenous inhabitants.

The Gold Coast and Nigerian Constitutions were results of negotiations and deliberations in which the indigenous people had a major share. During 1949-51 in Nigeria the local representatives considered themselves what constitution they would like to have. The Conference at Ibadan, held in 1950, proposed the constitutional framework for Nigeria; the convention was composed of three Europeans and 50 Africans, three of whom were from the Cameroons. When the first constitution did not work, British Government consulted the leaders of various political organisations to revise the constitution. The Trust Territory was again consulted, and three representatives from the Cameroons, Mr. Endeley, Mr. Ubile and Mr. Abba Habib, expressed their views on this subject to the British Colonial Secretary. The constitution in Nigeria and the Cameroons was therefore based on the wishes of the people.

Similarly, the Gold Coast Constitution was indigenous in origin. The All African Committee established to study constitutional problems of the colony and the Trust Territory recommended the basis on which the constitution was evolved. According to the latest British proposal on Togoland (under their Administration), the people have been given the choice to decide what relationship they would like to have with the adjacent

territory. The next step would, of course, be to let the people re-write their own constitutional relationship.

The other legislative organisations have come into existence due to the policies adopted by the Administering Authorities rather than the demand of the peoples. In these cases, the Trusteeship Council had urged the Administering Authorities concerned to broaden the scope of the assemblies, and extend the membership of the indigenous people. Thus, the Trusteeship Council to count a few cases only, at its 13th session emphasised the need of reforms in the Privy Council of Togo, ⁴⁴ recommended extension of power to the Territorial Assembly of the Cameroons, ⁴⁵ urged the Administering Authority to appoint African members to the Executive Council in Tanganyika, suggested the scope of the Conseil de Vice-Gouvernement-General be widened, giving it some legislative powers and the number of African members of the Council be increased. ⁴⁶ Most of these recommendations were made on the basis of the report of the U.N. Visiting Missions.

The powers enjoyed by these assemblies are different in each territory. Some assemblies are almost sovereign, or possess autonomy to a large extent, others are merely consultative, while others are given a limited degree of deliberative

⁴⁴. Report of the Trusteeship Council (Dec. 51 - July 52), p.218.

⁴⁵. Report of the Trusteeship Council (Dec. 51 - July 52), p. 30.

⁴⁶. *ibid* p. 76.

powers.

The Assemblies of British Togoland and the Cameroons have the powers of the region to which the particular part of the Trust Territory belongs. The "Cameroons Provinces" has its own Public Service Commission. The Northern Cameroons is given a Consultative Committee to make known to legislature at the Region or the Centre the opinion of their people. The authority of the Assembly of the "Cameroons Province" is analogous to the powers of the House of Assembly of a Region. With the majority of African members in the Legislative Assembly and equal number of unofficial members as those of the officials in the Executive Council, the Cameroons Province enjoys perhaps the maximum autonomy than any other Trust Territory as a distinct unit. The powers of the Gold Coast Assembly are the powers of the Togoland Legislature. The Assembly (of the Gold Coast) can legislate for the peace, order and good government, subject to three reservations: passing of a law which will entail any new expenditure, or affect the salaries or conditions of the services of a public official, or the traditional authority.⁴⁷

The French Assemblies have consultative powers on major matters and deliberative on minor items, such as administrative structure of the territory.

The powers of the late Representative Assemblies were limited to financial and administrative matters, without right

47. Special Report on Administrative Unions, p.25.

to initiate legislation. The recommendation to extend the powers of the Assemblies progressively was made by the Trusteeship Council. The Law of 6th February, 1952, which transformed the Representative Assemblies to the Territorial Assemblies, also gave the Territorial Assemblies the right to deliberate, within the frame-work of the existing laws and decrees, on all questions relating to finances, administration of state property, economic and social questions. The financial powers consist in only discussing the budget which has been prepared by the Administration. The Assemblies are also consulted to appropriate the F.I.D.E.S. (Fonds d'investissement et de developpement economique et social) budget as a matter of course and necessity. The Territorial Assemblies can request information from the Haut Commissaire on questions pertaining to the territory. These Assemblies must be consulted by the French National Assembly on such matters now as grant of rural and forestry concessions of more than 200 and 500 hectares or more, respectively.

However, this extension of the power did not grant the Assemblies either the power to legislate or to discuss political matters. Other assemblies have only the consultative powers. The only assembly in the three Trust Territories of Tanganyika, Ruanda-Urundi, and Somaliland, which must be consulted by the Governor of the Territory is the Territorial Council.

In concluding our enquiry, we may point out that the legislative assemblies are becoming progressively accepted as organs of the government of the areas. These institutions, although of recent origin, are now accepted fundamentals in the Western Territories; and in the Eastern Territories, with the exception of Ruanda-Urundi, the demand for the increase in powers of the assembly is assuming importance as a political objective. It is unfortunate that no steps have been taken in the Eastern Trust Territories to establish the central assemblies on a representative basis; but the Administering Authorities would no doubt realise the importance of giving due consideration to this problem.

REGIONAL AND LOCAL GOVERNMENTS

The description of participation of the peoples of the Trust Territories in local governments is, in fact, the description of introduction of democracy at the primary stages of the African society. The process of democratization of African institutions, by the very nature of the tribal society, and the fact that the majority of the population lives in villages, should come in the country. The chiefs (technically called the native authorities) hold an important position in the African society. When the colonial powers conquered African territories, they found an established strong tribal system. The law in the society was based on customs, which were applied by the chiefs in the individual cases. The relation between the chief and the law varied from place to place. In Northern Nigeria, an organised tribal society on the basis of customary law and the Koranic Code existed among the Fulanis. ¹ The British System of the

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1. "Africa Emergent", W. M. MacMillan, (revised and expanded edition), Penguin Books, Harmondsworth, Middlesex, 1949, p. 213. "Soon after the turn of the century the then Sir Fredrick Lugard had the originality not only to preserve but to try to build on the unusually well-ordered native society he found in Northern Nigeria. Recognising that the country could not hope to afford or even find European staff to do all that needed doing, he chose to proceed somewhat on the lines of the Treaty States in India. For the first time in Africa a serious attempt was made to use in administration those to whom the people had been accustomed to yield obedience ... Nigerian practice suggested the possibility of building up in other parts also a purely "Native Authority" ... After 1925 Sir Donald Cameron began his work of adapting the Nigerian system to the different conditions of Tanganyika, whence it spread all over Africa."

indirect rule which left the existing customs and chiefs intact was adopted by other colonial nations in Africa. Therefore, subsequent attempts of the Administering Authority were based on evolving a system of chiefs-in-council and where possible to replace them gradually by the local councils. This is natural because the administrator on the spot should possess necessary prestige to be effective.

The choice of the administrations could only fall on the existing institutions, and, therefore, the chief had to be kept in his position. But if the democratization was to take place, this institution was also to be modified so as to conform with the more advanced notions of the elective principle and of joint deliberations.

Presently there are various types of chiefdoms, and their hold on the local population varies from region to region. In most of the territories, the chiefdoms are now constitutionalized and graded.

In the British West African Territories there are two patterns: one in the north and the other in the south. All the chiefdoms, as in other territories, exercise two functions. Firstly, they are the legal government for their areas and, secondly, they serve as a link between the modern pattern of government, the Administering Authority and the indigenous peoples. The northern chiefdoms like Dagombas, Nanumbas, Gonja and the Mamprusi Chiefdoms are strongly en-

trenched in British Togoland. ² Dikwa and Adamawa Emirates, and the other Fulani tribal institutions are equally strong. ³

The policy towards Native Authorities in Togoland and the Cameroons under British administration has been different. The Constitutional Reforms of 1951 in the Gold Coast were followed by important changes in the Togoland local government system. Prior to the reforms, tribal institutions, comprising the chief and his elders, received recognition as the Native Authority and performed administrative duties under the guidance of the district administration. Since the reforms, more representative local councils are being established under the Local Government Ordinance, 1951. Under this act, the local council may be vested with functions relating to agriculture, building, education, forestry, land, markets, public order, public health, trade and industry and roads. ⁴ These councils are intended to replace the Native Authorities, and would also take over their assets and liabilities. They would

2. See Togoland under U. K. Trusteeship, Report for the year 1953. pp. 24-27.

3. U. N. Visiting Mission (1952) observed in its Report: "In the north, the Fulani and Kanuri tribal groups, which inhabit the Dikwa Division and the Adamawa Districts, and the Tikar and Chamba Communities of Bamenda Province are Islamized and have a rigid tribal organisation recognising a central paramount authority known as the Emir, Lamido or Fono ... elsewhere, and specially in the south, the social unit is the village, or village group with no wider allegiance." U.N.V.M. Report on British Cameroons, p. 6.

4. U. N. Visiting Mission (1952) Report on Togoland under U. K. Administration, U.N. doc. No. T/1107, p. 8 and also Togoland under U.K. Trusteeship, Report for the Year 1953, pp.18, 24-27.

also raise revenues from taxes on uniform per capita rate, taxes on property, fees for certain services like the use of markets, licences, etc. They will prepare their own budgets (with the help of the local administrative officers where necessary) and will submit them to the Minister of Local Government for approval. The Administering Authority reported that the original plan for the establishment of the local councils was completed during the year 1953.

Above the local councils are the district councils, which will provide those services which can best be administered over wider areas. All these district councils have also been set up in both Northern and Southern Togoland.

All the councils, district and local, have the same composition. Approximately one-third of the membership is reserved for traditional members and two-thirds is elected by popular direct vote. "Traditional members" are appointed by the traditional authorities like state councils. Elections to the district councils are indirect. In the north, the traditional representatives are appointed by the tribal authorities directly.

In addition, the "Advisory Councils", established under the State Councils (Northern Territories) Ordinance 1952, are appointed to replace the traditional councils in the Northern Togoland. All the four traditional authorities, Nanumbas, Dagombas, Gonja and Mamprusi, have their own state

councils. Similar ordinance for the Southern Territories established the four state councils, Akipini, Asogli, Hokpe and Buem. These last four state councils can recommend to the Governor of the Gold Coast modification of any customary law. They can also use customary sanctions. It is obvious that these state councils were meant to retain the traditional authority on a broader basis since Native Authority has been replaced by district and local councils. Thus the tribal sentiments were respected, but the power of the Native Authorities was reduced by the more modern system of government. Because of the Ewe unification sentiments, and the majority of the Ewe population in the Trans-Volta Region, the Administering Authority also established the Trans-Volta/Togoland Council in 1953. The membership is by indirect elections through the local and district councils; the majority of the members are inhabitants of the Trust Territory.

The above description of local and regional governments would establish that in Togoland the power of the Native Authority is being curtailed, and the tribal sentiments are being channelled into developing a national consciousness.

In the Cameroons, the Native Authority is still responsible for the local government, and the administrative pattern is based on the practice in Togoland prior to the reforms in 1951, i.e., the administrative officers and technical advisers give guidance to the Native Authority.

The Native Authority Ordinance regulates these institutions. ⁵ The Governor may appoint any chief or other person, any chief associated with a council or any group of persons as the Native Authority. This provision takes the Northern and the Southern Cameroons into consideration for, due to the absence of any strong tribal structure, Native Authorities have been nominated, and sometimes various combinations of the authorities have been rearranged on the request from the peoples concerned.

The normal traditional authority in the Southern Cameroons usually extends to the family or the clan. Because of the loose association of the tribes, it had been possible to reconstruct new systems rather than to follow the customary authorities. Eastern Regions (of Nigeria) attempted to constitute councils in which increased responsibility was to be given to the people in the local affairs. This policy was not extended to the Southern Cameroons, although this task can now be taken up by the new government in the Cameroon Province since the Kamerun National Congress is against tribal organizations, and wishes to extend representative councils to the local government levels.

Because of this lack of tribal unity on a larger scale, occasionally 'the super structure of the Native Authorities had to be imposed artificially'. ⁶ The growing political

5. cf. Cameroons under U.K. Trusteeship Administration, Report for Year 1953, Published for Colonial Office, H.M. Stationary Office, London, 1954, pp. 22-55.

6. U.N. Visiting Mission (1952), Report on the Cameroons under U.K. Administration, U. N. doc. T/1109, p. 11.

consciousness in the Territory seems to react against small fragmentations of the local government. This can be supported by the various federations that took place of some of the native authorities. In the former Cameroons Province, six minor clans or groups were set together in the Victoria Federated Native Authority; in the Mamfe Division eleven major Native Authorities were grouped into four, with common treasuries for each of the four groups, at the request of the people; the twenty-one clans in the Bamenda Province formed four Federated Councils (with reserved seats for female members). The (1952) Visiting Mission received a memorandum from the Cameroons National Federation (now part of the Kamerun National Congress) that "the Native Authority System was lacking in democracy and popularity and should be revoked. Local Government should be introduced".

It would appear from the foregoing that the Native Authority administration in the Southern Cameroons does not have popular support, at least of the more politically-minded persons. With the grant of autonomy to the Southern Cameroons, the local councils are likely to replace the Native Authorities. How soon it comes will depend on the efforts of the responsible public leaders in implementing the reforms successfully in the early stages.

The Northern Cameroons presents a contrast. The hold of the tribal chiefs over areas under them is well established. It is in this region that the British Government applies

its declared policy of indirect rule, ⁷ giving special privileges to the Adamawa and the Dikwa Emirates. Therefore, the process of democratization in these two Emirates has affected them only in so far as the power of the Emirs has been curtailed.

The Adamawa Province of Nigeria extends into the Adamawa Districts of the Trust Territory. The Lamido (Paramount Chief) resides at Yola and rules the Province from there. He is assisted by a body of eighteen central councillors. The eighteen councillors are made up of the traditional office holders, heads of Native Administration and presently two nominated "representatives of the people". The latter representation in future will be increased to four. Efforts were being made during 1951-52 period to appoint an Outer Advisory Council, as its name applies, with purely advisory functions, to develop the Lamido - in - council system. The council was constituted in 1953 and is now composed of all the district heads (32), all the heads of the Native Administration, and the representatives of the districts (43). It meets twice a year. The district councils were recently reorganized (1953) and now they have a majority of elected village representatives. Other representatives are officials, like the village heads and officials of the Native Administration departments. Presently, attempts are being made to organise village councils on the pattern of district councils. The Native Administration

7. Ibid.

exercises executive, minor judicial and financial functions.

The Dikwa Emirate has the same system. The Emir, formerly the sole Native Authority, now has a council. All councillors are officials and traditional office holders. There are also an Outer Council, District Councils and Village Councils. Only village councils are directly elected; others are elected indirectly.

We have stated previously that the system of "indirect rule", as the Native Administration is described, was originally developed in the Northern Nigeria and subsequently applied to Tanganyika by Sir Donald Cameron in 1925. It would, therefore, be appropriate to study the Tanganyikan system of government of Native Administration here.

Local governments in Tanganyika are of two types, rural and urban, consisting of Township Authorities and Native Authorities respectively. The Rural Authority which mostly regulates the affairs of the majority of the population in the Native Authority. The powers of the Native Authority are defined by the Native Authority Ordinance. The government considers that development should come by evolutionary methods. Hence the system of indirect administration was adopted so as to leave the conduct of local affairs to those who are recognised tribal authorities. The U. N. Visiting Mission in 1954 also concurred with the Administering Authority that the chiefs are important even to date in the Territory. ⁸

8. U.N. Visiting Mission, (1954), Report on Tanganyika, U.N. doc. T/1142, p. 17.

The established practice of the British Government had been to consolidate the Native Authorities (about 390) ⁹ into a regional federation, and gradually modify them into more advanced and modern institutions. In the past the pattern for these Native Authorities had been to evolve a chief-in-council practice. These authorities were responsible for the implementation of the government policy at the lowest levels under the supervision of the local district commissioner.

The scope of the Native Administration included raising their own finances. These Authorities also undertook the administration of health services, education, agricultural and veterinary services, forests, roads and bridges. Thus the responsibility of social services was also placed at the lowest level of administration. Treasuries were established for the Native Authorities, and the same treasury was sometimes shared by a few Native Authorities.

This administrative set-up is still operative in the Territory, but due to the recommendations of the Committee on Constitutional Development, the policy of the government is changed. The Local Government Ordinance, promulgated in 1953, provided for the Local Councils which are designed to replace the Native Authorities. Town and County Councils were also to be established to substitute the Township Authorities, and to control only those matters which clearly affect all races,

9. Report of the Trusteeship Council (July 1953 - July 1954), p. 43.

such as the maintenance of roads, conservation of natural resources, health services, etc. It is intended to replace the Native Authorities by the Local Councils gradually. During 1953, the Administering Authority reported ¹⁰ that transition from traditional to modern system of administration was taking place, and Local Councils are being established. District representative councils have been set up and power is being transferred from local native authorities to these councils. The chiefs are now being made recognised executive heads of the area and representative members, mostly elected in the traditional manner, are associated with the work of the councils.

The Administering Authority has not revolutionised the old system, for the Local Government Ordinance has not yet come into force, and the functions of rural local authorities are still governed by the Native Authority Ordinance, under which these authorities can make rules and orders for the general peace, good order and welfare of the people in their jurisdiction. The chiefs are specifically mentioned as officers of the local authority but their traditional powers as chiefs have been omitted in the new local government legislation. In other words, the chiefs would become mere officials of the government instead of being the government themselves.

Another important step taken by the Administering Authority (in Tanganyika) indicates that efforts are being

10. cf. Tanganyika, Report for the Year, 1953, H.M. Stationery Office, 1954, pp. 13-17.

made to combine the tribal fragmentations into broader federations, perhaps with the same purpose as in Togoland in establishing state councils. This is being achieved in two manners, by the district councils and federations of the tribes. The areas of jurisdiction of the district councils are the same as the administrative districts. Sometimes these districts coincide with tribal areas, viz. in the case of Bukoba and Moshi districts; but sometimes it brings together different tribal organisations. The federations extend over a wider area and include the same tribal groups. The two examples are the Sukumaland Federation, covering fifty chiefdoms and including about a million Sukumas; and the Nyamwezi Federation of the Nyamwezi people of the three districts, Kahama, Nzega and Tabora. These federations are designed to become local governments of the areas. No county councils have been set up due to the opposition by the local tribes. Instead an inter-racial advisory body has been established in Newala.

Ruand-urundi formerly had the old chiefdom system with a council of chiefs, sub-chiefs and the notables. This method of government was criticised in the Trusteeship Council, which recommended reforms with the object of giving eventual responsibility to the indigenous people.¹¹ The result of this criticism was the introduction of reforms promulgated by the decree of July 14th, 1952. These reforms were put into effect during 1953 and 54.

11. Report of the Trusteeship Council, Dec. 1951-July 1952, p. 79.

The sole achievement of the reforms was the establishment of the councils in the sub-chiefdoms, chiefdoms, territory and the pays on the pattern of the chief-in-council. No doubt this pattern was broad-based, but the main features did not change. The composition of the various councils is as follows: 12

Council of Sub-Chiefs

The President of the Council is Sub-Chief. He has a Council of from five to nine notables, selected by their peers from a list of notables of the Sub-Chiefdom. The list is maintained by the Sub-Chief in keeping with the preference of the inhabitants of the Sub-Chiefdom.

Council of Chiefs

The President is the Chief. His Council includes from five to nine Sub-Chiefs elected by their peers, five to nine notables elected by an electoral college composed of three notables from each sub-division, designated by the Council of Sub-Chiefs.

Council of the Territory

The President is a Chief elected by the Council from among its own members. All the Chiefs of the Territory and an equal number of Sub-Chiefs elected by their peers make up the Council together with an equal number of notables, equal to the Chiefs and Sub-Chiefs, elected from an electoral college

12. Rapport Sur L'Administration Belge Du Ruand-Urundi, 1952, presente aux Chambre par M. le ministre des Colonies, p. 21.

composed of three notables each chiefdom, designated by the Chiefs' Council.

The High Council of the Pays

President is the Mwami in each pays. His Council includes all the presidents of the Council of the Territory, six chiefs elected by their peers, an equal number of notables, i.e., one for each territory. The Council also includes eight co-opted members, four persons selected because of their knowledge of social, economic, spiritual and cultural problems of the pays, and four indigenous persons, carrying the card of civic-merit.

Between the sessions, a Council of five members (three elected by the Council and two nominated by the Mwami) supervises the Chiefs' and Sub-Chiefs' Councils and carries out Mwami's decisions on the advise of the Council. These Councils have the functions of the traditional authority in the indigenous matters, e.g., to carry out the policies of the government, to act as its agents, and also to perform the day to day indigenous administration. The Belgian Administration consults all the four councils obligatorily on all the questions of interest to the divisions concerned. In the case of the Council of the Pays and the chiefdoms, their views are solicited in a number of cases for giving validity to the actions or proposals of the Mwami and the chiefs for such powers as are required by the decree. Some of the powers formerly exercised by the European authority have been given

to the local authorities, viz., determining the limits of chiefdoms or sub-chiefdoms, prohibiting living in certain areas, fixing the number and payments to the police force, agricultural programme, approbation of the expenditure, etc. ¹³

The Administering Authority has maintained that in the new councils the participation of the population in the public affairs is also largely extended; for membership of the council includes a number of commoners in the council who are appointed because of their intellectual, professional and social usefulness. It is true that this step was hailed by the Trusteeship Council (at its Thirteenth Session) as an "important first step in democratization"; ¹⁴ but a closer examination of the composition of the councils would show that the number of such people is very limited; and because the chiefs are in fact officials of the Mwami, ¹⁵ properly speaking these councils have almost no mandate from the people. All the elections are indirect and thus controlled by the (indigenous) administrations. While such a step may be necessary at this stage, it should be borne in mind that the composition of the indigenous councils does not show any attempt on the part of the Belgian Administration to lessen the hold of the chiefs and to raise the people. In this manner, democracy has been

13. Rapport Sur L'Administration Belge du Ruanda-Urundi, 1952, op. cit., p. 21.

14. Report of the Trusteeship Council, July '53-July '54, p. 79.

15. U.N. Visiting Mission (1954) Report on Ruanda-Urundi, pp. 52-53.

feudalised, rather than the feudal system being given up for democracy.

These reforms have created bifurcation of the Trust Territory. There is no indigenous council for the whole Territory; and the highest echelon of the above-mentioned councils is the High Council for the pays. With the absence of tribal ethnic complexity perhaps it could be easier to set up an indigenous council for the whole Trust Territory than in any other region. The Conseil de Vice-Gouvernement General could then be connected with this territorial indigenous assembly, to complete the system on which development should come. Such a territorial assembly is a necessity for building up a unified national consciousness. However, it is obvious that no such assembly can be established under the present conditions for such a step is likely to annoy the two Bami, and the present policy of the Belgian Administration appears to stabilise the position of the tribal chiefs even in the indigenous councils.

The French administration has the same system, though different policies, in the two Trust Territories. In so far as the hold of the tribal institutions is concerned, both Togo and the Cameroons reflect the same division of the Northern and Southern Regions as the British Trust Territories in West Africa.

To understand the political reforms and policies of the Administering Authority, it is necessary to survey the social structure of the rural life of these Territories.

In Togo, there are four categories of chiefs: chiefs of villages, chiefs of quarters, chiefs of cantons and the superior chiefs.¹⁶ In the Cameroons, the structure of the chiefdom varies according to the race, religion and the region. There are four types of Cameroonian chiefdoms: the Muslim chiefs, the pagan¹⁷ chiefdoms of the north, the Bantu chiefdoms of the south, and the Bamileka chiefdoms.¹⁸ "The village is the basic indigenous administrative unit of the Territory." The Togo chiefdoms have less influence and their traditional authority extends over smaller regions and groups than in the north. The functions of the chiefs of villages, which are in addition to their traditional functions, include general and rural policing, maintenance of roads, sanitation, conciliation, and keeping the civil register. The chiefs of quarters are under the chiefs of villages, and execute their orders. The canton and superior chiefs have a very wide scope of administrative functions such as control over subordinate chiefs, and the execution of orders of the government. Some of these functions are policing of the markets, public order, informing the Administrative Authority about subversive propaganda and all acts which endanger public order and security, etc. In other words the chiefs are intermediaries of the Administering Authority. They are given minor local government functions, and made part of the administrative

16. U.N. Visiting Mission (1952) Report on (Fr.) Togoland, p. 6.

17. The term is used as a convenient word to describe non-Muslim and non-Christian primitive tribes, and has no religious connotation.

18. U.N. Visiting Mission (1952) Report on (Fr.) Cameroons, pp. 4-5.

set-up. The chiefs are selected according to the customary practices and are assisted by a council, which is governed by the custom.

The indigenous peoples are associated by the Administration at a higher level. All the eight districts, and the sub-divisions where the district is divided into sub-divisions, have a "Conseil de Circonscription", which is a recently established organisation having come into existence by an arrete of July 16th, 1951, ¹⁹ superceding the old Conseil des Notables. The Conseil de Circonscription is elected by a two stage ²⁰ election and formerly was first constituted in October, 1952. The Conseil must be consulted on different types of taxations, the establishment of draft budgets, planning and executing of public works, health and sanitation measures, establishment of new schools, dispensaries and maternity centres and modification of the sub-division and village boundaries. The Administering Authority may consult the Conseil in all those cases where its opinions are believed to be useful. The Conseils may express their views on general social, economic and administrative matters.

The differences between the Conseil de Circonscription and the Conseil de Notable are many. The former councils were wholly appointed by the Commissaire de la Republique from among chiefs and notables, the new organs are entirely elected

19. Report of the Trusteeship Council, Dec. '51-July '52, p.219.

20. Ibid.

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on the basis of universal suffrage. The former councils were presided over by the administrative officers, the present ones elect their own officers and have important functions.

The membership of these district councils (i.e., Conseil de Circonscription) varies from eight to twenty-six, depending on the population of the district. The councils are required to meet twice a year. The Commandant of the Circle can send his representative on the council to present his views.

The Administering Authority reported to the Trusteeship Council that legislation is being presented to the French National Assembly to give wider powers to the council. This will enable the council to manage local administration and its finances. Meanwhile the council has been given the functions of raising local taxes and its use. ²¹

In the Cameroons, the local institutions enjoy much less initiative to deal with local problems than in Togo. The general situation is this: the Northern Cameroons still retain the Conseil des Notables, whereas in the South experimentation is being carried on to establish "Rural Communes Mixtes". The government has adopted the different policies because of the position of the chiefdoms in the two areas. The Bantu chiefdoms in the South are waning in their authority. The two Visiting Missions found that people were critical of the chief-

21. Report of the Trusteeship Council, July '53-July '54, p. 209 and also U. N. Visiting Mission (1952) Report on (Fr.) Togoland, p. 8.

doms in general in this area. ²² The Muslim chiefs possess strong authority over a large population with limits of their authority well-defined in their customs. The Bamileke chiefdoms appeared to have kept themselves still unaffected by the general deprivation of the popularity of the chiefs, whereas the pagan chiefs of the North and the Bantu have limited authority for originally they were heads of the clans and families. The chiefs perform the well-established position of government agents, and exercise traditional functions. The Administration seems to be apprehensive of the waning authority and has accordingly passed a bill defining the powers of the chiefs. ²³

In the more advanced Southern areas, the decree of August 21st, 1952 provided the institutions of "Rural Communes Mixtes" as an experiment to be extended to other areas if it proved successful. Its early application came in the regions of Nyong-et-Sanga, N'Tem and Dja-et-Lobo where the tribal system is less rigid. Except for the Administrateur Maire, all members are elected representatives. The Rural "Communes"

22. U. N. Visiting Mission (1952) Report on (Fr.) Cameroons, p. 5.

23. See Report of the Trusteeship Council, Dec. '51-July '52, p. 47. The Bill states: "(i) the chief is the representative of the community and agent of the local government; (ii) he enjoys prerogatives by custom so long as these prerogatives are not incompatible with the established law; (iii) any infringement of his authority will be punished; (iv) nomination of the chief must be made according to the customs and recognised by the Administration; if not approved, reasons will be given; (v) the chief must work under the supervision of the Administering Authority and is subject to disciplinary action from warning to dismissal".

have judicial personality and can own lands in their own name. They have their own revenues and are given deliberative powers on budgetary matters, but their decisions are subject to approval by the Haut Commissaire. All the members of the council are elected on a single college basis, though some seats are reserved for members with French nationality. The membership of the councils varies from sixteen to forty members, depending on the area. The idea behind these new councils was to establish administrative units which coincide with the tribal and ethnic considerations.

The participation of the indigenous people in the district government councils was also extended to the Somalis. A Residency (i.e. District) Council was established in all the twenty-seven residencies of the Territories, with the exception of the Margherita Residency, which got two instead of one council. During 1951, chiefs, notables, village chiefs, market supervisors, and in the chief city of the Territory, Mogadiscio, the presidents of the legally recognised political parties were included on the Residency Councils. In 1951, the composition of the councils was increased in favour of the politically recognised parties in all the residencies. This was hitherto the practice for the capital city only. The representation to the political parties was given on the basis of the number of legally recognised branches. ²⁴

24. U. N. Visiting Mission (1951), Report on Somaliland, p. 11, and also Report of the Trusteeship Council, July '53-July '54, p. 100.

The council can express its opinion on all matters of interest to it, especially agriculture, animal husbandry, education, public works, taxation and such other subjects as may be of interest to the district. The Residency Councils also selected representatives for the Regional Councils and for the Territorial Councils. These (Residency) Councils could be summoned either by the president, the resident, or by its members.

In the early stages the Residency Councils did not function properly. The representatives were not able to express their opinions and it was difficult to obtain majority on the matters under consideration. These councils are purely advisory bodies, with residents as their presidents who enjoy over-all control. Similarly the Regional Councils, which are elected by the Resident Councils, have the commissaires as their chairman and repeat the basis of representation of the District Councils. In the villages, the tribal authority remains unaltered with its own methods of selection of chiefs and shirs or the tribal councils. The tribal representatives are elected to the various local and regional governments by the shirs. The tribes also apply the law through their kadis.

The above description of the various policies followed by the Administering Authority and the institutions of local government established in the Trust Territories indicates that efforts are being made to give experience to the indigenous people in managing their own local governments. The principle

of indirect rule which was responsible for a policy of "laissez faire" at the level of native administration is being given up in favour of modern institutions, elective principles and joint deliberations. It is also apparent that the development of native administration has passed through two stages and is reaching the third one; in the early days the customary institutions were left to the traditional authorities, i.e., the tribal chiefs. The second stage passed through the phase of development of the chiefs-in-council conception, wherein the chief was still the local government, but he was given a council, sometimes chosen in the traditional method, and sometimes by elective procedures. In the third stage, the local government is replacing the native authority, and the chief has become either the executive head of the local government (as in Tanganyika) or is relegated to a position of the government agent (French Territories and the Cameroons under British administration). If we take these three stages as criteria of development of democracy at the primary level, we can see that the British Trust Territories in West Africa and Tanganyika are perhaps the most developed with the French Trust Territories coming next. Italian Somaliland and Ruanda-Urundu are at a still lesser stage of development. But two other factors should also be considered to judge the degree of advancement of the local self-government; the powers of these governments and the manner in which they are chosen. Here we again find

Togoland, the Cameroons under British Administration, and Tanganyika enjoying the widest powers, almost to the extent of being autonomous. The powers of the local self-governments in other Territories are deliberative in French Trust Territories, and Tanganyika, and consultative in Somaliland and Ruanda-Urundu, the latter being in a state of infancy. In this respect, as in others, the West African Territories have achieved greater advancement than the other Territories. The elective principle is perhaps applied only the West African Territories. The others are either nominated or elected in a manner which still keeps the chiefs in a predominant position.

CIVIL SERVICE

The participation of the indigenous peoples in the political activities of the territories provides opportunities to their inhabitants in political leadership. We have seen above the degree of this participation in the territorial assemblies and local governments. While those activities are important in creating politicians who would ultimately assume responsibility of the independent or self-governing states, the backbone of the administration would, as in the case of any other country, be provided by the civil service; for it is the civil service which renders technical advice, keeps continuity with the past, and carries on day-to-day administration. The standard of political achievement of a country is a two-factor function: the politician and the civil service.

For the dependent peoples, association of the local population in administration facilitates control of the government policy from within; and this control depends on the position the indigenous people occupy. Besides this, presence of the local people in the administration gives a feeling to the native population that the rule is not altogether foreign. In the under-developed countries, when the government usually is the biggest employer, employment of the local people has an economic aspect also. With the rise of the middle class, government employment assumes importance as a means of livelihood mainly because of the lack of opportunities in the commercial

and industrial field. Spread of education in general increases the number of the middle class people. It is, therefore, natural that government employment has become not only a means of association with the political life of the territory but also a labour problem in these territories. If the economic development of the territory does not keep pace with the educational and political progress of the area, the foreign official would be looked upon as an "exploiter" from more than one point of view. Therefore, employment of the native people in the civil service of the territory has both the implications: political and economic.

There are two types of government employees in the territories: those engaged by the native administrations and those serving the central and regional governments. All the employees of the native authorities are usually indigenous people. To introduce and develop conceptions of democracy and elective principle may be more important at the stage of local government, but to consolidate political advancement, training in civil service at policy-making jobs is also a necessity. Hence our present enquiry would be mostly concerned with the participation of the indigenous people in the civil service of the central or regional governments.

In broad terms, it can be maintained that the Adminis-
trating Authorities have followed the policy of associating more indigenous people in the civil service. An examination of the

relevant statistic would confirm this idea. Tanganyika is an example: the following table shows increase in the number of African and other employees in 1950 - 1954 period.

| <u>Year</u> | <u>Number of Employees</u> | | |
|-------------|----------------------------|---------------|------------------|
| | <u>Africans</u> | <u>Asians</u> | <u>Europeans</u> |
| 1950 | 11,355 | 1,040 | 2,207 1 |
| 1951 | 12,381 | 1,259 | 2,599 2 |
| 1952 | 13,719 | 1,359 | 2,747 3 |
| 1953 / 54 | 16,272 | 1,449 | 2,835 4 |

Similarly, in Italian Somaliland, at the end of 1950, the total personnel in the service of the Administration were 4,426 of which 3,641 were Somalis.⁵ The number has gone up to 4,929 persons of which 4,139 were the indigenous people.⁶ Figures in respect of other territories also show similar tendencies.

These civil servants are mostly employed at lower levels and hardly occupy senior appointments. In other words, the policy of the government is made mostly by the nationals of the Administering Authorities. However, we can discern two different patterns of policy in the territories. The territories in East Africa have a very negligible number of the native peoples in the senior services, whereas in the West African Territories,

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1. Report of the Trusteeship Council, (Dec. 51 - July 52), p.35.
 2. *ibid.*
 3. Report of the Trusteeship Council, (July 53 - July 54), p.45.
 4. Conditions in Tanganyika, U.N. Document p.25.
 5. U.N. Visiting Mission Report on Somaliland, 1951, p.17.
 6. U.N. Visiting Mission Report on Somaliland, 1954, p.24.

the senior appointments are being gradually opened to indigenous inhabitants. Sometimes the tendency of keeping foreigners at the top levels continues even where the number of indigenous employees is increasing. In the statistics quoted above for Tanganyika the increase of European officers was at the top, whereas the number of African officials increased at the bottom levels of the Administration. During the period 1948 to 1954, the European element in the civil service had shown an increase of 70% while the Africans and Asians had increased 50%. Moreover, the 2,747 posts held (in 1952) by the Europeans, to quote the Indian Delegate at the Trusteeship Council (13th Session), "represented an overwhelming and disproportionate quantum both as regards emoluments and functional superiority".⁷ None of the Asians and African officials occupied higher posts. Even in Italian Somaliland, where independence is promised to the indigenous people within a fixed time, the top level and junior executive appointments are mostly held by the Italians.⁸ The 1954 Visiting Mission did not find the situation any better.⁹ However, the Administration is attempting to find suitable personnel to replace the district administrators, the Residents, by appointing Somalis as their assistants and also by giving them

7. Report of the Trusteeship Council (July 53 - July 54), p.42.

8. U.N. Visiting Mission Report on Somaliland, 1951, p.17, para.147.

9. U.N. Visiting Mission Report on Somaliland, 1954, p.27-29.

judicial posts such as deputy judges. In Ruanda-Urundi, the indigenous employees occupy inferior posts only such as clerks, book-keepers, police constables, assistant hospital attendants and labourers. In 1952, there were 524 Europeans and 559 indigenous inhabitants of the Trust Territory and the Belgian Congo possessing civil servant status. 5,046 additional African employees were without this status.¹⁰ All the higher posts in the Administration were held by the European officers. In the native and the centres extra-coutumiers Administrations all the authorities and personnel were indigenous, except for the officers in the latter who give guidance to the African authorities.

The West African Trust Territories have a larger number of the Africans in the senior appointments than the East African Territories. In French Trust Territories, the higher echelon includes Africans and the Europeans both. In Togoland, there were equal numbers of employees in the senior scale (nearly 220), whereas the Africans in the subordinate appointments numbered about 4,900 in 1952.¹¹ During the same period, in the Cameroons, the establishment of the Administration consisted of 9,791 Africans and 4,323 Europeans, out of which 827 Europeans and 73 Africans occupied senior posts.¹² The Administering Authority had taken steps to appoint Africans

10. Report of the Trusteeship Council, (July 53 - July 54), p.78.

11. Ibid, p.207

12. ibid, p.155

as local officials of the Treasury, responsible administrative and judicial appointments such as inspectors and commissioners of police. The above figures would show that the African civil servant in these territories is still trying to climb up the ladder, for the top positions are all occupied by the Europeans.

The position changes substantially in the British West African Territories: Togoland and Cameroons are fed by the civil services of the adjacent colonies. It is the policy of the Gold Coast Government to bring about progressive "Africanisation" of the civil service. In 1952, a working party on Africanisation was set up to study the problem. The civil service is becoming increasingly national in composition. In 1953, there were 12 Togoland in the senior appointments. The number of administrative officers in the south was 9, out of which 4 were Africans.¹³ In the Cameroons, due to the Nigerian administrative structure, the Public Service Commissions for the Northern and Eastern Regions have dealt with the recruitment for the Northern and Southern Cameroons, though under the new constitution the latter will have its own Public Service Commission. There were not many indigenous persons in the senior services; Africans hold posts mostly in the junior category. The reason given by the Administrating Authority for the scarcity of senior officers of African origin was the political advancement of the

13. Conditions in Togoland under British Administration, U.N. Document T.I.L. (14 March 1955), p. 4-5.

territory. Because of the attraction of the political life, available persons were concentrating more on those fields. ¹⁴

In some territories, the Africans are paid different rates of pay from the Europeans. This problem has important social and political bearings. In all the Trust Territories in East Africa indigenous people are paid less emoluments than foreigners. In Western Africa this problem does not exist and in French Territories remunerations have been equalized by the Lamine-Guey Act. In Tanganyika, because of the inter-racial composition of the territory, different rates paid to the indigenous peoples and the foreigners had become subject of many petitions. The matter received attention of the two Visiting Missions in 1951 and 54. The African and Asian civil servants complained that they are discriminated against by the government. The basis for these complaints was provided by The Holmes Commission which had recommended that while in principle all positions should be available to all the races possessing the necessary qualifications, the non-Europeans should get three-fifths of the emoluments of their European counterparts. It also recommended different pays to the Africans, Europeans, and Asians. In the lower categories, the Commission recommended, the pay of the indigenous officials should be determined on an "African basis". ¹⁵ The East Africa High Commission has also

¹⁴. Report of the Trusteeship Council (July 53 - July 54), p.127.

¹⁵. U.N. Visiting Mission (1951) Report on Tanganyika, p.12 (Para.98)

classified its services in three grades, "A", "B", and "C". The indigenous personnel resent this categorisation, maintaining that it is racial discrimination. The Mission (in 1954) found that "there can be no doubt about the general proposition that certain racial distinctions have existed until now in the salary structure".¹⁶

It would be appropriate at this place to record the views of two different missions on the classification of the civil service, and the rates of pay. The (1951) Visiting Mission had examined the implications of the 3/5th rate and observed "while no such intention may be inherent in this rule, it is important to avoid, not only discrimination but also the appearance of discrimination".¹⁷ It is clear that the Visiting Mission agreed that the public had counted differences of pay for the same position as racial discrimination. As for the High Commission Services, the 1954 Mission commented that they were "in effect, if not in name based on racial divisions".¹⁸ Besides these considerations, the lack of indigenous people in the senior services has also given the impression that racial discrimination is practiced against them.

16. U.N. Visiting Mission (1954) Report on Tanganyika, p.222.

17. U.N. Visiting Mission (1951) Report on Tanganyika, op.cit. p. 13 (Para 103).

18. U.N. Visiting Mission (1954) Report on Tanganyika, op.cit.

Presently there are some Asians and a few Africans in the senior service. ¹⁹ The Africans complain that due to the discriminatory policy few of them were promoted to the higher posts despite their experience. The (1954) Visiting Mission commented that the two posts into which the services in Tanganyika are divided, senior and junior services, "overlap, but are in the main synonymous with Europeans and non-Europeans, and the division is in danger of having a racial basis imputed to it". ²⁰ It is obvious that such policies are not likely to evolve an inter-racial partnership.

The approach in Italian Somaliland is not exactly the same towards the position of the rates of pay. Perhaps the absence of the racial problem to a great extent, accounts for that. However, the position has been criticised by individuals and political parties, such as Somali Youth League and the Hisbia Dighil and Mirifile. It has represented to the U.N. Visiting Mission in 1951 that salaries paid to the personnel recruited from the foreign countries, including Italians, received 3 to 4 times more pay than the locally recruited personnel. In fact on this issue the local Italians also join the Somalis. ²¹

19. Report of the Trusteeship Council (July 53 - July 54), p.52.

20. U.N. Visiting Mission (1954), Report on Tanganyika, p.223.

21. U.N. Visiting Mission (1951), Report on Somaliland, p.17 (Para.147)

That the problem was not serious enough can be seen from the manner it was treated by the Mission. It recommended that periodic revisions of the pay may be made to eliminate these great inequities.

Reasons given by the Administering Authorities for the differences in pay between the local and foreign personnel are based on two considerations: attracting qualified foreign personnel and efficiency differentials between the local people and the foreign experts.

It is necessary that for some time to come, the technical assistance and the "know-how" of the foreigners would be needed by the Africans; with economic development of the territories more experts would be needed. In the case of more advanced nations in South-East Asia, foreign experts are being commissioned for work. In all probability, this would recur in the African territories on reaching self-government. The Administering Authority should, therefore, make the differences based only on the consideration of efficiency and should give efficiency allowance both to the foreigners and those indigenous people who may deserve it. In the sensitive political conditions in East Africa, or for that matter in Africa as a whole, it would be unwise to neglect political repercussions of a policy.

The Trusteeship Council at all its various sessions had emphasised the importance of recruiting more indigenous peoples in the services, as a step towards political advancement.

The policy of the Administering Authorities would appear to be, with the exception of Belgium as we shall see later, to prepare the local peoples for taking over, in due course, the task of running administrative machinery of the governments. It is logical to ask them what steps are being taken by the governments concerned to achieve the objective of training a civil service capable of running the government machinery independently. The reason for the paucity of the indigenous peoples is usually the same. The educational standard of the people is low, and therefore it is difficult to find desirable and qualified personnel. Facilities of higher education are almost non-existent and the institutions of technical education are far and between. Hence the natural solution of the problem would be to provide educational facilities to the indigenous people and creating special institutions for the purpose of training. The Makerere College in Uganda which caters for the needs of higher education of Tanganyika, the School of Political Administration at Mogadiscio (Somaliland) and the Astride School in Ruanda-Urundi are at present the only institutions of their kind from which the territories are benefitting in increasing the number of students who would have received good secondary education. Besides these institutions, all the Administering Authorities have granted overseas scholarships to provide higher education in the western countries and some scholarships are offered by India and Yugoslavia for the students from this region. The

French Cameroons has started a course of evening classes for the benefits of the African civil servants. Recently, a training school was established in British Togoland for training in clerical, executive and administrative matters.²² Some technical institutes for training government employees like the school at Ukiriguru for agricultural assistants, a veterinary school at Mpwapwa, a school of natural resources and Ifunda Trades School (all in Tanganyika) have been established. All said, it still seems that the facilities are not adequate for meeting the demand of the territory, and the pace of development on these lines is slow.

As regards the dearth of experienced persons, the only possibility appears to be promotion of the indigenous persons from the lower ranks. There are two implications of promotion: a rapid stage of promotions from the junior scales to the senior appointments for the sake of making up the deficiency of the small number of senior indigenous officers, and the other is to let the promotions come in time, so that duly qualified persons may take up the appointments. It has been generally argued by the Administering Authorities that any lowering of standards would in the long run affect the indigenous peoples themselves. While it should be agreed upon that standards should **not** be lowered down, at the expense of efficiency, it may also be stressed that due urgency should be shown by the governments

22. Conditions in Togoland under British Administration, U.N. Document T/L 554, dated 14 March, 1955, p.4.

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bringing up those African civil servants as may be capable of taking more responsibility.

The Belgian Administration in Ruanda-Urundi views the problem of handing over the Administration of the territory to the indigenous people differently. At the eleventh session of the Trusteeship Council meeting, the special representative of the Administering Authority stated that it was normal under the Trusteeship System that the top officials would be Belgian, and the indigenous population should have only modest jobs.²³ He also propounded the theory of progressive transfer of power from non-indigenous authorities to indigenous authorities, and not by increasing the number of indigenous people in the Administration. He felt that were the power to be passed to an indigenous administration (at the centre of the Residencies) the establishment of the two parallel indigenous administrations would result in hostility and friction among them. The Trusteeship Council did not agree with this policy of the Belgian Government and recommended instead that the Administration should take measures, including the granting of scholarships for education and training abroad to equip indigenous inhabitants for posts in the civil service.²⁴ In other words, the Trusteeship Council did not favour the duality of the administrative structure which Belgian Government wanted to follow.

23. Report of the Trusteeship Council, Dec. 51 - July 52, p.77.

24. Report of the Trusteeship Council, Dec. 51 - July 52, p.77.

The above discussion will indicate that the association of indigenous people with the civil service is an important part of political advancement of the territories. It also has economic implications, because of the predominance of the governments as the largest employer. While the Administering Authorities are mindful of their duty of associating the indigenous people in the civil service increasingly, the share of the indigenous inhabitants in the Administration presently is rather limited, though more so in the case of East African Territories. The problem has two aspects: an idealism that all inhabitants should share the responsibilities together, irrespective of race, which is the general attitude the people in the Trust Territories have taken; and a realism based on the awareness that sharing the responsibilities of government is a matter of experience and training. The idealism is motivated by the political aspirations of the indigenous people, and reflects a healthy sign of gradual political awakening of the under-developed people. The Administering Authorities would do well to respect it.

POLITICAL ORGANIZATIONS

Political consciousness and maturity of a people is reflected in their political organizations. The task of a leadership in a dependent area would naturally be circumscribed by economic, social and educational progress made and problems facing the people. In the African Territories under Trusteeship Administration, the goal for the activities of political organizations is set up by the Charter itself: independence or self-government. Therefore, these organizations in the Trust areas are on a better foundation than similar organizations in other dependent areas. Moreover, the political parties are fully aware of their right to petition to the United Nations. This gives them a broader scope for activities, since by resorting to this right, they can create sympathetic opinion for their aims on an international basis. The Council has therefore encouraged the political parties, and especially by granting oral hearings to them on various occasions. In other words, the natural hostility between a foreign administrator and indigenous political organization which leads to its persecution by the foreign ruler has been reduced to a minimum¹ due to the possibility of intervention by the Trusteeship Council. The initial disadvantages

1. The Comite de l'Unite togolaise and Union des populations du Cameroun would perhaps object to this description, for they have alleged persecution by the French authorities. Cf. See petitions:

of an indigenous political organization in a dependent area having been eliminated, the task of leadership becomes easier. Without this safeguard, growth of a political consciousness in the Territories would have become very difficult. If we take political activities as an indicator of the progress of the areas concerned, we notice that politically the West African Territories are rapidly maturing. The diversity of the population we mentioned elsewhere is a handicap in this area also, but sufficiently strong national consciousness exists to serve as a nucleus for a possible national movement of the masses. The organizations which show the possibility of becoming national parties in the modern sense need not be representatives of the majority at present, such as the Union des populations du Cameroun, and Comite de l' unite togolaise, Kameroun National Congress and Northern People's Congress. These parties are capable of taking the initiative and of springing surprises. This has established these parties as national movements in their territories.

Proximity of two progressive colonies, the Gold Coast and Nigeria, has influenced the growth of political movements in the West African Territories. The desire for unification of Togoland and Cameroons was a reaction of the progress in the neighbouring colonies on the political organizations of the area. The Togolandese also wanted to set up their own self-governing country. The possession of a common name, and the existence in not too remote history of a unified territory

(under German rule) raised hopes in them that if they could reshape the frontiers, they would have brought this possibility nearer. The hopes were not based on reality, for the two administrations in the case of Togoland were reluctant to let them pass out of their hands. No doubt, continuation of the particular administrations was desired by a section of people in each Territory and it was difficult to assess the real wishes of the people on the unification demand. The Parti togolais du progres, Union des populations du Nord Togo and the Northern people in British Togoland took a pro-administration attitude. The fact that the Comite de l'unite togolaise modified its anti-administration attitude and complained against the rumours being spread by some people that it is anti-French, would confirm the opinion that a sizeable number of people were in favour of the administration. However, it is difficult to say how far the administration and the pro-administration parties were hand-in-glove.

The major political parties in Togoland are Comite de l'unite togolaise, Parti togolais du progres, Union des populations et des chefs du Nord Togo in French Trust area, and Togoland Union, All-Ewe Conference and Peoples' Convention Party in British area. They have many other affiliations, such as Togoland Youth Organization, Togoland National Farmers' Union, Mouvement de la jeunesse togolaise, etc. Their general programme is based on two considerations: unification, and pro- or anti-administration attitude. All Ewe Conference, although a tribal

organization, has national appeal. The other, regional and tribal, congress is the Union des populations et des chefs du Nord Togo. Therefore, the parties which have a national basis are the Togoland Union, Parti togolais du progres and Comite de l'unite togolaise. The Convention People's Party has the broadest appeal, for their stand is for a union of West Africa, and thus all other unifications leading to the development of West Africa as a unit are supported by them. It has more prestige--because of its success in the Gold Coast and because of its trained leadership at the helms of affairs,--than any other political party in this region.

In the Cameroons, the unification demand did not have a popular appeal. Though it was accepted by more politically minded few as a desirable step. The northern region of the British Cameroons was decidedly in favour of remaining part of the northern regions of Nigeria. Here, too, we find political organizations grouped on the issue of unification and relation with the neighbouring territories. The Togolands and the Cameroons have been materially affected in their political outlook by geography, education and political structure of the regions. The southern parts are less tribalized, more educated, and have attained higher economic development than the north. In the northern areas, the Emirates are strongly entrenched in their position. Furthermore, because of the overwhelming majority of the Muslims in the northern areas and Northern Nigeria, the natural tendency for these regions

is to form a common community of interest. Besides this, there are vested interests, such as Lamido (Paramount Chief) whose authority extends into the Northern Cameroons (British) and Nigeria; his seat is in Yola in Northern Nigeria. By placing the politics of the Cameroons against this background, we understand better the activities of the political parties.

In the British Cameroons, the Northern Regional interests have given the Northern People's Congress a special field; Northern Cameroons being among its followers. While the Congress is regional, its aims include a measure of autonomy for Northern Regions "within one Nigeria", dominion status for the country and local government reforms. They also stand for general social progress. Here we find that the attitude of the party is a balanced outlook on the Nigerian Affairs, with the natural concern for the interests of the region which it wishes to represent. The means adopted for achieving this end were constitutional. The (1952) U.N. Visiting Mission was impressed by the seriousness of approach of the political leaders of the Trust Territory.² This is due to the experimentation of the new Constitution (1952) which was already put into effect, and had created, at the Centre and in the region, legislative assemblies giving responsibilities to the politicians of the region. The Cameroonian members were reportedly doing well in the Assemblies and had, during the functioning of

2. U.N. Visiting Mission (1952) Report on the (British) Cameroons, p. 13.

the first Constitution, formed a "Cameroon Block" in the legislature.

In the Southern Regions, after the question of unification of the two Cameroons had faded into the background, the problem of a separate regional status for the Trust Territory had become a live issue. The desire was originated in the feeling that as a very small representation in the Nigerian Central Legislature was given to the Cameroons, Cameroonian interests would be subordinated to the Nigerian interests. Kamerun United National Congress, and Cameroons National Federation both favoured separate regional schemes. The manner in which this objective was achieved shows that the political parties had learned to use parliamentary methods to further their political aims. The Southern Cameroonian members in the Eastern Regional legislature found an opportunity to break down the constitutional machinery by refusing to co-operate with the political party, i.e. the National Council for Nigeria and Cameroons, which was reduced to a position of precarious majority in the legislature of the Eastern Regions. Consequently, the House had to be dissolved, and since other Houses had also not worked satisfactorily, a revised Constitution had to be made. When the Northern Cameroons decided to remain part of the Northern Regions, the Kamerun National Congress (in which both the political parties Kamerun United National Congress and Cameroons National Federation had been amalgamated) accepted separate regional status for the Southern Cameroons, on the

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basis of new elections. The other Southern party, the Kamerun People's Party, lent their support to the demand on the condition that such a unit would be economically feasible. In the elections, the Kamerun National Congress secured all the seats, and thereby achieved constitutional victory. The Southern Cameroons was given its own legislature and Executive, but due to great fluctuations of sources of revenue, it was agreed that it would be financed by the federal government (of Nigeria) in which it is now a unit. The Kamerun National Congress alone in all the Territories in Africa has achieved a self-government as a separate unit by efforts entirely its own. This indicates the political maturity which is rapidly coming to these Territories.

While British Cameroons presents political parties based on geographical interest, pursuing their aims constitutionally, the French Cameroons shows political parties based on national, economic and tribal considerations. These parties do not seem to have reached the stage where they can claim to represent the Territory as a whole. The parties established on economic basis are the "Rassemblement du peuple francais" and the Socialist party called "Section francaise de l'internationale ouvriere (S.F.I.O.). The first one degenerated into a purely European party. It had six European members in the Territorial Assembly. The S.F.I.O. was organized in 1947, and included at one stage a number of African members of the Territorial Assembly. It started with such ambitions and progressive

schemes as "cooperatives" and "people's school", but these activities were short lived. The party is now comparatively dormant.

There are a number of tribal organizations, the Ngondo or Traditional Assembly of the Douala People, the Kumze of the Bamileke people, NTem-Kribi Union and Bamileke Union. The two Bamileke organizations are opposite in their outlook; Bamileke Union was set up against Kumze, which was formerly a branch of U.P.C. Since Kumze broke up with U.P.C., Bamileke Union has become ineffective, and exists only in name at Chief's level. The aims of these tribal organizations are based on outdated tribalism like the superiority of the Duala people over all the others. Kumze represents an attempt to extend to the whole Bamileke country assemblies which now exist only at the chieftdom level.

The active parties based on a national appeal are three: the Union des populations du Cameroun (U.P.C.), the Evolution sociale camerounaise (ESOCAM) and the Bloc democratique camerounais (B.D.C.).

The 'Bloc democratique' and ESOCAM are of recent origin. The B.D.C. programme includes social development and the defence of Cameroonian interest. It has a sufficiently large following in the Territory, and has five members in the Territorial Assembly, including the President. The ESOCAM presents its programme mostly in economic terms, such as raising the standard of living and promoting the development of the population. It

also aims at combating Communism in the Territory. As the party was created with the purpose of snatching the initiative from the hands of the U.P.C., the programme was obviously couched in the broader economic terms. The career of the party has shown a checkered development. It had a difficult start and lapsed into a period of inactivity, but in 1952, it began to show fresh activity; and if the Administering Authority are to be believed, its membership is comparable to the U.P.C.

The Union des populations du Cameroun deserves a special mention, partly because it appears to be the most active organization in the Territory, and partly because it alone is a leftist organization which also appears to be capable of becoming a mass nationalist movement. Mr. Um Nyobe, the Secretary General of the U.P.C., has appeared before the Trusteeship Council to present his case. This confirms that the U.P.C. has become a strong political movement.

U.P.C. was established in 1948, with the programme to rally and unite the inhabitants of the Cameroons with a view to raising their standard of living and their general development. It aims to become "mass political movement" over all the Territory. Thus, it combines economic, national and geographic appeal in its programme. Its aim includes universal franchise (abolishing dual electoral college and extension of the right to all), unification of the two Cameroons, complete independence for the Trust Territory by establishing

its own Legislative Assembly, Executive Council, subdivisional and district assemblies and appointment of a U.N. High Commissioner as the head of the administration. The party wishes to abolish the administrative union between the Trust Territory and the French Union, and for that purpose wants the Trusteeship Agreement to be amended.³ At present, its influence is mainly concentrated in the Southern areas, around Bassa Country, and to some extent in the Mungo and Nyong-et-Sanga areas; in the plantation areas where tribal structure is less influential, the hold of U.P.C. is perhaps the greatest. It would appear, therefore, that the appeal of the U.P.C. is likely to spread in the working classes. Since the policy of the Administration is to maintain the powers of the Chiefs, and the U.P.C. is likely to become a mass movement, it seems that, unless the Administering Authority changes its attitude, violent conflict may occur in this Trust Territory.

The party is very active in the Territory. It has sent a large number of petitions to the Trusteeship Council, putting its case very forcefully and with details, which appears to follow the demands of the All-Ewe Conference and the Comite de l'unite togolaise. It has complained of "the oppressive policy followed by the French Authorities in the Cameroons". It has protested in the petitions to the Trusteeship Council that its members had been arrested, their houses

3. U.N. Doc. Petition T/PET.5/520, dated 17th February, 1955.

searched by the police and attempts made on the lives of its members under patronage of the Administration. In other words, relations between the party and the Administration are far from being happy.

A study of the petitions submitted by the party would show that it is very active, and has the possibility of spreading over all the Territory as a strong nationalistic movement. It has its own journal, the "Voix du Cameroun". Its leadership is well organized and Mr. Um Nyobe and Kingue Aba have emerged as well-established political leaders. They have stirred up a spirit of nationalism--as a study of even a few petitions submitted by the U.P.C. would reveal--and made much capital out of the existence of racial discrimination, so-called economic exploitation, bad medical facilities for the indigenous people as compared to those available for the Europeans.⁴ An examination of these petitions would show that they all follow the same line of argument, which proves that the party is well organized and has a good propaganda machinery.

French Government brands this organization as a branch of Communist International. It is affiliated to the Rassemblement democratique africain (R.D.A.) which is officially recognized as a branch of the Communist party. The U.P.C. calls itself Cameroonian branch of the Rassemblement democratique du Cameroun,

4. Petition T#PET.5/487, dated 14th February, 1955, for example among many, is strongly worded and covers all these points.

and justifies its affiliations with R.D.A., asserting that because of the identity of interest in the two parties, it is natural that they would co-operate. The party (U.P.C.) has attended many "peace conferences" organized by the Communists at Warsaw (1950), Berlin (1951), Vienna (1952), Bucharest (1952) Montecatini, Italy (1952) and Vienna (1952). A proof of definite leftist tendencies of the U.P.C. would be evident from its associations with the left wing of the R.D.A. When the R.D.A. was divided into a rightist section and a leftist section, the U.P.C. sided with the latter. The General Secretary of the U.P.C. informed the U.N. Visiting Mission (in 1952) that he had not broken with the R.D.A. but merely disavowed its association with the rightist group led by its former President. The party has not been successful, however, in having its General Secretary, Mr. Um Nyobe, elected to the Territorial Assembly. The (1952) Visiting Mission recorded "a great deal of activity displayed by the U.P.C. in the Southern Cameroons when the Visiting Mission was in that area".⁵

It appears that, while there may be many reasons for the leftist tendencies of the U.P.C., the nationalist movement is passing into the hands of leftist aggressive organizations partly due to the slow policy of granting self-government to the Cameroons (French Territory), although the Territory, in common with all the West African Territories, is progressing

5. U.N.V.M. Report on (Fr) Cameroons, 1952, p. 14.

rapidly. The inequilibrium in the desire of the people of the area and the colonial policy of the French Government is partly responsible for the frustration of which the U.P.C. is making use.

In East African Trust Territory, political activity varies according to the area. Somaliland under Italian Trusteeship shows most of the activity; Tanganyika is without any national party which could appeal to all the races in that Territory; and in Ruanda-Urundi, while there are no indigenous political organizations, the little activity that otherwise exists can be altogether discounted. Political organizations and activities bear very little relation with population. Somaliland has approximately a population of 1,3 million, and has three main political parties; Tanganyika, with a population of 8 million, does not yet have one single major political party; and Ruanda-Urundi, with a population of about 4,1 million (highest density of population and a rapidly increasing birth rate: 100,000 annually), shows no political life at all.

The only national political organization, on a territorial basis, in the three Trust Territories, is the Somali Youth League. There were fifteen⁶ officially recognized political parties but most of them were actually tribal parties rather than broad-based on the interest of the whole Territory,

6. Rapport....sur la Somalie, 1953, p. 57. Pl. also see U.N. Visiting Mission (1954), Report on Somaliland, p. 11-14.

viz, Association of the Abgal Youth, Bamilia Association, Hidayat-i-Islam Scidle and Mobilen. There were others which claimed to represent territorial interests, but had a small following, like the Somali Muslim League, Somali Progress Committee, and Union for the Defence of Somalia. But after the 1954 elections, all the parties were amalgamated with the "big three": The Somali Youth League, the Hisbia Dighil and Mirifile and the Partito Democratico Somalo. The political parties in Italian Somaliland have shown a growing sense of responsibility. As the Territory has a date-line by which it must become independent, it is natural that the parties should show a seriousness of purpose, for they would soon be entrusted with the task of running the country. The 1954 Mission noted⁷ that, while previously the parties were divided on the pro- or anti- attitude towards the Administering Authority, they were now becoming aware of the positive role which they would be called upon to perform.

The Somali Youth League, which secured 141 seats out of 281 in the 1954 municipal elections⁸, is by far the largest party of the Territory. It favours universal franchise (including the women), establishment of a republic with a freely elected democratic government, social reforms and abolition of the tribal system. In a country where the tribal system is

7. Rapport.....sur la Somalie, 1953, p. 57.

8. U.N. Visiting Mission (1954): Report on Italian Somaliland, p. 14.

strongly entranced, and is the basis of social life, national unity becomes a secondary consideration. The concern of the League for evolving a unity in the nation would necessitate a programme involving detribalization. The President of the League is a trader, Mr. Aden Abdullah Osman, and is also one of the Vice Presidents of the Territorial Council. Both the President and Secretary of the Somali Yough League have appeared before the General Assembly and the Trusteeship Council in representing their point of view. In about ten years, (the League was founded in 1943), it has spread rapidly as a nationalistic movement throughout the country. Its membership comes mainly from the progressive young men of the towns, traders, craftsmen and the civil servants. The leadership of the party is, therefore, in the hands of the "middle class" and more educated people.

The second strong organization is Hisbia Dighil and Mirifile. It represents the two tribes, Dighil and Mirifile, who mainly occupy much of the fertile area between the two rivers. Its outlook is not parochial, for, while its main purpose is to promote the welfare, education and better government for its tribes in particular, it wishes the same for the whole Territory. During the 1954 municipal elections, it secured second place in the results and a total of 57 of its candidates were returned. The Hisbia differs from the S.Y.L. on its outlook on the tribal organization; the Hisbia wishes to maintain the tribal unity. The membership of the party

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comes mainly from the farmers, traders and the tribal chiefs. Because of the predominance of the agricultural interests of the Dighil and Mirifile, the party also asks for practical better farming methods and pastoral improvements. The present Chairman of the party is a Vice-President of the Territorial Council. The Council has joined the national demand for equal pay for equal work for the Somalis in police and civil administration.

The third party, Partito Democratico Somalo, an amalgamation of the former small parties such as Lega Progressista Somala, the Unione Africani Somalia, Unione Nazionale Somala, etc., is representative of a substantial urban population. The programme of the party lays emphasis on economic and social problems. It seeks to promote political, economic and social advancement of the Territory and favours a unitary republican state. It aims to unify all the Somali people under other colonies, once the independent Somali State comes into existence. It favours detribalization and decentralization as the socio-political objective. The aim of the party is perhaps too modernistic to be understood by the majority of the people. It should be noted, however, that a section of the people is aware of the importance of economic and social problems. With the meagre economic resources and lack of financial means of the Territory, it is natural that after independence, even the rural population will feel the necessity of attending to these problems.

In practice, the political parties have given very little attention to the actual economic problems facing the Territory. There is a general tendency to rely on the United Nations for providing the technical and economic assistance.⁹ This attitude is due to a misunderstanding of the responsibilities of the U.N. as supervisory organ in the Trusteeship System. It is important that the political parties understand their proper function of organizing overall political and economic activities of the Territory. The price for liberty is eternal vigilance, and political independence is a mockery without economic wherewithall.

Tanganyika is essentially an inter-racial Territory, and little appears to have been done in evolving a basis of partnership on which the Africans, Asian and Europeans may meet. The result is suspicion, and lack of unity, which is reflected in all phases of life in the Territory and more so in the sphere of political activity. There is no single party whose programme includes development of inter-racial society on an economic and social basis. The Africans, who are the majority community, are neither in a position, nor in a frame of mind, to give lead to the inter-racial partnership. The Europeans have a superiority complex towards the Africans in particular, and the Asians in general. Since the Administration is in the hands of the Europeans, the Asians find them-

9. U.N. Visiting Mission (1954), Report on Somaliland, p.

selves in a paralyzed position. The vicious circle is complete. This makes the Administering Authority alone in a position to give lead in creating harmonious social conditions. Their efforts in this connection, we have examined elsewhere.

The political organizations are based on racial considerations: the three major political organizations are the Asian Association, the Tanganyika European Council and the Tanganyika African National Union. There are some tribal organizations like the Bahaya Union, Chagga Cultural Association and Kilimanjaro Union, but their influence is limited by the very nature of the circle of appeal.

The Asian Association consists of the immigrants from India, Pakistan and others, who number about 84,000;¹⁰ a large number of them are the Ismailias (about 17,000). They include immigrants who have lived in the Territory for a long time and those who came as immigrants in connection with their business or as civil servants. They are usually found in retail-trade, banking and civil service. They run their own schools, and also maintain some hospitals, trusts, insurance companies, co-operatives and libraries. This will indicate that their interest in Tanganyika is abiding, though they still look towards India or Pakistan, as the case may be, as their homeland.

10. U.N. Visiting Mission (1954) Report on Tanganyika, p. 9.

The aim of the Asians is to establish in Tanganyika "a non-racial secular state".¹¹ They welcomed the parity principle in the Legislative Council as an interim measure, but urged adoption of elective principle at the earliest. They did not favour non-officials on the Executive Council who owe their membership to nomination. They did not like communal election (i.e. as Africans, Asians, Europeans) as they thought that this would hinder development of a common citizenship in the future. They proposed that each voter may vote for three candidates of each race in his constituency. Their attitude towards federation of Tanganyika with other Territories appeared to be undecided, but at the present they did not consider such a federation feasible. The Asians feel that racial discrimination, principally aimed at the Africans, does exist. They consider the civil service to be "top heavy" and want that discriminatory salaries should be discontinued, in favour of uniformed scales of pay.¹² Their attitude towards immigration was guarded, but they thought that there was enough room for the desirable types of people. They also proposed inter-racial education from the age of twelve, as a step towards better inter-racial society.

The Ismailis agree with the Government on the policy of gradual development, but they favour a common electoral roll on which they thought the Council and the Government should be

11. U.N. Visiting Mission (1954) Report on Tanganyika, p. 177.

12. The subject is discussed in this thesis in the subchapter entitled "Civil Service".

based. They considered the parity formula as a practical expedient. They did not feel happy with the local Europeans,¹³ since the Asians expected better deal from the Colonial Office, and therefore they maintained that official majority may be advisable in the Council. While the Asian Association as a whole favoured early adult suffrage, the Ismailis thought that at the present stage it was not practicable.

The Tanganyika European Council was organized in 1949. It claims to represent all (about 20,000) Europeans in the Territory. Its Council is elected by postal ballot from the various provinces. The main objective of the European Council is "to secure the permanency of European settlement and interests in Tanganyika, whilst working for the advancement of all peoples in the Territory; to do all things as may be necessary to assist Europeans in achieving that aim".

The Tanganyika European Council takes the attitude of superiority over the Africans and the Asians, by asserting that the European Community has played a very important part in civilizing and developing this Territory.¹⁴ The Asians and Africans are politically immature; and on this basis they oppose the recommendations of the Committee on Constitutional Development.¹⁵ They propose that the Legislative Council

13. U.N. Visiting Mission (1954) Report on Tanganyika, p. 180.

14. U.N. Visiting Mission (1951) Report on Tanganyika, p. 6.

15. Committee on Constitution Development: The Committee was appointed in Dec. 1949 to review the existing constitutional structure, and to make recommendations for future constitutional development. It collected expressions of opinions of individuals and organizations. It recommended establishment of the Legislative Council on "inter-racial partnership" and local, county and regional Councils.

should be represented by the three races, but only the Asians and the European members should be elected (and presumably the Africans should be only nominated). Officially, they accept the principle of partnership; so long as the three races are equally represented on the Executive and Legislative Councils.

Occasionally one may find an extremist element in the European Council. The Second Visiting Mission (1951) reported of a resolution adopted by one of its branches at Arusha,¹⁶ which was not supported either by the President or the Central Council itself. The Visiting Mission does not mention what the resolution was. It would have been interesting to note its contents.

The Tanganyika African National Union is the old African Union reorganized under the leadership of a teacher, Mr. Julius K. Nyerere. The Union claims to represent the African people of Tanganyika as a whole. It has a realistic approach to the present condition, and accepts that at present illiteracy, poverty and the unprivileged position of the African is a fact. Hence they must try to eradicate the roots of backwardness. For this purpose, they proposed a direct responsibility of the financial matters by the United Nations, and expressed the wish that the International Bank would grant interest-free loans to the Territory for developmental purposes.

16. U.N. Visiting Mission (1951), Report on Tanganyika, p. 7.

As for the multi-racial character of the population, the party accepts it as a fact but stresses the majority of the Africans and states that Tanganyika must ultimately become an African state. They have accepted the "parity principle" only as an expedient, but temporary, measure. They state that the representation of the Africans on the Council should be such as to give them majority there. The elective principle would naturally be applied to them also, but till it comes through, the African representatives should be selected from the panel of names given by their representative organizations,¹⁷ for the Administration must appoint as their representatives, those persons who hold the confidence of their people.

The T.A.N.U. shows a sense of grievance, mostly legitimate, feeling that the African is initially placed on a disadvantageous position. To prove their point, they mention the inalienation of land which results in granting the native land to the Europeans; and specifically to the Meru Case.¹⁸ They also illustrate their poverty by the low wages being paid to the Africans, skilled and unskilled labourers, claiming that they do not feel that the European economic activities are beneficial to the indigenous people.

17 For an account of T.A.N.U., see U.N. Visiting Mission (1954) Report on Tanganyika, pp. 168-172.

18 The Meru Case: A native land inalienation affair in the Meru Hills. The land was given to the European business enterprise.

The Territory of Ruanda-Urundi shows a striking difference with all other Trust Territories: there are no indigenous political organizations.¹⁹ The only two political parties are the Union Eurafricaine du Ruanda-Urundi (200 membership) which aims at moral and material interests of the European population of the Territory in harmony with others, and the "Ligue de droit de l'homme et de la democratie nouvelle" which aims at spreading the principles of Declaration of the Rights of Man.

Thus we have seen that, in spite of various factors which hamper the growth of a national unity, political organizations are active in bringing this consciousness to the people of the Trust Territories. The task of these organizations is not an easy one, but their efforts are commendable. Political activities vary from West African Territories, where a nucleus for national growth is being formed in the leadership of the parties, to the complete lack of any such activity in Ruanda-Urundi. The political maturity of the indigenous peoples of the Trust Territories is symbolized by the political organizations of the area.

19. Rapport sur l'administration belge du Ruanda-Urundi, 1952, presente aux chambres par M. le Ministre des Colonies, p. 24.

SUFFRAGE

The right to vote is perhaps the most important right in the democratic system of government. It is obvious that the main objective of political advancement in the Trust Territories is the establishment of democratic institutions. Suffrage should occupy an important place in the policy of modernization of the system of government in the Territories so that the edifice of the Territorial Councils may be built on a solid ground. In examining the present state of suffrage in the Trust Territories, we would in fact be studying whether the indigenous people are being given training in choosing their own representatives, and to what extent are the people, rather than a few indigenous persons, being associated with ^{one of} the most important institutions of modern government: the Territorial Council. There are many factors which still mitigate against extension of universal suffrage in most of the Territories, such as the educational backwardness, tribal structure of the society and recent growth of the Assemblies, but the policies of the Administering Authorities and socio-economic factors account for the existing variations over the Trust Territories. The franchise exercised by the indigenous persons can be broadly divided into two areas: the West African Territories and the East African Territories.

As in other fields, we find the West African Territories to be most advanced in this respect also. Togoland (under

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British Administration) has recently examined the whole question of elective procedure. An All-African Committee (under the Chairmanship of an African judge of the Supreme Court of the Gold Coast) recommended adoption of the modern method of direct universal suffrage. These recommendations have been accepted by the new Electoral Provisions Ordinance.¹ This system would replace the old complicated one of two-stage elections, in which elections were held to elect the electoral College, which in turn elected its members to the Central Assembly. Earlier, the direct suffrage had been extended to the local Councils, and the composition of these (local) Councils was broadened to give majority to the elected representatives. It is important to note that modern electoral methods were used for the first time in 1951;² and therefore, the extension of universal direct suffrage was a bold step in representative procedures. This step could perhaps be taken only by an indigenous responsible government which is anxious to put the people, rather than the traditional authorities, in the power at governmental agencies. Thus, the policy of granting wider suffrage had been associated with establishing a new order in which the traditional authorities would normally be replaced by the common man. Such a step would also be justified on the ground that since the indigenous people are taking over the government, the policy of indirect rule would also have to be revised.

1. Togoland under U.K. Trusteeship: Report for the Year 1953, op. cit., p. 22.

2. Report of the Trusteeship Council, Dec.51-Jul.52, p. 196.

But the grant of broader suffrage has not lessened the hold of tribal authorities or ancient customs overnight. This would come in due course; at present, only the foundation has been laid on which a detribalized society will rise. In 1951, the elections were not conducted on secret-ballot system; instead, in most cases the secondary elector was elected at a village meeting according to the custom. In the primary elections, out of 205 sub-districts, only 54 contested elections. Most of the elections were uncontested. In the North, since most of the District Councils are appointed by the Native Authority, and the nominations were made by the District Councils, the representation was naturally limited to the nominees of the traditional authorities.³ The reforms have provided for the secret-ballot system. The 1953 Report claimed that the new system "will place the Territory on a par, for electoral purposes, with the most democratic countries".⁴ Because of the intense political activity in the Territory, it is likely that votes will be cast for the programmes of the political parties, i.e. for or against the issues presented by the organizations rather than for the persons or tribal chiefs.

In the British Cameroons, the suffrage in vogue is still the two-stage electoral system, which was previously

3. Please See Report of the Trusteeship Council, opp. cit. pp.196-197, 193-194.

4. Togoland Under U.K. Trusteeship, Report for the Year 1953, p. 23.

used in Togoland. The franchise is extended to all adults who are taxpayers. The women are excluded from voting because normally they do not pay taxes, and unless they pay, they cannot vote. The elections for the regional legislatures are made by the two-stage elections. In the South, smaller constituencies, called Divisions, elect their representatives from the electoral college elected by the villages. Elections to the Central legislature were made by the regional houses. The votes are cast by secret oral voting.

In the North, the constituency is larger, called province, which is subdivided into small primary electoral areas. There are at least two intermediate electoral stages through which elected representatives pass before the election to the regional house is made. Thus, the lower electoral colleges elect to the higher one, which elects from the already elected representatives to the next higher, and so forth. This more complicated system of voting in the North, the Administering Authorities explained, is due to the larger constituencies and more extended population than in the South.⁵ Most of the elections have been uncontested. The two- or many-stage electoral system appears to be disadvantageous for the political development of the Territories, for it lessens the enthusiasm of the population because of the many hurdles to cross and, finally eliminates the chances of people's representation

5. Cameroons under U.K. Trusteeship: Report for the Year 1953, p. 12.

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by giving to the elections the semblance of a hierarchic system. If the sole reason for this type of election is the large areas of the constituencies, they may be reduced to manageable sizes to make direct elections possible. Because of the existence of strong tribal organizations in the North, it seems that this system would tend to neglect the people's representation. All the three members of the Northern House of Assembly were in fact Native Authority officials in 1953.⁶ It is no wonder that, in 1951, the people were interested in the primaries, but the general amount of interest shown in the elections was described as "disappointing" by the Administering Authority.⁷ During the 1953 elections which were contested in the South on the demand for separate regional status for the Cameroons, the polling was heavier. A significant point to note here is that the elections were contested on party programmes, and the voting was mostly based for or against the issue. This is the first example of exercise of the suffrage in the Trust Territories for settling an important national issue, decided purely by the indigenous people. "Appeals were made to tribal prejudice, and personal attacks were made, but on the whole the more responsible element succeeded in imposing restraint."⁸

6. The name of these members are given on page 20 of the 1953 Annual Report of the Administering Authority.

7. Report of the Trusteeship Council (Dec 1954, July 1952) p. 143.

8. Cameroons under U.K. Trusteeship. Report for the Year 1953, p. 26.

The policy of the Administering Authority in Togoland and the Cameroons (under U.K. Administration) appears to be that of granting wider suffrage to the indigenous peoples. On the other hand, the people are being given a large share in the administration and more voice in the deliberations of the Councils. In this way, a bold spirit of experimentation exhibited by the Administering Authority proves at least the genuine attempt in fostering a spirit of self-reliance in the people. Training in self-government would undoubtedly include the training in developing initiative. The Administering Authority are giving opportunities to the local people to take initiative in political matters. It would be important, however, if their efforts be directed in detribalizing the Northern portion of the Territory. The task before the Administering Authority and the leadership in the Cameroons would be to develop a sufficient degree of political consciousness to ensure that the suffrage does not put the Native Authorities into power.

In the French Trust Territories, the policy of the Administering Authority varies in Togo⁹ and in the Cameroons¹⁰. The difference of policy is ascribed by the Administering Authority to the greater political advancement achieved by Togo than by the other Trust Territory. In togo, the Adminis-

9. Rapport Annuel du Togo, Annee 1953, pp. 53-56.

10. Rapport Annuel du Cameroun, Annee 1953, pp. 48-49.

tering Authority has at least in principle accepted the universal franchise for the indigenous peoples; though in Cameroons the right to vote has been extended to the notables and indigenous chiefs, those who can read Arabic or French, titled personages, servicemen and ex-servicemen, persons possessing professional degrees and the like. In actuality, the total population possessing franchise is estimated to be approximately 38%.¹¹ The reason for this difference is the actual grant of right to vote, and the principle accepted, as explained by the Administering Authority, is due to the social, rather than political, conditions. The state of civilization has not yet sufficiently developed where the elective procedure may be accepted by them; moreover, it is not possible to offer the guarantee of security to the voters which is necessary for the electors. Some people consider the franchise as a dangerous thing which will disturb their social equilibrium. It is also considered as an innovation against the traditional authority. It is the opinion of the Administering Authority, therefore, that the principle has to be gradually applied; the present extension of franchise is only a transitory practice.

The contention that the principle will be gradually applied appears to be supported by progressive extension of

11. Report of the Trusteeship Council (July 53-July 54), p. 209:
The total franchise in 1952 was estimated to 5.1%,
the total adult population was estimated to 400,000.

suffrage to the indigenous peoples, as given in the following table:

| <u>Year</u> | | <u>No. of Registered Voters</u> |
|-------------|---|---------------------------------|
| 1947 | - | 7,963 |
| 1948 | - | 12,793 |
| 1949 | - | 16,830 |
| Early 1950 | - | 28,000 |
| June 1951 | - | 32,491 12 |
| March 1952 | - | 50,915 |
| March 1953 | - | 113,279 13 |
| March 1954 | - | 152,099 14 |

It is difficult to accept that the quick extension of suffrage has been motivated by a policy of liberalizing the franchise. The reason appears to be found in the intensification of the activities of the political organizations during 1950-54 for the Unification demand. The Comite de l'Unite togolaise has been critical of French administration, and across the border the Togoland Union and All-Ewe Conference had made much political capital in pointing out the lack of advancement in French Togo, and thus discrediting the French Administration. It would appear, therefore, that the phenomenal increase in suffrage (from 7,963 to 152,099) in only eight years, coincides so well with the Unification demand activities that the sharply rising graph of franchise is in fact the graph of anxiety of the French Administration in keeping pace with the realization of the fact that Togo has

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- 12. Report of the Special Committee on Administrative Unions, p. 49.
 - 13. Report of the Trusteeship Council (July 53-July 54) p.209.
 - 14. Rapport Annuel du Togo, Annee 1953, p. 53.

advanced beyond their original calculations. Partly, it might have been due to the reforms being introduced in the neighbouring territory.

Moreover, the Administering Authority's statement that franchise is considered by the indigenous peoples as a dangerous innovation does not appear to be supported by the Reports of the Visiting Missions (1949&1952)¹⁵ who found the people politically conscious, and also by the activities of the organizations in this Trust Territory. In the 1950 elections for the Territorial Assembly, of the total 50,915 listed voters, 41,904 voted in all,¹⁶ or about 85% votes were cast. This alone would show that there was no apathy towards exercising the franchise. As would be seen in Chapter VI, the votes were cast for the various political parties which contested the elections, and not for individuals. Circumstantial evidence, therefore, does not support the reason for delaying the full application of the principle accepted by the Administering Authority. The Trusteeship Council, at its 17th Session, also adopted a recommendation urging the Administering Authority to introduce a system of universal, direct and secret suffrage.¹⁷

In Togoland, the analysis of the voters shows that the population is essentially composed of peasant masses which

15. The Reports are discussed in Chapter VI.

16. Report of the Trusteeship Council (July 53-July 54) p. 209.

17. Ibid. p. 209-10.

are gradually freeing themselves from the control of the "privileged class"; though the peasants are usually dependent upon the 'middle man' such as produce buyers, trading company and the employees, etc. In the South, the class of land-owners exercises great influence. The middle class of shopkeepers, government clerks, doctors and foremen is coming into existence and has made a kind of aristocracy. This indicates that the middle class and the peasant are rising up and the hold of the Native Authorities would eventually decrease with time.

In Cameroons (as well as Togo) under French Administration, the right to vote was introduced by the Constitution of French Union in 1946 (i.e. 5 years prior to the introduction of franchise in Togoland and the Cameroons under U.K. Trusteeship). The gradual increase of registered voters is given below:

| <u>Year</u> | <u>Number of Registered Voters</u> |
|--------------|------------------------------------|
| 1947 | 39,576 |
| 1948 | 41,487 |
| 1949 | 50,355 |
| 1950 | 70,000 |
| 1951 (Feb.) | 116,000 |
| 1951 (June) | 510,844 18 |
| 1952 (March) | 564,335 |
| 1953 (March) | 600,000 19 |

Suffrage is not properly appreciated, by and large, in the Cameroons. The (1949) Visiting Mission noted that a

18. Report of the Special Committee on Administrative Unions, p. 49.

19. Report of the Trusteeship Council (July 53-July 54), p.152.

large proportion of the population did not understand the electoral system. The next Visiting Mission (in 1952) also observed that to some extent progress had been made in this respect, though the Cameroonians had not yet achieved electoral maturity.²⁰ Perhaps in view of this the phenomenal increase of the franchise (39,576 to 600,000 in 8 years) would appear to be unjustifiable. However, it seems that the reason for the extension of franchise will be found in the activities of the Union des populations du Cameroun which has taken a lead in the political field, much beyond its strength. The programme of this political organization appears to have a possibility of wide appeal. Moreover, the Southern detribalized plantation areas have achieved a higher stage of political advancement. In 1952, the voting for the elections for the Territorial Assembly was approximately 45% of the registered votes, which indicates sufficient interest in suffrage.

An important element of the franchise policy which has been criticized by the local political organizations and the Trusteeship Council is the dual college electoral system.²¹ The native political organizations which bitterly criticize this system are the Section camerounaise du parti socialiste,

20. U.N. Visiting Mission (1952) Report on (French) Cameroons, p. 12.

21. The electors form two 'electoral colleges', the first of the French nationality or of the "Citoyens de statut civil de droit commun" and the others are grouped into "Citoyens de statut personnel" which is composed of the indigenous persons.

the Evolution sociale camerounaise and the Union des populations du Cameroun, on the ground that it constitutes racial discrimination. They say²² that while 13,000 French citizens of the Cameroons are represented by 18 Councillors, 3 million indigenous Cameroonians are represented by 32. The policy of the Administering Authority was affected by this objection, and in the municipal Councils, elections are based on single electoral college, with reserved seats for French citizens. By this device, while the system was changed, the results were practically the same. This same policy was given up by the Administering Authority in Togoland, for two reasons: firstly, critical attitude of a powerful section of the public towards the French Administration; secondly, the number of people with French nationality is almost insignificant as compared to the number in Cameroons.

To recapitulate, the British policy in the two West African Territories is linked up with the granting of self-government to the Gold Coast and Nigeria. This has led to the granting of universal suffrage to Togoland and the Cameroons. Bolder steps are being taken in establishing representative institutions, in the central, regional, district and local councils. Responsible leaders and Administering Authority have in an indirect manner linked up the political reforms

22. U.N. Visiting Mission (1952): Report on (French) Cameroons, p. 10.

with the social reforms by detribalization and resulting curtailment of the powers of the Native Authorities. It can, therefore, be expected that the participation of the indigenous people in the real sense of it would come in due course as the new order stabilizes itself. The leadership in the Councils would be chosen by the peoples themselves. It would, however, now rest with the Administering Authority to concentrate its efforts on the Northern regions, and particularly in the Cameroons, of the two Trust Territories, and to evolve the masses rather than let the tribal authorities maintain themselves in the new forms.

The French policy in the same region is characterized with an undue caution. This may be due to two reasons: a policy of maintaining these Territories in the French Union, for which the Administering Authority need time in order to evolve the indigenous institutions on the French pattern; and secondly, keeping the Chiefs as agents of the Government.-- It is natural that the Chiefs would consider universal direct suffrage as a challenge to their power.-- It follows that the liberalization of suffrage looks like a concession granted reluctantly due to external reasons (such as the British policy in the neighbouring Territories) and intensification of political agitations. Because of this policy, it is likely that a conflict will take place between the leadership of the peoples and the Administering Authority. The French policy of

suffrage grants to the indigenous peoples limited participation in the Councils, and the leadership of the people may also come in conflict with the one at the Territorial Assembly.

In passing over to the East African Trust Territories, we can make a general remark about the right of vote granted to the indigenous peoples. All the Territorial Councils (the Territorial Council, the Legislative Council and the Conseil de Vice-Gouvernement General) are appointed. Hence in the correct sense of it, there is no franchise in this field in East African Territories.

Ruanda-Urundi has perhaps the least developed system of representation. The members of the Conseil are appointed by the Governor. There are technically eight indigenous persons on the Conseil: 2 are Bami, 3 notables and 3 persons to represent indigenous peoples so far as possible.²³ In other words, the people have no say in the matter of selection of the indigenous persons. Moreover, the policy of keeping the traditional authority in power is apparent. The indigenous Councils (explained in previous section) are nothing but enlarged Native Authorities. The Chiefs, sub-Chiefs and notables dominate the composition. At not a single stage is there any adherence to the elective principle. The notables are selected from the list prepared by the Chief's or sub-Chief's

23. Rapport sur l'administration belge du Ruanda-Urundi, 1952, p. 21.

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Councils. This makes one feel that it is not democratization of a tribal society, but tribalization of so-called democratic institutions.

The only limited franchise granted to the indigenous peoples was for electing representatives to the Councils for the Centres extra-coutumiers, which covered the 62,000²⁴ indigenous detribalized inhabitants of Usumbura and Rumonge. The voters showed great apathy, and it was with great difficulty that, out of 5,690 registered voters in Usumbura, only 2,559 votes were cast.²⁵ The same fate was repeated in Rumonge. But this apathy can be understood in the light of the general political conditions in the Territory. There was no social coherence in the community, and these elections were the only isolated incidents in the Territory. Without any development of the elective traditions, among these people particularly and among the indigenous people in general, it was natural that the experiment should fail.

In Tanganyika, the present members of the Legislative Councils, 15 in all, are nominated by the Governor. The Committee on Constitutional Development recommended the introduction of elective principles in both local and central governments, and this has been accepted as an important objective by

24. Report of the Trusteeship Council (Dec. 51 - July 52)
p. 73.

25. Ibid. p. 80.

the Government. It is not intended, however, to adopt this principle in the near future. No suffrage laws have yet been enacted.

The reason for not applying this principle, according to the Administering Authority, is the preference of the Africans for traditional tribal authority, and "speaking generally, the principle of popular representation is not appreciated".²⁶ The Government policy is that the general demand for elections should come from the peoples concerned, as it does not wish to impose elections against the will of the people. Presently, the adoption of elections has been limited to the African population in the field of local governments, and to district Councils.

The policy in Tanganyika is perhaps determined by its inter-racial composition and the diversity of tribal groups. Alienation of native lands, low degree of educational progress and predominant European economic interest in the Territory have made the indigenous people sensitive to their position in the future set-up of the Trust Territory. It is therefore natural for the Africans to feel their numerical superiority, and it is well realized that, if universal suffrage is granted at this stage, the results may not be to the liking of the Administering Authority. Hence, the grant of suffrage appears

26. Report on Tanganyika, 1950, p. 37.

presently to be linked up to some extent with the policy of evolving an inter-racial society on a solid basis before suffrage is granted; for, once suffrage is granted, the indigenous leadership would demand self-government gradually. In most of the districts, there are more than one tribe, and it would not be possible to delimit constituencies in such a way as to give representation to each tribal group. Perhaps the Sukumas and the Nyamwezi alone would make up constituencies in which there would be tribal homogeneity; the remaining tribes would have to share the constituencies. Hence, unless the traditional system is sufficiently replaced by the local Councils, the effectiveness of the suffrage may be doubtful. The policy of the Administering Authority in setting up the District Councils would soon accelerate the demand for suffrage by the vocal section of the Africans, for we have seen previously that the Native Authority is in the process of being replaced by local governments. This would eventually lead to emergence of a more conscious nationalism than at present.

In Somaliland,²⁷ there is no suffrage for elections to the Territorial Councils. Recently, the elections to the Municipal Councils only were held on the basis of universal adult male suffrage. However, nominations to the Territorial

27. Rapport du Gouvernement italien a l'Assemblée generale des Nations Unies sur la Somalie, 1953, ministere des Affaires Etrangères, p. 56-57.

Council are made by the Administrator in a manner which gives to some extent a representational character to the Council, and in this connection, Somaliland is the most advanced of all the East African Trust Territories. This may be due to the definite provision in the Trusteeship Agreement for inception of elective principles to set up the representative Territorial Council which will administer the independent Somali State.

The representation to the Territorial Council²⁸ is divided between the tribal representatives, political parties, economic interests and minority communities. The tribal representatives are chosen through all-nominated Residency and Regional Councils. This representation, presently limited to 21 members out of 51 members, is the largest representation as compared to any other group. Political parties have 18 representatives, 8 are nominated by economic groups, and the three minority communities have one representative each. One member represents the School of Social and Cultural Studies.

A defect of the system is that each group elects twice the candidates required to represent them, from whom final choice is made by the Administrator. It also leads to unnecessary duplication, and fragmentation ~~of the population~~ of the population into overlapping divisions.

28. U.N. Visiting Mission (1954): Report on Somaliland, U.N. Doc. T/1143, p. 17.

The franchise, therefore, in the Trust Territories in East Africa is non-existent in the Central legislatures, though the Territorial Council in Somaliland may be called representative assembly in an indirect sense. The policy of Italian Government alone is that of introduction of franchise at an early date. The other two territorial legislatures and similar organizations are far from being called representative. In Tanganyika, the attitude of the Administering Authority is that of a long range planning to prepare the people for the franchise by extending it to the local self-government, and to wait till the elective principles can be extended to the higher levels. The problem is not felt by the Administering Authority as urgent, or imperative. In theory, it is accepted that franchise will be granted to the inhabitants of the Trust Territory at some date in the (distant?) future.

In Ruanda-Urundi, the Administering Authority have no policy of granting suffrage in the real sense of it. It is no doubt true that at the elections for Centres extra-coutumiers at Usumbura and Rumonge, the elections were marked with apathy from the general public, but it only proves that the Administering Authority is to be blamed for it. No previous efforts were made to develop the ideas of representative institutions, and therefore, the creation of two isolated centres with no tradition of indigenous participation in such

institutions during the last more than thirty years of Trusteeship Administration (i.e. Mandatory and Trusteeship both) was bound to be without any significance for the indigenous people of the two centres. The state of affairs in Ruanda-Urundi in respect of suffrage is far from being even ordinarily satisfactory. The reluctance of Belgian Administration in Ruanda-Urundi is marked with the absence of any efforts in extending suffrage to the indigenous people.

Chapter V

THE PACIFIC TRUST TERRITORIES

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The Trust Territories in this region consist of the small island of Nauru, and the three island groups of New Guinea, Western Samoa and the Pacific Islands. In appointing the Trustees for these islands, the Supreme Council of the Allied Powers was perhaps combining the sphere of influence policy with the mandatory principle, for these territories were handed over to Japan, New Zealand and Australia, the powers which were nearest to the islands.

During World War II, Japan made use of the Pacific Islands, and blocked the way of the Allied Forces to the Phillipines by establishing bases in the Territory. The U.S. forces concentrated their efforts on this area, and during 1943, they broke through the barriers, operating from the Gilbert islands. It took nearly two years for the American forces to completely seize the Pacific Islands from Japan. Perhaps due to the effective Japanese operations from this area, the Trusteeship was accepted by the Americans on the condition that this area would be considered as strategic.

Since the Trusteeship for the remaining three Pacific Trust Territories was a continuation of the Mandate regime, the powers adjacent to the islands were reappointed as the Administering Authorities. However, while only one such

Territory is declared strategic, in fact all the islands have strategic implications. This fact would in the long run determine, together with other considerations, the future of these Territories.

The Territories in the Pacific present a difficult administrative problem because of their size, diversity of population, meagre economic resources, and, except in Western Samoe, have few chances of developing a national consciousness in the near future. This statement would be borne out by the facts stated below:

The Territory of Pacific Islands is perhaps the extreme case of the administrative difficulties and unfavourable circumstances in creating a national consciousness or a state. These islands combine the contradiction of extending over a vast area, and having a small total land area. The Territory spreads over an ocean area of 3,000,000 square miles, or approximately equal to the area of the United States. It consists of 96 distinct island units or 2,141 individual small islands and atolls with a combined area of 687 square miles. The total native population of 55,730 persons¹ is thinly distributed over these islands. Soil conditions are generally unfavourable for agriculture, but fairly high rainfall makes tropical vegetation possible. The Corall atolls are mostly a coconut association.

The population of these islands is divided into a number of regional and local groups which differ in varying

1. Report on the Administration of the Pacific Islands by the United States to the United Nations, 1952, office of the Territories, U.S. Dept. of Interior, Washington.

degrees. No micronesian culture exists. This is further complicated by the existence of narrow political loyalties, close kinship ties, and strong tribal² authorities in each area. Hardly any linguistic unity exists among the islanders. They speak their own separate and distinct language, and have their own customs and pattern of living.

The Territory of New Guinea³ is less complicated only from the point of view of the atomic distribution of the land which characterizes the Pacific Islands, but its difficulties are by no means manageable in the near future.

While the total land area of the Territory is 93,000 square miles, consisting of a portion of the main island of New Guinea and about 600 islands of varying sizes, the present state of administrative control is very limited. About 84,500 square miles are counted as under "control or influence" and 8,500 square miles are described as "restricted areas", i.e. areas where it is difficult to make contact with the indigenous people due to difficulties of communications. Exploratory patrols are sent in these regions, after an air reconnaissance has been effected, in order to find out the best means of entry into the areas. Hence the Territory has not yet achieved any administrative unity. The majority of the people have still no notion of a single country.

2. Report on the Administration of the Trust Territory of the Pacific Islands, by the United States to the United Nations, 1953, p. 1-2.

3. cf. Report on the Territory of New Guinea, 1953, Canberra, Govt. Printer, 1953.

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The lack of geographic unity is further equalled by a great diversity of both physical and linguistic types. It is difficult to define the ethnic groups because the anthropological divisions are based on linguistic and racial classifications. However, five main groups can be counted: Papuans, Papuo-Melanesians, Negritos, Micronesians and Polynesians. The predominant group among the indigenous people is that of Papuo-Melanesians who are approximately two-thirds of the native population.

The picture is as complicated linguistically as racially. There are 53 Melanesian languages, and the number of Papuan languages is probably greater.⁴

The island of Nauru⁵ creates the problem by its very simplicity: The Trust Territory is a small island in the Central Pacific, with an approximate circumference of 12 miles, and an area of 5,263 acres only. The sole value of the island is the existence of vast deposits of phosphate, estimated to be now 90 million tons, though 16 million tons have so far been raised from the island.⁶ Thus its resources are ~~very~~^{ever} exhausting themselves. The total population of the indigenous population is 1,745. Hence there is no chance of building a state or a nation in this island.

4. Report on the Territory of New Guinea, 1953, op. cit., p.14.

5. Report to the General Assembly of the U.N. on the Administration of the Territory of Nauru, p. 52-53, p. 7.

6. Report of the Trusteeship Council, July '52 - July '53, p.216.

Perhaps the only territory presenting some possibility of developing into a national state in the Pacific Trust Territories is Western Samoa.

This fact is accountable to two reasons: geographical unity created by the proximity of the islands forming the political unit called Western Samoa, and the existence of a comparatively uniform racial group inhabiting those islands. The 78,340 Western Samoans have strong social institutions like the Matai system and the Fono of Faipule,⁷ which have developed the racial nationalism, already existing among them, to political consciousness and unity. The Samoans are, by all descriptions, a highly nationalistic people, strongly attached to their customs and traditional ways of living. They conduct their local affairs through the Matais who meet frequently to discuss their problems.⁸

We have seen above that the three Pacific Trust Territories, the Pacific Islands, New Guinea and Nauru have practical and inherent difficulties which mitigate against the development of a national state or political consciousness. The people of these Territories by themselves are, therefore, eliminated from exercising influence on the Administering Authorities in establishing political institutions like the central or regional

7. Fono of Faipule, or the Council of Paramount Chiefs, is discussed later.

8. Report by the New Zealand Government to the General Assembly of the U.N. on the Administration of Western Samoa, 1953, Wellington. P. 9.

legislatures and claiming share in the administration. The Administering Authorities are, hence, placed in the position of exercising unrestricted powers, except where the United Nations may find faults with the policies adopted by the Administering Authorities. While this position places more duties on the United Nations, the only way in which political development can come to the indigenous people would be through the bona fide efforts of the Administering Authorities.

In fact also, most of the advancement--in whatever stage it may be at present,-- in the three Pacific Trust Territories, the Pacific Islands, the Island of Nauru and New Guinea, is due mostly to the efforts of the Administering Authorities. This presents a contrast with the African Trust Territories, where the indigenous inhabitants and the Trusteeship Council have also affected the policies of the Administering Authorities. The study of the political progress in this Pacific region thereby becomes an examination of the policies of the administrations rather than aspirations of the peoples.

The Pacific Islands under American Trusteeship are controlled by a dual-system.⁹ The Naval Commander in the Pacific administers the Northern Mariana Islands (except the Rota) which form the Saipan District. The remaining five districts, viz, the Marshall Island (pop: 11,299), the Ponape

9. Report on the Pacific Islands, 1953, p.4.

(pop. 10,397), the Truk (pop. 15,788), the Palau (pop. 8,198) and the Yap (pop. 3,542) are under the civil administration headed by a High Commissioner.

The practice of the Administering Authority in the Pacific Islands is to appoint the heads of the districts, and the central administration, from among the American officials, but the remaining institutions are left to the indigenous peoples. This policy is perhaps adopted in view of the responsibility of the American government as the Trustee for the Pacific Island; and also, because of the lack of national cohesion among the people of the islands. Thus we find that the High Commissioner and his staff (at Honolulu), as well as all the district officers, are Americans. The legislative powers and administrative control are entirely within the hands of the American officials but the local law and the municipal law are either wholly indigenous or based on the wishes of the local people because of their association in the institutions of the local self-government. In this way, the indigenous law has been co-ordinated with the law introduced by the Administering Authority.¹⁰

The American policy in developing the institutions of local self-government has followed two considerations: The traditional class structure of the native society is based upon rule by hereditary chiefs. Hence, the traditional structure had to be left unaltered, in its form at least. But to

10. For a description of the indigenous political institutions please see Report on the Pacific Islands, op. cit., 1952, p. 4, and 1953 Report pp. 12-18.

modernize the traditional authorities, municipal councils were instituted within the native organization. These councils usually serve as the sounding boards of public opinion and provide the limits to the executive powers of the chiefs. The local Advisory Bodies were meant for associating the local people with the work of the District Administrator.

The municipalities are the basic and most elementary units of government and the only indigenous governmental agencies with any degree of legal authority. There are 117 municipalities in the Trust Territories. The municipalities do not follow the pattern of Native Authority in African Territories but those of the mayorial administration. The magistrate is the chief executive of the municipal organization. He is assisted by a secretary or treasurer and other officials, depending upon the size of the municipalities. The idea behind this form of local authority is to diminish the hold of the chiefs. Once these institutions have been strongly established, the tribal element in the municipalities would be replaced by elected representatives. The magistrate may be the local hereditary chief in the less sophisticated areas, or may, in progressive areas of the territory, be elected. However, the municipal law must conform to the basic law, The Code of the Trust Territory, and is subject to approval by the District Administrator.

In the same manner, the municipal officers may be appointed either by indigenous customs, direct universal franchise exercised through secret ballot, or the District Administrator. The last mentioned device is adhered to in case of serious differences among the local groups, and where a request is made by the indigenous peoples to the District Administrator to do so.

The Administering Authority appears to be anxious to evolve a political consciousness on a wider scale than the small atomic islands. This has perhaps been undertaken in establishing regional congresses, which are purely advisory bodies. The important function of these councils, it would appear, is not so much to advise the District Administration as to help to bind the small tribal mentalities into regional political feelings. Such Congresses are the Marshall Island Congress, the Palau Congress, the Ponape Congress, the Yap Advisory Council and the Saipan Congress. All these Congresses, most of which are elected, have the structure of a representative assembly; three of them, the Marshall, Ponape and Saipan congresses are bicameral. Besides these three are two advisory councils of the local people to advise the District Administrator on day-to-day business; the two such councils are the Palau Council and the Truk Atoll Council.

The participation of the indigenous peoples in the civil service and the judiciary is also governed by the same consideration. All the judges, except those of the High Court

(for the whole Territory), all the clerks, assessors and other employees of the Courts are indigenous people. In the civil service, the number of the Micronesians (the local people) is sufficiently high (1,555 as against 117 Americans).

The island of Nauru¹¹ is under the joint trusteeship of the Governments of Australia, New Zealand and the United Kingdom, but Australia alone is the Administering Authority. Because of the small size of the Territory, the system of government (concerning 2,404 inhabitants in all) revolves around the Administrator who is the administrative, legislative and judicial authority. The policy of the Administering Authority has been to associate the Nauruans with the government of the island through a Local Government Council, consisting of nine members, elected by universal suffrage. The functions of the Council are of a limited administrative and financial nature. It can render advice to the Administrator recommending enactment of any new legislation or repeal of an already promulgated one. The Council meets twice a week. The Administrator, who is the head of the Local Council, meets the Council every month. The budgetary powers of the Council are subject to the approval of the Administrator. Thus, in fact, Nauru is administered on the model of a municipality, with the Administrator as its head with discretionary powers. The indigenous people are given a voice in the policy and the adminis-

11. cf: Report on Nauru, op. cit., 1952-53. Trusteeship Agreement for the Territory of Nauru, No. 1947. VI. A. 11.

tration of the Trust Territory.

The Trust Territory of New Guinea,¹² under the Australian Administration shows the characteristic of a colonial rather than that of a trusteeship administration. We have already stated earlier that administrative difficulties have made it impracticable for the present administration to extend participation in the government agencies to the indigenous people, and therefore our emphasis on the low stage or lack of political consciousness among the indigenous people is contradictory with the previous statement. A closer examination of the conditions would show that, in fact, this is not true. The Administering Authority has held the Territory under mandatory and trusteeship regime for about thirty-five years and, therefore, the existence of a colonial type of administration in this area is a sad commentary on the manner in which the Territory is administered presently.

The administrative powers are enjoyed almost unlimitedly by the Administrator, not only in theory but in fact also. He is responsible only to the Minister for Territories, at Canberra. The Legislative and the Executive Councils are almost of his own choosing. The latter is entirely composed of the officials, and therefore serves the function of a meeting of the top officials, rather than that of a public policy-making body.

12. cf: Report on New Guinea, 1953, op. cit.
Report of the Trusteeship Council, July 53-July 54,
pp. 245-247.

The Legislative Council for the two Territories, Papua and New Guinea, consists of 29 members which include the Administrator as the President, 16 officials of the Territory--most of whom are heads of departments--3 non-official members elected from New Guinea (all being Europeans), 3 non-officials representing the interests of the Chinese (religious) missions, three non-official members (all Europeans) and three indigenous nominated members. In other words, out of a total of 29, only 3 represented the local people; the rest were foreigners.

The indigenous people are also excluded from the membership of the non-statutory District and Town Advisory Councils, which are established for the purpose of advising the District Commissioners. The District Councils are composed of not more than eight non-indigenous persons, nominated by the Administrator on the advice of the District Commissioner and consider only matters directly affecting the regions concerned. The Town Councils are composed of representative members and advise on matters affecting the town only, with limited powers to undertake public works.

We repeat that whereas present conditions may necessitate such an action, we cannot omit the fact that judging by the advance in other Trust Territories in the same period, the administrative structure of the Trust Territory can only be described as a colonial rule of elementary type.

However, the Administering Authority, by the Native Village Council Ordinance, 1949-52,¹³ finally provided the opportunity for the political education of the indigenous inhabitants. The ordinance envisaged replacement of the direct rule system through the village officials by elected councils in each village, as soon as conditions were appropriate for taking such a step. Though this policy could have been adopted earlier, it would be agreed upon that under the present conditions democratic practices and institutions should be set-up at the primary stages, and self-government should, by the very nature of the things in this territory, come through a long process of evolution.

At present five village councils have been set up. They are given powers of raising revenue and executive plans of local utilities such as setting up local medical aid posts, schools, market building, water-tanks, digging up of wells, etc. The officers of the Department of District Services and Native Affairs have been appointed to encourage the establishment of new councils, where they do not yet exist, and to help the newly established ones. Other territorial departments, such as health, education, forest, agriculture and others render technical advice to these councils where necessary. In this way, the officials are giving the necessary guidance and are

13. cf: Report on New Guinea, 1953, op. cit., p. 26-27, and U.N. Visiting Mission (1951) Report on New Guinea, U.N. doc. Supp. No. 4 (T/899).

attempting to make this experiment a success. Technical advice at this stage is not only useful but necessary for consolidating the results of this experiment; for unless the people see and feel the results of this scheme, the experiment in local government may prove futile.

The political advancement of the Samoans during the Trusteeship period reminds of the rapid progress of the British Trust Territories in West Africa. The factors contributing to this progress are the existence of a national cohesion, the development of a political consciousness and a realistic policy of the Administering Authority.

The national cohesion developed out of the geographical contiguity of the islands forming the Trust Territory, which comprises a number of islets and two large islands of Savai'i and Upolu. This created a geographical core for the nationalistic sentiments. The population consists of the same racial stock in the islands, and thus the smaller islets created the periphery for the homeland on the Savai'i and Upolu. The Samoans have also common culture, customs and Polynesian language. "Almost universal literacy in the vernacular prevails throughout the Territory."¹⁴

The important socio-political reasons developing the political consciousness from our point of view are two: the Matai system and the Fono of Faipule.¹⁵ The general pattern

¹⁴. Report on Western Samoa, 1952, Wellington, p.10.

¹⁵. Ibid., p. 37.

of the society is based on the "aiga" mode of living. An aiga is a family group which includes a number of members, linked with kinship and also adoption. The head of the aiga is called Matai, who is elected to the title after discussions, compromise and negotiations. The customs are strong, many-sided and coherent, and have become almost an unwritten constitution in the Trust Territory.

Perhaps the Germans realized the importance of the hold the Samoan customs had on the indigenous people. They created the Fono of Faipule as a link between the government and the people of the outer districts. Its members were regarded as government officials, representing it in the districts (Faipule), and attending twice a year a conference at the capital city, to give their advice to the German Administration. Since the Samoan custom granted great privilege to the indigenous hierarchy, the Fono was retained during the New Zealand Mandate. Subsequently the Fono was given a statutory recognition during 1923, and the powers to advise the High Commissioner for Western Samoa on all such matters as he may refer to the Fono, or it may consider necessary, on its own initiative. The prestige of the Fono increased its functions. It made appointments to the Legislative Assembly, nominated judges to the District Courts, Associate Judges of the Land Title Courts, plantation inspectors, and also named the highest title holders, the Fautua. The Committee, (Fono of Faipule) which originally consisted of 21, and now 41 members, had come to possess the powers of a

national assembly. This was natural for the Fono was elected according to well respected social customs and possessed great prestige. By the Statute the Fono possessed only advisory powers, but the fact that it was entrusted to perform all such important functions as are enumerated above will confirm that the Fono had actually been looked upon by the indigenous people as a national organ, and the Administering Authority realistically extended the powers in fact only, without changing the law which established it. The respect for traditional methods of conducting local affairs was responsible for the passive resistance movement against the proposed reforms in 1927 providing a Legislative Council with unofficial members, and representative local government.

The Fono and the conduct of local affairs through the Matai's as well as a political consciousness have created a desire among the Samoans for self-government at the beginning of the Trusteeship System. The New Zealand Government consulted the representatives of the Samoans on the terms of the Trusteeship. While the Samoan representatives agreed that the Trusteeship terms went further than the Mandate, they expressed their desire to attain self-government, under New Zealand as their protector and adviser. The Western Samoan petition requesting the grant of self-government was submitted, through the New Zealand Representatives, to the Trusteeship Council.¹⁶

16. Report of the Trusteeship Council (Dec. 51 - July 52), p. 240.

The Administering Authority invited a mission to investigate the matter on the spot, and consequently, the 1947 Visiting Mission visited the Territory. The Mission was of the opinion that the Samoans were not yet ready for self-government. The second Visiting Mission in 1950 shared the same view.¹⁷

The Administering Authority took a realistic and sympathetic attitude towards the Samoan desire to be self-governing. Realizing that the Samoans had the possibility of attaining self-government, New Zealand government adopted, in all earnestness the policy of granting wider participation to the indigenous peoples in the Civil Service, judiciary and policy-making institutions. It may be noted that the Deputy Prime Minister of New Zealand announced proposals for the political development of Western Samoa on 27th August 1947, whereas the U.N. Visiting Mission published its report in October 1947.¹⁸

The reforms gave Western Samoa a new Constitution, by amending the Samoa Act in 1947. A Legislative Assembly, consisting of a single house under the chairmanship of the High Commissioner, was created. It comprised the Council of State, twelve Samoan members elected by the Fono of Faipule, five elected European and six official members; thereby establishing a majority of unofficial, and a working majority of the

17. U.N. Visiting Mission (1950), Report on Western Samoa, U.N. doc. Supp. No. 5 (T/900).

18. Report on Western Samoa, 1953, p. 26.

Samoan, representatives. The Legislative Assembly elected four Executive Councillors. At the same time, it was given powers to legislate on all subjects concerning the territory except on a few listed subjects which were declared reserved for the Administering Authority; it was also given financial and budgetary powers.

The method of election for the Assembly was election on the basis of adult franchise for the Europeans, and the traditional elections (by Fono of Faipule) for the Samoans. The reason for the two different elective procedures was obvious.

The Samoa Act was further amended in 1952, presumably to provide for the establishment of a separate enlarged Executive Council which had been earlier recommended by the 1950 Visiting Mission.¹⁹ The Executive Council now comprises the High Commissioner, 3 Samoan members of the Legislative Assembly, the two Fautua, three official members and one European member, all appointed by the High Commissioner except the two Fautua. The Executive Council will thus have five Samoans and five Europeans.

Similarly, efforts are being made to change the present system of local government. The intention is to create district and local boards replacing the Matai Councils at village and district levels. A Board, composed of two Fautua and six members (appointed by the Fono) under the chairmanship of the

19. cf: U.N. Visiting Mission (Report on Western Samoa, U.N. doc. No. T/1079.

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High Commissioner, is set up for granting legal recognition to the local government councils, and to prescribe the functions of these Councils. This is an important step, for no previous local assemblies had either statutory recognition or knew the relationship between them and the central government, since such powers were never defined.

The 1947 and subsequent political reforms give more powers to the Samoans. Previously, the legislation and the policy for the Territory was often decided by the New Zealand government. The political reforms introduced in the Territory by the 1947 Samoan Amendment Act granted a considerable degree of self-government. The liberal policy of the New Zealand government took note of the experience gained by the indigenous people in the short period of five and a half years. The Prime Minister of New Zealand announced on 19th March, 1953,²⁰ that time was ripe to prepare a programme for the establishment of a fully self-governing state of Western Samoa. It was intended that a Constitutional Convention of all representatives of Samo would be called to draw up a Constitution for the future State of Western Samoa. The Administering Authority only mentioned the points which should be considered at the Convention, but did not prejudge any of the issues, like appointment of the Head of the State, provision for a common citizenship for all the inhabitants, composition of the legis-

20. U.N. Visiting Mission (1953) Report on Western Samoa, p. 4.

lature to be called the House of Representatives, relationship between New Zealand and Western Samoa, etc.

Thus the Administering Authority has, on its own accord, taken active part in granting self-government to the indigenous people. Since the establishment of Trusteeship Administration in Western Samoa, the political reforms introduced in the Territory were motivated mostly by the genuine desire of New Zealand government to grant self-government to the Samoans. This is a rare example of the manner in which a foreign rule has handed over power to the native people without any violent political conflicts with the indigenous people.

Chapter VI

EWE AND TOGOLAND UNIFICATION PROBLEM

THE EWE AND TOGOLAND UNIFICATION PROBLEM

THE PROBLEM:

The demand for unification of the two Togolands and the Ewe people, taken by itself, is an ordinary problem affecting a small territory of 47,415 square miles¹ and about one and a half million people.² The problem has engaged the attention of the United Nations, both the Trusteeship Council and the General Assembly for about eight years. Seen in isolation from its implication, the problem would appear to have received undue attention and consideration; but a further examination of the reasons for this attitude of the United Nations will show that this problem might become one of the test cases for the Trusteeship System; for the problem has far-reaching implications on the relationship between the Trusteeship Council, the Administering Authorities and the indigenous people. In fact, it has led to an important precedent--the granting of oral hearings in the General Assembly to the petitioners from the Trust Territories. The League of Nations could not have exercised this faculty, though it acted admirably in the Bondelzwart case³

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1. Area of the two Togolands: British territory 13,040 square miles and French territory about 55,000 square kilometers.
 2. Population: British Trust Territory 410,000 and French Togoland 1,031,373 persons.
 3. cf: International Government, E.C. Mower, D.C. Heath & Co., New York, 1931, p. 442.

The small tribe of Hottentots rose in revolt against some oppressive tax collection methods of the South African Govt. in 1922. The area was bombarded and military action was taken by the South African Government. The League of Nations asked the Mandates Commission to study the case and report to the League. The result: the South African Govt. modified the laws concerning taxation.

and the Syrian revolt⁴. The circumstances leading to the latter were, however, more pressing than the present emerging nationalism in West Africa.

A closer examination of the events leading to the new attitude of the people in Togoland would show that the constitutional and political reforms in Nigeria and the Gold Coast overflowed their frontiers and raised, in the people of Togoland or at least in its more politically advanced section, the hope of unification as a step towards self-government. We shall consider the demand in detail at a later stage.

The problem arose when the Trusteeship Council, at its second session, received seven petitions from the All-Ewe Conference and Mr. Augustino de Souza of Lome requesting that "Ewe-land" be unified under one administration⁵. The problem has been stated in various forms since the first petition, and so far it has remained unsolved. It is proposed here to state the demand for unification, as presented in various petitions both written and oral, and by various political organizations in either territory. Since the original stand of the All-Ewe Conference has undergone many major amendments, it is of interest to quote the historic petition which initiated the problem:

4. The Syrian revolt was motivated by Arab nationalism against the French administration in the Territory. The Mandates Commission was critical of the French policy and recommended measures which ought to be taken to better conditions.

5. See Chapter 3,

Mr. Augustino de Souza, forwarding the Convention regarding the Ewe unification, stated:

"We..... do hereby undertake to unite in working with discipline and steadfastness to bring about the unification under a single administration of Ewe-land which is at present partitioned."⁶

The original historic petition, dated 30th of June, 1947,⁷ stated that German Togo had been a protectorate, and not a colony. The traditional chiefs had many documents to prove it and, when the League of Nations transferred this territory to France and Great Britain, under a mandate, it did not make it their colonies. The petition emphasized that at the time this partitioning took place under the Mandate System, the wishes of the people were not committed, and the Ewe people find themselves victims of circumstances over which they had no control. Hence, the situation must be rectified by the United Nations. The relevant portions of the petition read as follows:

"4. Le partage de l'ancien Togo allemand, entre la Grande Bretagne et la France, a pu être un acte régulier accompli en vertu d'accords internationaux, bien que l'on n'ait pas cherché à connaître les vœux du peuple ewe; mais le morcellement du territoire ewe est un coup porté à l'existence même du peuple ewe qui se trouvait déjà, avant la première guerre mondiale, partagé entre l'Allemagne et la Grande Bretagne."

"6. L'unification des territoires ewes sous une seule administration est une nécessité absolue.... pour le progrès économique, social, politique et culturel des ewes en tant que peuple, tandis que le démembrement compromet leur intégrité nationale et la continuité de leur développement" etc., etc.

6. Trusteeship Council: Official Records: Second Session, First Part (Supplement), p.174.

7. Petition No. T/PET.6/4; T/PET.7/5 dated 30th June, 1947.

Various other petitions were submitted to the United Nations supporting the demand for unification, all emphasizing the unification of the Ewe people. An analysis of these petitions would show that the demands included removal of "the artificial boundary" cutting through the Ewe land, unification of the Ewe people, setting up of a "progressive government" as a trust state or territory, and drawing up of a "New Constitution" for the whole territory. The demand that the unified Ewe land be placed under British Administration might have been motivated by two reasons: The progressive development of self-government in Nigeria and the Gold Coast, and the French Union Constitution promulgated in 1946, which was viewed by the Ewe people with misgivings about achieving their independence in the near future. The French Constitution appeared to them as an impediment to the unification of all the Ewe people including those of the Gold Coast and the British Trust Territory. This view was explicitly stated in a petition to the United Nations:

"British policy which we may call the policy of adaptation, aims at educating colonial peoples for self-government, and for that reason takes account of indigenous culture and makes provision for its development. On the other hand, French colonial policy, which we may call the policy of assimilation, aims at converting colonial peoples to full citizenship of France, and for that reason, aims at imbuing the educated community with the best that the French culture can give, rather than developing indigenous culture."⁸

8. The Trusteeship Council (2nd Session) Records, op. cit., p. 182.

The French colonial policy in West Africa was deemed incompatible with Ewe wishes for self-government. The unification demand, to that extent, was motivated by their feeling that the differing pace of reforms in British and French territories might ultimately accentuate the differences among the Ewe people.

"(a) We are fully aware that with Ewe-land divided and placed under two totally different administrations, whose policies are diametrically opposed, we shall never be able to develop as one large unit and our progress can only be partial and unbalanced."⁹

Hence, the motive for unification, besides the reasons given below, was to some extent attributable to the political events, connected with the adjacent British and French territories. The "artificial line or boundary" dividing the Ewe people was becoming real, not by geographical, but by constitutional developments and political factors.

The unification demand, according to these petitions, however, was based on more permanent factors and considerations. They thought that the boundaries had created hardships for them. Farmers living in one zone owned property on the other side of the border. One Ewe land was a necessary condition of this cultural, economic and educational advancement. Such unification would result in an increase in their standard of living, and "the materialization of a natural but progressive Ewe state in embryo". The division of the Ewe people in three territories caused them apprehension as denying them the opportunity to form

9. The Trusteeship Council (2nd Session) Records, op. cit., p. 183. cf: Petition No. T/PET.6/4.T/PET.7/5.

a large unit "as they naturally aspired to be". The petitions did not actually use the term "right of self-determination", but it is apparent that they aimed at creating a national state based on this usually accepted principle--even though the neighbouring Gold Coast¹⁰ and Nigeria¹¹ were being born with artificial boundaries on but slight ethnical considerations. It is logical to presume--and subsequent events would seem to confirm this presumption--that the Ewe petitions were intended to ward off the danger of their being perpetually amalgamated with different neighbouring populations.

Their demand also had an element of local appeal: they stated that the boundaries between the two Togos divided sections of people from their chiefs, relatives and farms. The petitions, made by the All-Ewe Conference, and the Comité de l'Unité Togolaise, in the name of the Ewe people, affirmed that the desire for unification was universal and shared equally by the commoners and the chiefs.

It may be noted here that, in the early stages, Ewe unification only was demanded--it being understood that such a step would entail amalgamation of the two Togos into one Ewe land.

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10. According to 1948 Census, the total population of the Colony was 4,118,450, which included the Togoland figures, since Togoland is administered as an integral part of the Colony. An analysis of the Gold Coast population will show that there are many tribes in the Colony, the three largest tribes among the entire African population were the Ewe (514,935), Asante (580,369) and Fanti (463,885). Only seven tribes exceeded a population of 100,000 but no other tribe reached the 200,000 figure.
 11. The Constitutions of Nigeria and Gold Coast are of Federal type, thus providing constitutional recognition of the diversity of the population in the two colonies.

It was only at a later stage that the full implications of this demand were realized by the Ewe leaders and this led to a re-enunciation of their policy as a claim for Togoland unification. Thus, ethnic nationalism was broad-based on geographic nationalism. (The present president of the "Comite" is Mr. Augustino de Souza, who was also president of the All-Ewe Conference at the time the unification demand was made.)

A petition from a more or less important ethnic group would not of itself present a problem. It does, however, inevitably suggest certain questions before it is adopted or rejected. In point of fact, the petition of the All-Ewe Conference quite naturally raises three questions, namely: (i) Do the Ewe form a majority in the two Togolands, or are the other ethnic groups in the two trust territories an isolated minority spreading over the area in such a manner that they do not form a separate zone or area of their own? (ii) Is there sufficient public or popular support for this idea of unification? and (iii) Is such a unification possible or feasible?

The answer to the third question will necessarily rest, to a great extent, on the first two. At the present time, however, after eight years, the solution is still pending; but much has been done to clarify the first two questions, the ethnic composition of Togoland and the quality of the support given to the demand for unification. These two questions will now be dealt with in the light of the United Nations documents.

ETHNIC COMPOSITION OF THE TOGOLANDS

Togoland Under British Administration:

Speaking in general terms, the indigenous population of Togoland (British) consists of two main ethnic groups: Africans of true negroid type and those of Sudanese origin.

Northern Togoland: The population of the Northern Section is made up of a large number of tribes, most of which are of Sudanic origin, except in the Gonja district. In the Mamprusi region, the Mamprusi, B'moba, Kusasi, Konkomba, Busanga and Yanga are settled. The ethnic composition of the Dagomba district also shows a complex tribal population belonging to the Dagomba, Nanumba, Konkomba, Komba, Badasu, Kukombong and Chakosi tribes. Linguistically, they show no uniformity, though all dialects, excepting Chakosi, belong to the Mole and Grumba language groups.¹² The Mamprusi and Dagomba are the most important tribes, and they provide the ruling class in their areas. Both of them are fundamentally of the same stock. In fact these tribes came to this territory about three hundred years ago, and imposed their own language on the original inhabitants, and completely assimilated them. The Kusasi claim to be Mamprusi in origin. The other peoples, the Moshi, Busanga and Yanga now owe allegiance to the Chief of the Mamprusi.

The B'moba and Konkomba groups are closely allied to the Komba, Bodasu and Kukubung. The Konkomba probably came

12. Annual Report on (Br.) Togoland, 1951, p. 5.

from Sudan. They were driven back to their present region by the Mamprusi and Dagomba conquerors. They still owe allegiance to either the Nayiri or Ya Na, the Chiefs of Mamprusi and Dagomba. The B'moba are identical with the Moba who inhabit the French Trust Territory, and have affinities with the Gurma people, also living in the French portion of Togoland. The Bomba are closely connected with the Mamprusi; in fact, they claim kinship with them. The Chakosi came to Togoland from the Gold Coast as Mamprusi soldiers and allies; and they are found on both sides of the northern French-British border. Their language belongs to the Agui-tui group. In the Gonja district, the population is comprised of Gonja, Nawuri, Basare or Konkomba. They also speak a language, Gaung, of Agui-tui group, "which was possibly the language of the original inhabitants of the Gold Coast before the influx of the Akan tribe".¹³ Besides these people, there are the Hausa and Yoruba communities, who form the trading class in any town of any size in the North.¹⁴

The above description of the North will show that the total population in that zone is almost non-Ewe. The native authorities, particularly the Dagomba and Mamprusi, have a strong hold over the region. In fact, the Dagomba native state is divided between the Gold Coast and Togoland (British) Administration. The Northern Sections (including the Gold Coast and Togoland northern areas) have long ties of associations with

13. Annual Report on Togoland (British), 1951, page 6.

14. Ibid.

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the Northern Togoland under French Administration, Nigeria and the Cameroons. To some extent, these ties are strengthened by religious sentiments, as most of the people in this area are Muslims.¹⁵

Southern Togoland: The majority of the people in the Southern Section are of Ewe origin.

"Local tradition places the cradle of the Ewe race in the Niger Valley, in common with many tribes of the Gold Coast. It seems probable that a considerable migration south-westward from this area did take place under pressure from the East some 500 or 600 years ago, and it is not unlikely that the Ewe people formed one of the early waves of these migrations. In Kpandu subdistrict, there is a large Akan element, akin to the Ashanti of the Gold Coast. Small pre-Ewe indigenous groups are also to be found, but the superimposition of the Ewe and the Akans has been so complete that no significant aboriginal culture or social pattern survives."¹⁶

The Southern area is therefore not only mostly of Ewe stock, but the cultural bias is also Ewe-ian. The Krachi area, which is mid-way between the Southern and Northern Sections and was recently transferred to the Southern Section for administrative purposes, is inhabited by Ewe as well as the small Tapa, Pai, Akrousa tribes. Other indigenous inhabitants include the Muslim tribes, Hausa and Yoruba, with attachments to the Northern Sections and Basare.

In the Northern Sections, the Mallams (Muslim priests)¹⁷ have a strong hold over the chiefs and the peoples. The Southern Section is gradually becoming Christian, due to the efforts of the Ewe Presbyterian Church and Roman Catholic Missions.

15. Annual Report on Togoland (British), 1951, page 6

16. Ibid.

17. Ibid., page 8.

Togoland Under French Trusteeship:

The French Trust Territory is also essentially a composite racial unit. The diversity of ethnic group follows broadly the same pattern vis-a-vis Ewe and non-Ewe populations as in the British Trust Territory. This is perhaps due to the immigration of the neighbours of the original natives of Togoland. The last immigrants to the Southern Plains were the former component units of the Benin Empire.

Southern Togoland: The main influence over the population of (Fr.) Togoland is that of the Ewe, which has come from the South, and that of the Ashanti which is due to the early political dominance of that tribe. The composition of the French Trust Territory can perhaps be best studied in three divisions: the population in the South, in the North and in the Centre.

In the South, there are four principal tribes: Ewe, Minas, Outachis and Fons. Except for the Minas, these tribes formed part of the Benin Empire, and on its break-up, they moved in the interior of the country. The Fons are also found in the neighbouring French Territory of Dahomey. This immigration also introduced two very closely knit populations, Guins and Minas, who came from the Gold Coast.

Each tribe has its own language, which is actually a dialect.¹⁸ All these dialects can be classified under the Ewe,

18. U.N.V.M. Report on Le Togo. U.N. doc. T/1105, p. 7, para 39.

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the Outachi and Mina groups. As for the population in the Centre of the territory, the dialect spoken in the region shows a strong Ewe influence.¹⁹ The Ewe language itself is spoken by a few more advanced people and used as the commercial language. The Anas, a small tribe in the Centre, have their own language, but they also speak Ewe.

Northern Togoland: In the North, the complexity is reduced to a great extent. All the population in this region can be classified into three groups: the Tems, the population of the Togo-Dahomey frontier, and the population of the Mossi group, who are properly Voltaic.

We have seen above that the tribal populations of the two Togos are very complex in their composition, and this diversity is further complicated by the diversity of dialects. Because of this ethnic complexity, the actual number of tribal groups, which are divided by the frontiers between the French and British Togoland on the one hand, and the Gold Coast Colony on the other, is small--the Ewe people being the single largest group affected by these frontiers. About 375,939 ²⁰ Ewe live in the contiguous part of the Gold Coast, 138,996 in the Southern Section of Togoland under United Kingdom Administration, and 175,929 in the Southern part of French Trust Territory.²¹

It may be appropriate at this place to mention that the French

19. Le Togo, Premiere Partie, Series France d'outre-mer, 1949, p. 6.

20. Colonial Reports: Gold Coast, 1953, page 18.

21. U.N.V.M. to Trust Territories in West Africa, 1952,
"Special Report on the Ewe and Togoland Unification Problem",
U.N. publication No. T/1105, p. 7 (para 34).

Government at the Trusteeship Council (13th Meeting, Second Session) estimated the Ewe people at 290,000, but later excluded Minas (57,936), Outachis and Fons (130,516) from the Ewe population figure, on the basis that while they are Ewe-speaking, radially they cannot be included in the Ewe group.²²

Thus, it is seen that in the two Trust Territories, the total number of Ewes is only 314,925, as against a total population of 1,441,373, or 21.8%. If the Ewe population of the Gold Coast be added to the Ewe population of the two Trust Territories, then also they do not form more than 48% of the entire population of the Trust Territories. Hence, it is obvious that mainly on the ground of Ewe unification, the stand of the All-Ewe Conference was not likely to succeed. This accounts partly for the modification in the stand of the All-Ewe Conference and for the substitution of a Togoland unification demand for the All-Ewe unification. Here, they could get the support of the other tribes which sat astride the frontiers. They included Konkombas: 53,381 in British Togoland, 17,971 in French Togoland; B'Mobas or Mobas: 29,209 in British Togoland, 59,334 in French Togoland; Kotokolis: 6,952 and 49,165 in British and French Territories respectively; Chokosis: 10,216 and 11,706 in British and French Territories respectively, and Bassaris: 6,881 in U.K. Trust Territory and 27,590 under the French administration.²³

22. U.N.V.M. to Trust Territories in West Africa, 1952, "Special Report on the Ewe and Togoland Unification Problem", U.N. publication No. T/1105, p. 7 (para. 35).

23. Figures as stated in the U.N.V.M. Report, op. cit., p. 7.

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One factor which provides the background of this movement, and explains why the Ewe and more precisely the Southern regions of both Trust Territories took a more active part in this demand for unification, is their educational progress and the less traditional structure of Southern society.²⁴ Because of that educational advance, political forces were much stronger and this strengthened the various motives of the sharp division of the two regions. Hence, the demand actually remained localized, both in its intensity and its appeal, to the Southern Togolands.

THE SUPPORT FOR UNIFICATION

With regard to the second question, an attempt will be made to analyse the intensity and extension of the demand: Is there sufficient public or popular support for this idea of unification? An analysis of public opinion on this subject can be based on three sources, the political parties and their stand, the result of elections conducted for representation on the Territorial Assembly and the report of the United Nations Visiting Missions.

The important political parties are the Comite de l'unite togolaise, the Mouvement de la jeunesse togolaise, the Parti togolais du progres and the Union des chefs et des popu-

24. In 1953, there were 427 schools and 42,886 students attending these schools in Br. Togoland as compared with 16 schools and 995 students in the North. Similarly in the French Trust Territory, of the total students in schools in 1952, 72.77% were in the Southern and 27.23% in the Northern region schools.

lations du Nord Togo in French Togoland; and the three major political parties in Togoland under U.K. Trusteeship Administration are the Togoland Union, the All-Ewe Conference and the Convention People's Party. The various other parties like the Togoland Congress, the Togoland Youth Organization and the Togoland National Farmers' Unions are in fact part and parcel of the Togoland Union.

The Togoland Congress, Togoland Union and All-Ewe Conference all favour unification of the two trust territories as a necessary condition for the development of the indigenous inhabitants. The Togoland Union is apprehensive of complete integration of the Trust Territory in the Gold Coast administration and states that "under the guise of such a union the Administering Authority was gradually achieving the annexation of the Trust Territory to the Gold Coast".²⁵ They support their contention by stating that the Administering Authority has no place for the development of the Territory as a separate and district unit; this is obvious from the setting up of the new Trans-Volta Togoland Region Council, which came into being on dissolution of the Southern Togoland Council, thereby depriving the Trust Territory of all separate institutions of its own. Their objection is not so much against integration with the Gold Coast as against the division of the Trust Territory into various administrative units of the Gold Coast. Their main aim

25. U.N.V.M. Special Report on the Ewe & Togoland Unification Problem, op. cit., page 14.

appears to be the union of the two Togolands followed by the federation with the Gold Coast, if necessary, but as a whole unit of the federation.

The All-Ewe Conference now supports unification of two Togolands as a necessary step towards unification of the Ewe people. The reason given for supporting this unification is that all previous attempts such as the establishment of the Standing Consultative Commission, the Enlarged Consultative Commission and the Joint Council for Togoland Affairs have failed in solving the question of Ewe unification. A few words may be added here about the change of attitude of the All-Ewe Conference towards the issue of the unification.

It is true that the unification movement came primarily as an Ewe demand, later developments gave this movement a broader scope by shifting the emphasis to Togoland unification from Ewe unification. Most of the political parties accepted this stand, and joined hands with the All-Ewe Conference. From the Ewe point of view, both the demands lead to one objective: greater unity among, and power for, the Ewe people. To gain the support of the Northern Tribes, the Ewe Conference added that unification of Togoland will not only unify the Ewe, but also keep the associations with the Northern Tribes, without denying them access to the sea. In other words, since the Ewe occupy the South, redemarcation of the Trust Territories, leading to the division of the Northern and Southern sections would not be feasible, for in such a division, the Northern Tribes would

have no access to the sea, and therefore, the North must associate with the South in order to ascertain use of the Southern shores. The Conference, and its counterpart in French Togoland, Comite de l'unite togolaise (under chairmanship of Mr. de Souza), favour a direct United Nations rule, under a United Nations High Commissioner, with a fixed period after which the Unified Togoland will attain independence. Formerly, the Comite de l'unite togolaise favoured the British rule, as Administering Authority, over the unified Togoland, but this attitude is now changed for the United Nations Administration, apparently because of the opposition from the North, and other sections of population. This can be illustrated by referring to their memorandum addressed to the United Nations Special Mission in 1952. The Comite said that:

"The local administration spread rumours about the Comite de l'unite togolaise, in particular that the Comite movement was pro-British and aimed at the annexation of Togoland to the Gold Coast; stirred up non-Ewe tribes, mostly in Northern Togoland, by stating that the Ewe people sought to create an Ewe state excluding the other tribes."²⁶

The stand taken by the Comite for independence and direct U.N. administration was aimed at avoiding the choice of an administering power, "which has brought distrust between the two present Administering Authorities". It will be recalled that the original petitions submitted by these organizations did criticize the French colonial policy and, therefore, the modified position is partly traceable to the opposition from the North.

26. U.N.V.M. Special Report on Ewe & Togoland Unification Problem, p. 23.

The Convention People's Party, a branch of the same party in the Gold Coast, which is active in the Southern Togoland, favours federation of the two Togolands, if possible; otherwise, of the British Trust Territory as a unit of the Gold Coast Federation. It emphasizes the ethnological, linguistic, cultural and economic affinity of the two Trust Territories with the Gold Coast, and therefore, does not believe the total independence of the two Togolands to be desirable. As for the French Trust Territory, their attitude can be summarized in the following two propositions:

"The United Nations bring pressure to bear on the French Administering Authority to raise Togoland under French Trusteeship to the same economic, social and political level as Togoland under U.K. Trusteeship."

and as for the unification, the party believes that:

"The Togoland unification demand is a paramount one, so far as it is the expressed wish of the majority of the inhabitants of the two Trust Territories."²⁷

So far we have stated the point of view of the political parties which favour unification. It is important to note that the Convention People's Party endorses the unification demand, at least in principle. Since the Party is concentrated mostly in the South, it would appear that the unification point of view has gained general acceptance in the South.

The two political parties which do not favour unification, or at least, in the form proposed by the political organizations mentioned above, are the Parti togolais du progres

27. U.N.V.M. Special Report, op. cit., p. 15.

and the Union des chefs et des populations du Nord Togo. However, the Parti togolais du progres opposes unification mostly as Ewe unification. It accepts, in principle, that unification might be desirable, but only so long as the unification does not mean a change of the Administering Authority (French Administration) and integration with the Gold Coast. It is possible that the stand taken by this party is only for the sake of assuming a difficult position, and at the same time admitting that unification is desirable. The acceptance of unification in principle appears to be due to the influence of the more advanced people. The Union des chefs et des populations du Nord Togo takes a similar attitude as that of the Parti togolais du progres. It opposes immediate independence of Togoland, fearing that the more advanced South will dominate the less developed North.

The above has been a summary of the point of view of the major political parties in the Territories. From the analysis of their policy, one thing appears to be clear: the unification of the two Togolands is accepted as a general principle by all the parties in the South. In the North, the idea is not popular, though it may appeal to a few.

The strength of these parties is reflected in the elections which took place for the Territorial Assembly in the French Trust Territory and the successful boycott, by the pro-unification elements, of the Consultative Committee and Joint Council on Togoland Affairs.

In the elections for the Territorial Assembly, in March 1952, the following table shows the votes secured by each party in the French Togo:²⁸

| Area | Enrolled Voting | Voting | Votes for P.T.P. and U.C.P.N.T. | Votes for C.U.T. |
|---------------|--------------------|---------------|---------------------------------------|---------------------|
| Northern Togo | 22,808 | 20,917 | 20,374 | 489 |
| Southern Togo | <u>28,107</u> | <u>20,987</u> | <u>10,493</u> | <u>10,161</u> |
| | <u>50,915</u> | <u>41,904</u> | <u>30,867</u> | <u>10,650</u> |

Explanation of Notations:

- P.T.P. - Parti togolais du progres
- U.C.P.N.T. - Union des chefs et des populations du Nord Togo
- C.U.T. - Comite de l'Unite togolaise.

Looking at these results, we see that the Comite de l'unite togolaise received rather scant support in the North, a good deal of appeal in the South, but on the whole it secured about 30% of the votes at the polls. This roughly is equal to the Ewe population in French Togoland. On the other hand, the Parti togolais du progres secured a slightly larger vote than the Comite even in the South, while the Union des chefs et des populations du Nord Togo had an almost overwhelming support in the North. It follows from the results of these elections that the majority of the population does not support the organization sponsoring unification. It may be appropriate here to caution that these election results should only be taken as a symptom of the popular support, and not as

evidence, for out of a total adult population of 400,000 only 50,915²⁹ were enrolled as voters.

As for the elections to the Consultative Committee and the Joint Council for Togoland Affairs, the parties favouring unification boycotted the elections and the Councils, as will be seen later. It may be pointed out here that this boycott, though supported only by the Comite, the Togoland Congress and the All-Ewe Conference in the beginning, ultimately spread to other members and parties, and virtually paralysed the Council. It would at least establish that the political sagacity and tactics used by the pro-unification elements do prove the impossibility of achieving a solution without their support.

We shall now study the opinions and findings of the United Nations Visiting Mission, with a view to assessing the support for unification. The problem has been studied by two U.N. Visiting Missions to the Trust Territories in West Africa, in 1949 and 1952. The first Mission³⁰ reviewed the background of the problem, the work of the Anglo-French Standing Consultative Committee, and the scope of unification. The Mission concluded that on the basis of an objective study of the situation, it appeared that the unification movement in the Southern Sections of the two Togolands and in the Keta and Peki districts of the Gold Coast had assumed "the character of a popular

29. Report of the Trusteeship Council (Dec.'51-July '52), p.213.

30. The 1st Mission was called upon by the Trusteeship Council Resolution 14(II) of 15th Dec 1947 to make a special study of the problem. The report of the Mission was released on 17th Feb.1950. The report is U.N. doc. No. T/798. Please see pages 72-85.

nationalist^t movement. Keta and Peki in fact were important segments of the unification movement". It observed that the movement had taken such deep roots that unless something was done to satisfy the demand, there would be a danger of an intensification of local nationalism, which might be further stimulated by nationalistic forces in the neighbouring territories or by forces from outside and of a different character. The Mission was perhaps mildly hinting that if these political forces were thwarted, the Communists might take the lead, as had happened in the case of the U.P.C. (in the Cameroons). The Mission noted that the unification demand was not limited to the Ewe people; though there was no definite conception of the areas which should be unified. As for the northern section of both the Togolands, the Mission found that the unification movement was not so prominent as a political movement. The Mission considered that the existing frontiers created economic, social and cultural hardships for the population of the Southern Section of both Togolands, and in a lesser degree to other sections also. The steps taken by the Administering Authorities to remove these economic disabilities had not been wholly satisfactory to meet the objectives of the unification movement. Different economic systems, exchange control, customs and other difficulties existed. The Mission pointed out that the unification movement, which now in principle was supported by a large number of the population, had gained impetus since 1940,

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with sudden aggravation of the difficulties caused by the Franco-British frontier.

The Mission noted that the movement was largely political, and by no means only an economic one. Most of the people were in favour of reconstituting Togoland on the lines of German Togoland, with self-government and independence to follow in due course. The South was rapidly advancing towards political maturity. Some representatives of Ewe and other tribal people did not favour unification of Ewe districts of the Gold Coast, and instead demanded the reconstitution of the former German Togoland.

In the Northern Togoland under French Administration, the mass of people appeared to be indifferent to the idea of unification. While it appealed to some chiefs and notables, they were apprehensive of Ewe domination in case unification extended to the Gold Coast districts with a Ewe population. The desire to keep France as Administering Authority was also expressed. In the British Northern Togoland, however, the reconstitution of former Togoland was looked upon with hostility.

The Second Visiting Mission³¹ made a study of the problem by visiting various areas in both Togolands, hearing the leaders of the main political parties, representatives of the elected bodies, individuals, and making on-the-spot enquiries. It also received petitions from a large number of individuals and political organizations.

31. The Second Visiting Mission to the Trust Territories in West Africa in 1952, was asked by the Trusteeship Council Resolution #555(VI) para 8-10, to make a special study of the unification problem. The report is published as UN doc. No. T/1105. The position stated is a summary of the UN report mentioned above.

The Mission found that in the Northern Section of British Togoland the Mamprusi tribe was in favour of closer relations with the Gold Coast, but did not favour unification.³² Similarly, the Dagombas felt strongly against unification, but deprecated the division of the Dagomba state into the Trust Territory and the Gold Coast; and emphasized the need for complete unification of the Dagomba people in the Gold Coast. The Nanumbas also favoured continued relationship with the Gold Coast. In the Gonja district, the opinion was somewhat divided, but most of the Alfai people strongly opposed unification.³³ Thus the position of the Northern Togoland under U.K. Administration had remained very much the same as that observed by the First Visiting Mission.

In the Southern Section, the Mission found large, though varying, majorities for unification, with some areas near the Northern Togoland pronouncing against it. Thus, in the Brong divisions of Krachi and in the Buem-Akan Local Council area, where the population was mostly non-Ewe, public opinion was set against unification and for continued association with the Gold Coast. The view expressed before the U.N. Mission in

32. U.N.V.M. Report, op. cit., p. 16. "All expressed the desire to maintain the unity of the Mamprusi tribe and requested that the 'artificial boundary' between the Gold Coast and the Trust Territory be eliminated so that part of Mamprusi district lying within the Trust Territory be completely unified with the adjoining part in the Gold Coast. It was stated that any attempt to split the tribe by unifying the Trust Territories would not only cause trouble, but would retard the progress of the Mamprusi.

33. "The intention of the people was to demand, together with the people of the neighbouring areas in the Gold Coast, self-government within British Commonwealth." Ibid, p. 115.

the remaining areas of Southern Togoland sustained the union of the Territories. Unanimity, however, was lacking on the future status of a unified Togoland. There was no agreement with respect to relation with the Gold Coast or the British Government, and to independence after a fixed period of U.N. Administration. Some, mostly under the influence of the Convention People's Party, favoured association with the Gold Coast, while others considered the possibility of independence for the unified Togoland after a period of direct U.N. administration. Generally, the continued political relationship with the Gold Coast was favoured. This issue seems to have come more to the front in recent years because of the entrance of the Convention People's Party in the politics of Togoland, and the likelihood of complete independence for the Gold Coast in the near future.

The French Togo did not provide the Visiting Mission with a greater consensus of opinion, neither as regards the fact nor in relation to the mode and time of unification. It was generally looked upon with favour as an idea but not for immediate realization. In the North, the feeling prevailed that, if done at all, a unified Togoland should be placed under French administration.

A brief analysis of the complex pro-unification attitude will reveal once more the difficulty which faced the Visiting Mission and the Trusteeship Council. Attracted by the economic advantages to be gained from membership in the

French Union, a certain number remained faithful to the French association. Others arrived at the same conclusion from the different premise that the Togos were not yet ripe for independence and that, if united, the new Togo should be placed under French administration. Others still thought that the united Togos would fare well under a U.N. High Commissioner until they could become an autonomous part of the Gold Coast Federation. This would be easier on the Mamprusi, Dagombas and Nanumbas.³⁴

Another section were rather scornful of the economic advantages of membership in the French Union, alleging that import-export policies of the French Togo were solely based on the interests of the Metropolitan Country. On the other hand, it was held in the Anecho circle that unification would profit only the Gold Coast capitalists.

Despite all these divergences, the Mission thought that they were justified in concluding to a desire for unification, at least in principle, deeply rooted in the population as a whole. As a live political issue, however, this attitude is only found in the South where, in some large areas, unanimity is complete. The Mission noted that the atmosphere in the South was charged with emotionalism, and the rivalry of political parties was likely to endanger public peace and order.

34. U.N.V.M. Special Report, 1952, op. cit., p. 24-25.

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"The Mission is of the view that (unification)..... is gaining wider recognition (and the parties) which were in favour of their existing Administering Authorities find it politically wise to state.... that unification..... is a paramount wish, and in the case of the Parti togolais du progres and the Union des chefs et des populations du Nord Togo that equity demands reconstitution of Togoland as one unified territory."³⁵

Mamprusi, Nanumbas and Dagombas were exceptions. They had expressed their desire to join the Gold Coast and were hostile to the idea of unification.

The Mission also pointed out that the desire in principle for unification did not imply that there was unanimity or wide support for any particular form of unification which would be acceptable to the majority of the inhabitants of the two Trust Territories. The Mission concluded that from its observation it was of the opinion that no particular proposal had wide enough support so as to warrant alteration of the existing administrative arrangements. The frontier problem was not an economic but a political one. It had a psychological effect on the population and especially on those living near the frontiers. At the same time, the Mission stated "The real problem is that of the existence of the frontier itself and will depend on the solution of the unification problem".³⁶

It would appear that the Visiting Mission, when faced with the problem of a change of Administering Authority, were loath to commit themselves either as to the possibility of

35. U.N.V.M. Special Report, 1952, op. cit., p. 44.

36. Ibid., p. 47.

such a step, or as to the manner in which the issue could be settled. From all appearances, the Togoland political parties had reached the stage where they could decide that a unified Togoland would remain under one of the actual Administering Authorities, or be joined to the Gold Coast or, again, operate under the direct administration of the United Nations.

THE CONTRIBUTION OF THE ADMINISTERING AUTHORITIES

It is clear from the evidence analyzed above that the question of Togo-unification constitutes a genuine problem which the United Nations cannot easily disregard. As a mere expression of local, popular feeling, it would harbour many, but not insurmountable, difficulties. However, the case in point is further complicated by the fact that the divided old German Togo is a legacy of the defunct League of Nations and that for twenty-five years two of the most important members of the actual United Nations have respectively exerted a powerful influence on each part of the Togolese population and trained them in different political and administrative ways. Great Britain and France are each trustees for a part of the old German Colony. To say nothing of their own vested interests developed over the years, it is evident that they are in a better position than any temporary Visiting Mission to evaluate the situation and suggest a solution to the problem. It is, therefore, natural to enquire into the attitude of the

Administering Authorities with regard to this problem and the action, if any, which they have taken to meet the wishes of the indigenous populations. Since any action could have happened only on the persuasion of the United Nations and in conjunction with the Trusteeship Council, a clearer picture will be obtained of the effectiveness, or otherwise, of the Trusteeship System.

All the proposals, but one, of the two Administering Authorities were jointly made. The first three--which were abortive--attempted to create a loose consultative organ where representatives from the two Trust Territories could meet and discuss matters of common interest. The three organs were the Standing Consultative Committee, the Enlarged Consultative Committee and the Joint Council for Togoland Affairs, the last two created to replace and to extend the powers of the previous one.

In November 1947, a Joint Memorandum of the British and French Administrations was presented to the Trusteeship Council setting forth the views of the Authorities on the Ewe petitions.³⁷ The diversity of tribes and tribal interests was an obstacle to the creation of any national unity in the modern sense of the term. More new problems would arise than present ones could be solved. The advantages conceded to the Ewe would be counter-balanced by disadvantages for the Northern Dagombas, Mamprusi and Nanumbas, whose tribal unity had been

37. cf. U.N. Document # T/58, Anglo-French Joint Memorandum dated 17th November, 1947.

restored by the appointment of the British Government as Mandatory for Togoland during the League of Nations Mandate System. Furthermore, as the Gold Coast was not a trust territory, the Ewe population of that region did not come within the competence of the Trusteeship Council. Any talk, therefore, of a unification of these people with the Togoland Ewes was out of the question.

However, in justice to the rightful claims of the majority of the people and in order to alleviate the difficulties caused by the division, some form of co-operation was necessary between the two Trust Territories. A Standing Consultative Committee for Togoland Affairs would be constituted to co-ordinate the economic, fiscal and cultural life of the two Togos. The Committee would be composed of the Governor of the Gold Coast and the Commissaire de la Republique as joint chairmen, and two representatives from each of the two Trust Territories.

Obviously, the reaction to these observations was not to be unanimous. More petitions--about 130 in all--were addressed to the Trusteeship Council. The Togoland Progress Party opposed the creation of an Ewe state while the pro-unification parties criticized the Standing Consultative Committee. All these petitions, one way or another, repeated the arguments for or against unification, for or against the status quo.

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The Trusteeship Council³⁸ took note of the protests of the Ewe people especially regarding the inadequacy of the proposals and particularly of the Standing Consultative Committee. The Administering Authorities were invited to hold consultations with the Ewes with the view to the evolving of further, more acceptable measures. At the same time, the First U.N. Visiting Mission to the West African Territories³⁹ was asked to make their enquiry in the light of these petitions. The Mission, while it noted with satisfaction the efforts of the Administering Authorities to cope with the situation, was still of the opinion that the measures taken were inadequate and that more could be done, within the framework of the joint proposals, to meet the wishes of the populations.⁴⁰

Another joint memorandum was forthcoming in reply to the Visiting Mission's report.⁴¹ It emphasized that the two Administering Authorities had previously recognized the practical inconveniences of the existing frontiers. Measures taken by the Standing Consultative Committee during the last two years had substantially decreased these difficulties. A "conventional zone" scheme was considered whereby foreign exchange and custom duties would have been reduced to bare minimum, but the French and British experts who studied these

38. Resolution No. 14(II) of 15th December, 1947.

39. U.N. Document No. T/58.

40. U.N. Document No. T/58.

41. U.N. Document No. T/702, containing Joint Memorandum dated 19th June, 1950.

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schemes were of the opinion that such a scheme was impractical.

The reluctance of the two Administering Authorities to consider the question otherwise than as the ordinary fiscal inconvenience of a frontier is apparent. Later, the Second Mission would stress the fact that the border problem was not an economic problem alone, but political. Now, however, the Anglo-French Joint Memorandum could either deliberately or by mistake, accept the notion that the unification problem could lose its force if the border difficulties were once reduced to a minimum.

As to the unification problem itself, however, the Joint Memorandum referred once more to the economic and social implications that would follow upon the union of naturally divided populations.

No further progress could be made towards a solution until the real wishes and interests of all the people concerned had been ascertained. Hence they proposed setting up an Enlarged Consultative Committee, which would be entitled to submit its views to the two governments on the practical means of satisfying the wishes of the inhabitants of all parts of the two Trust Territories (formerly its functions included the adjustment of frontier disputes only), within the framework of French and British Administration.⁴²

It may, here, be noted that the crux of the problem, from the point of view of the Administering Authorities, was

42. U.N.V.M. Report on Togoland, 1952, T/1105, p. 9.

underlined by the emphasis on "practical means" and "the framework of French and British Administration", i.e., the unification of the two Togos would have to be realized through a loose Joint Consultative body subordinated to the two-fold authority. This is only the negative aspect of the terms of reference of the Consultative Committee.

On the positive side, the Administering Authorities broadbased the functions of the Committee on the recommendations of the Visiting Mission: The Committee could advise the Administrations on fiscal, economic, cultural as well as educational matters and also on public health, transport and technical co-operation, and thus mitigate the inconveniences caused by the existence of the frontiers.

The membership was also enlarged,⁴³ so as to make the Consultative Committee more representative.

At a later stage, in the middle of 1950, the Administering Authorities reported two developments: the terms of reference did not preclude advice on the unification of any parts of the two Trust Territories⁴⁴ and a Working Committee

⁴³. There were to be four official members: the Governor of the Gold Coast, the Commissaire de la Republique as Co-Chairman, 2 officials as Vice-Chairmen; and ⁴⁵ non-official elected representatives, 17 from the British and 28 from the French Trust Territory. 4 from among the ⁴⁵ members were to be representatives of the four political parties: All-Ewe Conference, the Togoland Union, the Parti togolais du progres and the Comite de l'unite togolaise.

⁴⁴. Also see U.N.V.M. Special Report, 1952, T/1105, page 9.

would be established, composed of some members and one Vice-President of the Consultative Committee to advise on immediate and urgent matters during the interval between sessions.

The above additional functions of the Consultative Committee could give the impression that our remarks about the non-appreciation by the Administering Authorities of the political implications of the problem were not correct. It may be pointed out in this connection that the time lag of a few months would perhaps better explain the developments: The unification problem had assumed more importance in the meanwhile and the political organization had already begun to criticize the usefulness of the Committee. The above clarifications may therefore have been added to meet the new objections of the political organizations. The lack of urgency shown towards the demand in the original plans were belatedly rectified by these additions.

At the Seventh Session of the Trusteeship Council, the reports of the Mission, the proposals of the Administering Authority and various petitions from the Indigenous peoples were presented. The situation was not very clear. The Council decided to grant oral hearings to the representatives of the Togoland Union, the All-Ewe Conference, the Togoland Progress Party and the Natural Rulers of Western Togoland, and others. The Council played an important role in co-ordinating the proposals of the Administering Authority and the objections

raised on the proposals by the indigenous peoples. The tone of its resolutions, while appreciative of the work done by the Administering Authority, is nonetheless suggestive of criticism and constantly remindful of the necessity to find ways and means of making the Committee truly representative of the different sections and groups. They evinced a genuine desire to understand the point of view of the indigenous people, even to the point of allowing oral hearings. For example, when the petitions were received alleging that some persons had been arrested and imprisoned during the elections for the Consultative Committee in the French Trust Territory, the General Assembly itself passed a resolution⁴⁵ expressing its concern for due democratic methods of representation. The Assembly recognized the great importance of the Ewe problem and stressed the urgency of finding a solution, based on the real wishes and interests of the people concerned. It impressed on the Administering Authority the necessity of conducting the Committee elections in a democratic manner, and asked the French Government to investigate the charges made and report the findings at the next session of the Trusteeship Council, which recommendation was complied with. Here, the United Nations took an attitude critical of the manner in which the elections were alleged to have been conducted.

45. General Assembly Resolution 441(v) of 2nd December, 1950.

Similarly, when the pro-unification element abstained from the Enlarged Consultative Committee, the Trusteeship Council adopted a resolution⁴⁶ inviting the Administering Authorities to continue their striving after a solution, and the groups concerned to co-operate with the Administering Authority. It also called for new proposals by the Administering Authorities to be submitted to the Council not later than the 1st of July, 1951. Judged on the background of the political situation in the Trust Territories, the resolution--though its tone is balanced and conservative,--really expressed the Council's deep concern over the impasse and, by fixing a dateline, insisted on further attempts being made to right the situation.

It was in keeping with this recommendation of the Council that the Administering Authorities stated their decision to establish a Joint Council for Togoland Affairs. Briefly, though the Joint Council was given no legislative or executive powers, it, nonetheless, provided a meeting place for the representatives of the two Trust Territories, with the power to discuss and co-ordinate the development of the Territories. The Administering Authorities believed that in this way the legitimate aspirations of the peoples of the two Trust Territories would be assured of a hearing by the governments concerned.

46. Resolution No. 306(viii) of 8th March, 1951.

An examination of this proposal would suggest that the Administering Authorities, while admitting a strong popular desire for unification, were reluctant to admit it officially to the extent of dissolving the frontiers between the two Trust Territories. The pressure which the desire for unification exerted on the two Administrations is obvious from this proposal.

In their oral hearings, the pro-unification elements had suggested that direct U.N. Administration replace the two Trusteeship Administrations, but the Council bypassed the issue and endorsed the proposal of the Joint Council.⁴⁷ The Sixth Session of the General Assembly also approved⁴⁸ of the idea of establishing the Joint Council, but recommended full consultations with the indigenous representatives before constituting it, and extension of its powers to include consideration of all aspects of the Ewe and Togoland unification problem. The General Assembly viewed with concern "the atmosphere of tension which appears to exist in the Territories as a result of delay in arriving at an adequate solution". It recommended a special study of the problem by the U.N. Visiting Mission which was to leave for the Trust Territories of West Africa in 1952.

That the caution given by the General Assembly to the Administering Authorities to consult the indigenous repre-

⁴⁷. Resolution No. 345(IX) of 24th July, 1951.

⁴⁸. Resolution (Fourth Committee) No. 555(VI) dated 18 Jan 1952.

representatives before setting up the Council was good advice can be judged by subsequent events. The Council was made ineffective by the boycott of the pro-unification groups, and ironical as it might be, also by the anti-unification group. We have seen elsewhere⁴⁹ the report of the Second Visiting Mission, which found that unification of Togolands was almost universal, with the exception of British Northern Togoland.

The latest developments are that the British Government have submitted on 21st June, 1954, their plan for the future of British Togoland. Broadly speaking, they recommend federation of Togoland with the Gold Coast. Their plan is based on the idea that Togoland has reached the stage of self-government and, with the impending independence of the Gold Coast, it would not be possible for Her Majesty's Government in U.K. to discharge the duties of administration, since Togoland has always been governed as an integral part of the Gold Coast. Hence, of the various possibilities, the most practical is that of unification as a unit of the Gold Coast Federation. This would amount to the same thing as complete independence for Togoland. The British Government is convinced that, given the economic and ethnic ties binding Togoland and the Gold Coast, this would be the natural course to adopt: for, by itself, Togoland cannot be an independent state, being

49. See p.295 -302 of this thesis, Chapter VI.

too small and economically inviable. If necessary, the British Government are prepared to hold a plebiscite to decide whether this proposal is acceptable to the Togoland. France has not yet presented any proposal: the deadlock concerning unification continues.

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The aim of this chapter was to describe, in extenso, the handling of an important trusteeship problem by the United Nations and to point out the complexity of the factors to be considered in solving it. The Ewe and Togoland unification question might well turn out to be a test case in determining the effectiveness of the Trusteeship System. The case would create new precedents in the development of the conception of international supervision.

An important implication of the British proposal to make Togoland a self-governing part of the Gold Coast Federation is "How the Trusteeship Agreement will terminate". Except in the case of the Italian trust territory of Somaliland, no Agreement specifically mentions the duration of the trusteeship. Of the mandated territories placed under the Trusteeship System, the Pacific Island Territories Agreement states that the trusteeship would end when the people of the Island have given their approval for this action. Besides these two, one definite and the other indefinite,-- provisions for the termina-

tion of the trust, all the other Trusteeship Agreements are silent on the period and mode of the termination of the System. It is, of course, implied in the very idea of the trusteeship that, once the people in the Trust Territories have reached the stage where they can stand alone, the guiding hand of the Administering Authorities will no longer be required. This leads us to the question, "By what standard can the self-sufficiency of the territory be determined?"

Evidently, it can be decided either by the possible resignation of the trustees themselves, or by an unsuppressable demand of the people, or by an order of the United Nations, which would obviously be incapable of enforcing its decision. With the rapid political advancement in West Africa, the probability is that the test will take place there.

In the case of British Togoland, the Administering Authority itself has decided that Togoland has attained sufficient political maturity to become independent, i.e., as a self-governing part of the future independent Gold Coast Federation.

The seriousness with which the United Nations attended to the problem indicates the importance of the case. The delay of eight years, however, was not mere dalliance. Some progress was achieved in a practical way. If the United Nations has proceeded cautiously and explored all possible avenues before meeting the problem squarely, it is because of the importance of the case. International supervision is a matter of constant

shift from examining the policies of the Administering Authorities to establishing a direct relationship between the people of the Trust Territories and the United Nations. This is apparent from the precedent which was created in allowing the representatives of the political organizations in the Trust Territories to present their claims and views before the General Assembly. In creating this precedent, the United Nations has underlined its concern for the indigenous peoples; it has also once again stressed the fact that the Administering Authorities govern these areas under the United Nations Charter and the Trusteeship Agreements, and that the Trust Territories are not colonies. The underdeveloped peoples have learned that they enjoy the right to bring their grievances before the Court of Appeal and can hope for a sympathetic hearing. The Trusteeship Council may be neutralized by its very composition (i.e. equal number of administering and non-administering members in the Council), in taking a strong attitude towards the great powers, but a more sympathetic firmness may be expected from the General Assembly. Thus the Resolution of the Sixth Session was more critical of, and more blunt with, the British and French Administering Authorities than the Council had shown itself to be.

By the same token, the trustee powers, who only yesterday would have claimed these territories as their imperial possession, are warned that they may not with impunity

thwart the legitimate aspirations of their wards without being made to appear before the impartial bar of world opinion. No uncontrolled rationalization will be accepted.

On the other hand, national or tribal groups have also learned that their political aspirations will be scrutinized with regard to the implications on the other similar groups.

The political advancement in the Trust Territories would increase the responsibilities of the United Nations and would call for a closer relationship between the indigenous peoples and the United Nations. This may not be needed in all the cases because, where the policies of the Administering Authorities are in pace with political advance of the indigenous peoples, no conflict will take place between them. However, the United Nations would have to assert its responsibility if the international supervision is to be exercised properly, where the policies of the Administering Authorities would be incompatible with the aspirations of the indigenous peoples. In this particular case, it is apparent that the indigenous peoples of both Togolands have reached a degree of political advancement where they can decide whether the unification should take place and, if so, under what form. As may be seen from the foregoing, in all the attempts made to find a solution to the problem the two separate administrative unions were taken as a constant factor which was not to be questioned. Resort to a plebiscite could have been taken to

decide the problem. Obviously, this possibility was not considered by the United Nations as the interests of France and Great Britain would have been at stake if such a course of action had been adopted.

Hence, the problem of the unification is an important test case for the United Nations, which may lead to possibilities of great significance for the International Trusteeship System.

Chapter VII

AN APPRECIATION OF THE WORK OF THE
TRUSTEESHIP SYSTEM

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AN APPRECIATION OF THE TRUSTEESHIP SYSTEM

The establishment of the Trusteeship System was an important fact of international politics in the post-war period. The League of Nations had died of inanition and the status of the Mandated Territories was left undefined. Were these Territories to become colonies of the Mandatory Powers, or were they to continue under some sort of international supervision or administration? And what about the Mandates and colonies of the defeated Powers? The problem would have no doubt become acute, had the United Nations not come into existence, or had its creation been delayed. In that case, the future of the Mandated Territories would have depended upon the policies of the occupying powers, and a medley of factors, external and internal, would have arisen in the politics of the individual countries. Hence the reaffirmation of the Mandate principle, in its modern version of Trusteeship, was to a large extent responsible for redefining the international status of these under-developed areas.

Although the United Nations endorsed the Mandate idea and recreated the machinery for international supervision, it took no steps either to compel the refractory among the mandatories or to urge other colonial powers to accept the system for their Territories. The inability of the United Nations to act against the delinquents reduced the applica-

tion of the Trusteeship to a question of acquiescence. Thus, while the United Kingdom, France, Belgium, Australia and New Zealand placed their Mandated Territories under Trusteeship, the Union of South Africa successfully defied the U.N. by refusing to extend Trusteeship to the former Mandated Territory of South West Africa. In spite of the advisory opinion of the International Court of Justice that the Union must continue to send annual reports on the progress of the Territory, the Union did not perform this obligation based on the former Mandate Charter. This attitude of the Union of South Africa may perhaps be explained by the lack of support in the ruling community of the Union for the application of the tutelage to the "negroes", whereas in other countries the right of self-determination for all peoples was at least conceded in principle. It would, of course, have been most illogical for the Union to subscribe to the idea of tutelage, when the public-policy of the white rulers of the Union was founded on racial discrimination. Therefore, in the case of South West Africa, the factual lapse of the Mandate regime resulted in its virtual annexation. But for the re-enunciation of the Trusteeship principle in the U.N. Charter, the same fate would have been that of other Mandated Territories, under various excuses. Old and less revolting pleas, like the "civilizing mission" of the colonial power, and the "white man's burden", would have rationalized annexation.

The establishment of Trusteeship under the U.N. Charter, therefore, served a lofty purpose by restating the idea of tutelage to the family of Nations. The unfulfilled intention of the Charter was to extend Trusteeship not only to the ex-mandated Territories, but also to such territories as could be placed under the system voluntarily by the colonial powers. Hence, it would seem that the U.N. considered Trusteeship as an idea of practical international morality rather than a convenient way of avoiding international complications as was the case when the League of Nations established the Mandate System.

The practical importance of the Trusteeship System from the point of view of the indigenous peoples is the explicit statement of the objective. The Administering Authorities are entrusted with a duty and are not granted the right to link their own political and economic interests to that of the defendent peoples, as was more or less condoned under the League of Nations' Mandate System. They decide on the policies, but under the supervision of the U.N., and those policies must be the most appropriate to procure conditions such that their wards can autonomously exercise the powers of government. Such is the difference between colonial administration and tutelage. The former benefits the Metropolitan Country, the latter furthers the sole interests of the local populations. It is, furthermore, a three-sided partnership for the sole benefit of one of the parties. The objective

itself may never be challenged; only the means may be a matter of discussion among the three parties, viz. the U.N., the Trustee and the indigenous people. Much discretion may be left to the Administering Authority in the choice of means but the chosen methods must be shown to the satisfaction of the U.N., to be conducive to a realization of the aims agreed upon by all three interested parties. The claims of Colonial Powers that colonial policies are matters of internal administration have no standing in the case of Trust Territories. On-the-spot investigations by Visiting Missions and various other checks can be made on the initiative of the U.N. and petitions from the local populations are carefully examined. The constant vigilance exercised by the Trusteeship Council and the Visiting Missions has served the purpose of stimulating political activities in the Trust Territories and reminding the Administering Authorities of their obligations towards the indigenous peoples.

The Trusteeship Council has shown its concern on a number of occasions for the political progress of the indigenous inhabitants. We have seen the seriousness with which it dealt with the Ewe and Togoland Unification demand. Of course, the main achievement of the Council in this case was to exercise restraint on the Administering Authorities, and to provide opportunity to the local political movements to present their points of view. This concession was granted liberally. It could not have been afforded representatives

from the Colonies, since the Colonial Powers would have resisted such a step on the plea that the matter did not concern the U.N. It has now become an invariable practice in the annual session of the Trusteeship Council to urge the implementation of more liberal policies in the Trust Territories; thus normally echoing the gist of popular petitions. Similarly, the Council examined the question of Administrative Unions and approached the problem with diffidence about the future of the Trust Territories. The Council has been critical of the policies of the Administering Authorities on a number of occasions and while the tone of the Council's resolutions has been conservative, it has shown its disapproval of the policies in no uncertain terms. Thus, the Belgian policies of limited association in the Conseil de Vice-Gouvernement-General, limited suffrage, refusal of a common indigenous political institution for the two residencies of Ruanda and Urundi, "paternalistic attitude" towards the indigenous peoples and development of two administrative machineries, indigenous and Belgian, was strongly criticized by the Council. Similarly, the dual voting system in the French Territories, the limited powers of the Territorial Assemblies, and the ^{refusal} ~~absence~~ of executive powers to the Conseil d'administration and the Conseil prive rated the disapproval of the Council. These are but a few of the matters which have been discussed in the Council. The latter's recommendations

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have generally been respected and implemented, though sometimes grudgingly by the Administering Authorities. The causal relation between the Trusteeship Council and the reforms in the Territories, especially with regard to popular participation, is certain. Usually, reforms have followed recommendations; and, when they did not, there can be little doubt that the mere possibility of local complaints or of observations of Visiting Missions has greatly stimulated the zeal of the administrators. Recommendations were never of a drastic nature and were generally couched in quite diplomatic language, but they, nevertheless, enjoined that more and better be done to lead the populations to greater autonomy.

Are the recommendations of the Trusteeship Council idealistic or do they conform to reality? Some critics might object that the Council usually recommends more liberal policies than the political, educational, economic and social progress of the indigenous peoples warrant. Some could perhaps argue that the progress in the Territories has come mostly because of the efforts of the Administering Authorities and, therefore, it would be in the interest of the indigenous peoples if the Administrations were for some time to come left undisturbed, so that the progress already made might be stabilized. The answer lies in the two aspects of the work of the Council: the data on which the recommendations are made and the purpose of Trusteeship.

All types of information concur in the framing of the Council's recommendations. The annual reports include details on all aspects of advancement. The progress made is carefully noted from year to year. Of course, this information presents the interpretation of facts and the point of view of the Administering Authority. It is possible theoretically that some facts are omitted either because unworthy^{of note} or because unavailable. Public opinion on certain issues, political activities of parties or reaction of the entire native population to some policies, may possibly be included in the latter case. But the petitions sent to the United Nations or to the Visiting Missions represent the point of view of the individuals or organizations. Such points of view could possibly be overstated, or unfounded, but judging by the number of petitions which the Council receives and finds to be substantially important, it can be said without fear of contradiction that usually the indigenous peoples have exercised the right to petition fairly well. The petitions are examined by a Special Committee, and are investigated by the Administering Authorities. Therefore, the Council does not rely on the petitions alone to understand the situation. Comments of the Administering Authority, investigations of the native complaints and grievances, and, where necessary, oral hearings give a rather clear picture of the situation. Besides this information and examination of the points of view of the parties concerned, the U.N. sends a Visiting

Mission to each Territory triennially. This gives the Council itself an opportunity to assess the facts. The short duration of the tour may perhaps not give the Council as thorough a picture as a permanent observer or an Advisory Council of the U.N. would provide; nonetheless, the information obtained by the Mission during its stay is likely to be more useful than a mere Lady Shalott sitting before the mirror. Moreover, the fact should be kept in sight that the Visiting Mission normally is composed of experts who are already very much aware of the particular problems of the Territories concerned. A trained observer with long diplomatic experience is capable of understanding the twists and turns of facts and opinions. Therefore, while it cannot be denied that short visits are not a good substitute for permanent observation, the Visiting Missions are not to be discounted as reliable informants. Hence, the data on which the Trusteeship Council or the United Nations deliberate are neither controlled by the Administering Authority nor distorted by a few impetuous politicians in the Trust Territories.

The views of the Trusteeship Council, the Visiting Missions and the Standing Committee on Petitions will naturally reflect the interests for which the representatives speak. Hence it would be necessary to analyze the composition of these three important functional organs of the Trusteeship System. To quote Mr. Ernest Davies, British representative at the Second Session of the General Assembly:-

"Votes cast in this General Assembly are not always cast according to the conscience, shall we say, of those casting them, but rather upon the instructions of their governments. We all know that votes are not always cast solely in relation to the merits of the particular questions under discussion. They may be affected by all sorts of diplomatic and political considerations which have no bearing whatsoever on the well-being of colonial peoples."¹

While this statement is generally true, sometimes the concern shown by some powers for the colonial people may be entirely based either on the philosophy which is accepted by the leaders of a country like U.S.A., or because of a strong emotional interest in the dependent people, as in the case of Asian countries. In such cases, the votes cast may have a direct influence on the well-being of the colonial people. However, such sentiments may quite easily be modified by diplomatic and political considerations. The number of representatives on the three Trusteeship bodies, the Council, the Standing Committee on Petitions and the Visiting Missions, is based on a well-established practice of parity between the colonial and non-colonial interests. Thus on the Trusteeship Council, there are six administering and six non-administering powers, and on the Standing Committee on Petitions presently the three administering powers are: Australia, Belgium and the United Kingdom, and the three non-administering powers are: El Salvador, Syria and the U.S.S.R. In practice, the Visiting Missions so far had four members, two each from the colonial and the non-colonial interests. For example, the 1950 Visiting

1. See General Assembly, Official Record, Second Session.

Mission to the Pacific Trust Territories included the United Kingdom (Chairman), China, France and the Phillipines; the 1951 Visiting Mission to the East African Trust Territories was composed of members of the Dominican Republic (Chairman), Thailand, New Zealand and the United States of America; the 1952 Visiting Mission to the West African Trust Territories included an Australian representative (Chairman), and one representative from each of three member states, Belgium, China and El Salvador. The views of the Visiting Missions have, therefore, been quite diversified sentimentally. The importance of the composition of the members of the Visiting Missions are best illustrated by the report of the 1953 U.N. Visiting Mission to the East African Trust Territories. The Mission comprised a New Zealand representative (Chairman), and three members, one each from El Salvador, India and the United States of America. The report is critical of the Tanganyika Administration, and shows a strong pro-African sentiment. It favours the establishment of an All-African State, and gives prominence to the aspirations of very vocal groups of the African intelligentsia. This is obviously due to the influence of Mr. Rikhi Jaipal, the Indian representative. On a number of occasions, in the Report, the Chairman disagreed, but the three remaining members almost in all cases took a joint stand. This is natural because of the Indian and El Salvadorian anti-colonial approach, and the American caution not to appear pro-colonial in Africa and Asia. Similarly,

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the Visiting Mission was sympathetic towards the indigenous people of Somaliland and Ruanda-Urundi. Its opinions and activities have certainly disturbed the Administering Authority and the European element in Tanganyika.²

The same division of opinions is reflected in the Trusteeship Council. The Administering Authorities usually support and congratulate one another on the progress achieved. This is natural, besides the fact that the three Administering Authorities, U.K., France and Belgium, are also colonial powers in the same regions in which they administer Trust Territories. The Asian and South American States generally espouse the cause of the indigenous peoples. Their stand is normally critical of the policies followed in the Trust Territories. It has been said that this attitude is "hypocritical" and "hard to bear with a show of equanimity" for

"members of autocratic or in other respects backward countries assume an air of concern for the colonial populations of other countries which, by comparison, may enjoy an enviable high standard of political, social and economic freedom and advancement. At the same time, the very same governments which show such studied unconcern over intervention with the domestic affairs of colonial powers are the first to deprecate any international concern with their own metropolitan area as unwarranted interference with their own independence".³

This broad statement should be seen in the light of actual facts. Among the Asian countries which have taken an active

2. See Petition No. T/PET. 2/L.4 dated 24 Feb., 1955, from Mr. Kleen and others. The "Observations of the Admin. Authority" U.N. Document No. T/1162 is also harsh in its tone.

3. "Power Politics", G. Schwarzenberger, Second Edition, Stevens, London, 1951, p. 691.

role in Trusteeship Affairs are India, Pakistan, the Phillipines, Syria and China. It is no doubt true that most of the "Arab-Asian group" have supported the stand, but it is certainly not possible to assert that the political, social and economic freedom and advancement in the Trust Territories are enviably higher than in the five Asian Powers mentioned above. Besides the fact that the Asian nations support the cause of the dependent peoples genuinely, the criticism of colonial powers creates the effect of a healthy opposition in the United Nations.

The difference between the attitude of ex-colonies and that of the Administering Authorities can be illustrated by a few examples. In 1951, a decree was passed by the French Administration in the Cameroons governing monogamic marriage and giving girls who had reached majority the right to marry despite the opposition of their parents. The reaction of the Visiting Mission was typical: the New Zealand representative noted the decree with satisfaction and hailed it as an improvement in the position of women. Thus, he occupied himself only with the principle of the decree. But the representative of the Dominican Republic commented on the general statement of the status of women in the Territory, and expressed his concern over the general position of women.⁴ Similarly, the Indian

4. Report of the Trusteeship Council (Dec. 51 - July 52), p. 185.

delegate launched a strong attack on the policy of the Administering Authority in Ruanda-Urundi, saying that

"the Trust Territory was behind in political development and that it presented a singular spectacle of inertia. Its System of Administration was utterly anachronistic and the local population, governed by a cautious system of indirect rule, merely carried out orders. This situation could not last for long, and it would be tragic if these antiquated and semi-feudal methods were to lead to unrest and if the people began to feel that they could only achieve their aims through more questionable methods".⁵

The Australian delegate, on the other hand, rather apologetically presented the point of view of the Administering Authority by stating that, while it was desirable that the two pays should be unified, he felt "that under present circumstances, any abrupt action would probably be impossible".⁶

It would be incorrect to give the impression that the Trusteeship Council is divided in two hostile groups who do not see eye to eye on any issue. There are many instances where the Administering Authorities and the Asian countries have joined hands, the differences, if any, in such cases being the degree of vehemence of the support given to an idea. In the particular case just cited, it is obvious that the Council agreed that the division of the Trust Territory was not in the interest of the indigenous people, as can be seen in the passage of the following resolution, although Asian representatives on the Council were a minority:-

5. Report of the Trusteeship Council (July 53-July 54), p. 81.

6. Ibid., p. 81.

"The Council.....noted the difficulties which the existing duality of the administrative structure appeared to present to the development of a territorial government in which the indigenous inhabitants might play a full part.....expresses its continued concern to receive from the Administering Authority a statement of its policy in this matter."⁷

It also charged the next Visiting Mission with the duty of studying the question and reporting to the Council on it.

The Trusteeship Council has an important function to perform; that is, to ensure that the Trusteeship objective is being fulfilled. The responsible manner in which it performs its mission is unquestionable. The Agreements do not specify the steps to be taken in each concrete case and situation; only the broad outlines are given. This could have been done intentionally by the draftsmen of the Agreements, so as to give more latitude to the machinery of international supervision. The points of view of the Administering Authorities, the native peoples and the reactions of the other nations in the Council determine the recommendations of the international organization.

It is obviously the task of the Council to assess what progress has been made, and what should still be done. Thus, when the Council passes a certain resolution embodying a recommendation to further efforts, the reason is obvious: policies must now be channelled in the direction the Council has pointed out. In this way, the Trusteeship Council and the

7. Report of the Trusteeship Council (July 53-July 54), p. 78.

General Assembly supplement the Territorial legislative assemblies, which are not capable of exercising the normal pressure on their Administrations, partly because of their inexperience and partly as the matter is usually beyond their jurisdiction. While the U.N. and the Territorial legislative assemblies are both advisory in nature, in ultimate analysis the U.N. has the force of international public opinion behind it, and can call the powers concerned to task. The Territorial assemblies cannot.

One conclusion which may be drawn from this study and should achieve a high degree of unanimity is that the concept of Trusteeship has been a useful one. By the universal acceptance of the principle of international supervision, even in a restricted field, it has served to develop the idea of international responsibility and co-operation, thereby promoting the cause of peace--the first objective under art. 76. By its machinery, it has seconded the democratic efforts of the liberal European Powers, while it has fostered the hopes of the dependent peoples in their struggle against the remnants of autocratic colonial rule. But how far has the Trusteeship System been a practical success in the Trust Territories themselves? This remains to be seen.

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The stage of development reached by the various trust territories differs considerably. Near self-government (if not independence) has been achieved in British West Africa by the inclusion of Togoland and the Cameroons in the Gold Coast and Nigeria Federations and, similarly, in Western Samoa. In the French territories, the people's participation is the most complete of all at the highest level since they have a voice in the Council of the French Union and even in the National Assembly; but in local government, it is sorely lagging behind, although it is improving. Tanganyika is hampered by the presence of non-autochthonous races and the principle of inter-racial partnership, but the idea of self-government is forging ahead. The same applies to Italian Somaliland. Finally, the slowest advance was made by Ruanda-Urundi and New Guinea. As for the Pacific Trust Territory, too many factors--of which geography is the main one--enter into play for them to be a test of trusteeship efficacy. On the whole, therefore, it can be said that the trusteeship objectives are being realized.

It would be presumptuous on the part of even the most enthusiastic supporter of the Trusteeship System to ascribe the whole success to United Nations action. Many other factors have contributed immensely to this progress. Without direct United Nations influence, all

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dependent peoples^{which} have made great strides forward in the economic, social and cultural fields, and this resulted in an increased participation in political activity. Education has spread both extensively and intensively. Educated Africans received training in Western countries not only in technical and political methods but also in Western liberal ideology. This has led to a trend, away from the traditionally divided tribal organization, toward more homogeneous, national societies. This is perhaps the most active factor. The individualistic nationalism, which broke up European unity and is in the process of dividing a once-united Muslims, is being turned by the dependent peoples against their colonial masters. Under any regime, with or without the collaboration of the Administering Authorities, with or without the international supervision of the United Nations, the development and advancement of the trust territories is inevitable. The rate and the nature of the progress is another matter.

Also difficult to assess as a factor of progress in the trust territories is their proximity to colonies wholly independent of United Nations authority and which are ruled by their own Administering Authorities. The mutual influence, though intangible, must be real. Any rapid strides in one is bound to affect the other. It seems to be particularly the case in the relationship between the Belgian Congo and Ruanda-Urundi. Belgium's

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prosperity is to a great extent bound with her vast African colony, and it is a fact too well known to belabour the point, that her policy has always been rather to retard than to promote Congolese autonomy. More popular participation in Ruanda-Urundi would undoubtedly provoke demands for equal privileges in the Colony. Considering the French desire for a quasi-federal union of all the colonies and the French nation, it is understandable that she is not eager to create the conditions in the Trust Territories that will necessitate the granting of complete self-government to Togo and the (French) Cameroons until such time as the adjacent, more complicated colonies can be brought, pari passu, to the same stage. On the other hand, if, for instance, British Togoland shares in the self-government of the Gold Coast as an autonomous unit of the Federation, the French Togos of the Trust Territory are bound to look over the fence and wonder why--even if they are in the French Union--they also may not enjoy the political game closer to home.

The problem is certainly complicated and can still be more so when Great Britain is jealous of the integrity of the Commonwealth and less than eager to displease a colour-barred Union of South Africa, already pouting about the mixed Federation of Central Africa and self-government in the Gold Coast and Nigeria. It is no wonder

that she is cautious in Tanganyika, especially in the face of the dire disturbances, next-door, in her colony of Kenya. It might come to pass that self-government be established in Kenya despite the opposition of white settlers and, then, Tanganyika would immediately follow suit. By the same token, the urgings of the United Nations might bring about a greater degree of popular participation in the Trust Territory with proportionate repercussions in the Colony.

It is evident that, were all African colonies placed under the Trusteeship System--as seems to have been hoped--the fuel for the furnaces of nationalism would, in great part, be removed, all the Great Powers could contribute more disinterested ideas to the problem, and the problem, itself, would lose much of its acuity. This, however, can only be a dream. No colonies, as yet, have been placed voluntarily under trusteeship and there is no likelihood that any will ever be so placed except under compulsion--the outward compulsion of a lost war, as happened to the defeated powers of World War I, or the inward compulsion of an exacerbated nationalism. In both cases, it would be too late. Such may be the more or less conscious reasoning of those who favour strong action by the United Nations in the promotion of self-government in the Trust Territories. Since it is the declared aim of the

Agreements, it is unobjectionable; and, at the same time, it might be conducive to a consolidation of heretofore divided, tribal mentalities, capable of opposing a strong reaction to potentially dangerous, anti-African policies, such as those in process of elaboration in the Union of South Africa, Kenya and the Rhodesias.

Many other factors help confuse the situation when an attempt is made to evaluate the effectiveness of the Trusteeship System. More or less intangible, their presence is felt more than it can be seen. A case in point would be the Truman Point-Four doctrine whereby the United States decided on special aid to dependent peoples. Not only would the economic development contribute to the political advance, but, psychologically, the feeling of a support from a non-colonial Great Power could very well favour the self-assertion of indigenous peoples as well as provide the means of higher Western education for many.

With regard to the success of the Trusteeship System one conclusion compels assent: it has contributed immensely to liberalize colonial rule and to canalize nationalist energies. In the measure in which it can operate effectively, i.e., rely on the bona fide of the administering authorities, in that measure it will satisfy, in an orderly way, the legitimate aspirations of

millions of human beings. Riots and terrorisms have not occurred in the territories as they have and will continue to occur in other parts of Africa. The System has not, of course, been an absolute success, but, where it has failed, its failure is to be ascribed to the inherent defects of the United Nations, itself, rather than to the idea of tutelage or to the efforts of the Trusteeship Council.

Whether League of Nations or United Nations, the post-World War I international organization was based on a contradiction--the contradiction between an ideal of world collaboration and the selfish, nationalist practice of sovereignty. In a world, grown ever more complex through interlocking interests and relationships, where the internal condition of one area may have unpredictable repercussions in many apparently divergent regions, international collaboration cannot be reconciled with the principle of non-interference with national sovereignty. In a world imbued with the conception of self-evident human rights, order cannot be preserved if the recognition of such rights rests on a compromise of certain self-interest, and the respect of these rights is dependent on the goodwill of the Great Powers, i.e. on power politics. The result has been a world in constant crisis, a cold war in which all nations are involved, a substitution of

alliances or blocks of regional interests to international collaboration. In such troubled waters, communism thrives. And, to a certain extent, so does colonialism.

It was an ideal that established the Mandate System after World War I. Henceforth, conquest could not be a means of territorial expansion, even into under-developed lands. Such lands were to be developed to maturity under the supervision of the International Organization, the League of Nations. The mandate was a trust, a mission of civilization;

It was a selfish nationalist sovereignty which defeated the trust and practically reduced the mandated territories to the status of colonial possessions.

It was an ideal that devised the Trusteeship System after World War II, establishing a more direct contact between the dependent populations themselves and the International Organization, the United Nations. There were to be no more fetters on the trust territories in the expression of their claims and protests; no more interested intermediaries in the gathering of information by the Trusteeship Council; It was power politics and nationalist sovereignty that, first, made administering authorities as numerically important on the Council as non-administering authorities, and, secondly, deprived the General Assembly of all coercive power in the implementation of its decisions.

It was an ideal which theoretically included all under-developed regions in the Trusteeship System;

It was concern for sovereignty and power politics that vainly left to voluntary action the inclusion of actual areas.

It was the ideal of trust that created the method of agreement between the administering authority and the United Nations itself;

It was sovereignty and power politics that intentionally made all the agreements, but one, vague as to the actual methods used to achieve the trusteeship objectives.

The wonder is not that the Trusteeship System did not have greater success. The wonder is that it had any success, at all. In the last analysis, the success of the System is conditioned by the liberal attitude and the understanding of practical issues in the trustee nations, and this not only in the territories entrusted to them but also in their own colonial possessions, as mutually dependent psychologically as they are bound together geographically, economically and socially. Even if there still exists some confusion of thought with regard to national interests, it speaks well for the future of international collaboration that some territories are on the eve of achieving self-government. New Zealand is taking steps

to grant it to Western Samoa. The Gold Coast is not far from becoming a Dominion in the British Commonwealth of Nations. Either it will include Togoland or the latter will be independent. Elsewhere, the old colonial rule is on the wane, and the conviction grows that mutual aid, and not exploitation, is now the only sane policy.

Certainly, much still remains to be done and the United Nations seems to feel the urgency of realizing the objectives of the Trusteeship System. In a Resolution of 1952¹, re-affirmed in 1953², the General Assembly stressed the need of "taking measures...which are intended to lead the Trust Territories, in the shortest possible time, to the objectives of self-government and independence". In the first instance, it went further and invited the Administering Authorities to submit a time-table, supplying the following information:

"(d) The rough estimate of the time which it considers, under existing conditions, may be needed....to create the pre-conditions for the attainment by the Trust Territory of the objective of self-government or independence.

"(e) The period of time in which it is expected that the Trust Territory shall attain the objective of self-government or independence."

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- 1 General Assembly Resolution 558(VI) of 18th January, 1952, Paragraph 2.
 - 2 General Assembly Resolution 752(VIII) of 9th December, 1953, Paragraph 1.

Here the General Assembly was reviving President Roosevelt's idea to lay down a time-table for the colonies indicating the period in which they will attain independence.

However, none of the Administering Authorities have replied to the resolution#. The "time-limit" idea was criticised by them as of doubtful wisdom. Considered absolutely, the criticism is perhaps not unwarranted; but the United Nations seems to feel that some sacrifice must be made to the urgent need of action. Speed, however, in bringing about administrative reforms has not, up to the present, characterized the administering authorities. If rapid progress is to be made, it would seem imperative to correct the flaws in the Trusteeship System itself. The following suggestions seem to follow logically from the analysis just made of the System:

(i) Direct on the Spot Relationship with the Indigenous People

The administrative structure of the territories is based on the Governor, by whatever name he may be called. He has the legislative, administrative and, in certain cases, judicial powers. It is he who interprets the facts and sets up the pace of development policies.

Perusal of Annual Reports will confirm this statement.

The power of the Territorial Assemblies--except in British West Africa--are purely nominal and advisory. (In this respect the difference in administrative structure between the Trust Territories and the Colonies is only one of degree of popular participation in the government.) And the authority of the United Nations is merely normative. As this tends to defeat the aim of the trusteeship, it would be advisable that a direct on the spot relationship be established between the local administration and the Trusteeship Council through official United Nations Representatives. This can be done in two ways: either by appointing United Nations High Commissioners in charge of administration to replace governors, or by setting up a United Nations Advisory Council whose advice it would be compulsory to seek before any major step is taken.

The administrative set up at lower levels could be left undisturbed save for the gradual increase of indigenous people in the civil service. But at the highest level, the powers of the Administering Authorities must be subordinated to the objective, and therefore the United Nations must establish a control at the top. As advisable as would be the substitution of a United Nations High Commissioner to a colonial governor, the Administering Authorities might resist such an attempt. The rule through the United Nations appointed High Commissioner has

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worked successfully in Libya, and at present a similar system is operating in the Sudan where the President of the Governor-General's Council exercises the functions of an administrator. The idea is therefore practical.

However, if the appointment of High Commissioner were not acceptable to the Administering Authorities, consideration should be given to the establishment of United Nations Advisory Councils. A precedent already exists in the case of Italian Somaliland. In order to function properly it would be necessary to establish a majority of representatives of the non-administering states on the Council. The necessity of a direct United Nations supervision on the East African territorial administration and in New Guinea seems to be greater than in other trust territories.

(11) Amendment of the Trusteeship Agreements

The Trusteeship Agreements ought to be redrawn. The objective in the Agreements should be properly written in specific terms. Present development is taking place in the direction of the constitution of representative governments: territorial assemblies, executive councils, administrations and other institutions of democratic government are being established. The Trusteeship Agreements should lay down the actual steps to be taken for the gradual transference of power to indigenous representatives. The United Nations Advisory Councils

should be given the power to decide on the gradual extension of adult franchise in the territories. In this way the United Nations would be able to exercise its functions directly without disturbing the established interests of the Administering Authorities in the various regions.

(iii) Changes in the Composition of the Trusteeship Council

Out of the twelve members on the Council only four are from the small nations, eight being permanent members. Only six members represent non-administering authorities. This parity of representation between the colonial and non-colonial interests in the Trusteeship Council tends to neutralize its effectiveness. In practice, this means that the colonial powers are quite often both the accused and the judge. The result is that the Council which is in fact a mere advisory body and only passes resolutions is weakened by this prominence given to the colonial interests. This explains, perhaps, why the Trusteeship Council has not been able to take any strong action. It has usually been the General Assembly which has shown more boldness in dealing with the Administering Authority, the reason being that, in the bigger place, colonial interests are a small minority. This makes it difficult for the Administering Authorities to

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exert the same pressure as they do in the Trusteeship Council.

Does it not follow, therefore, that, in the Trusteeship Council, the Administering Authorities should be reduced to a minority, thereby increasing the effectiveness of the Council?

The Trusteeship System is, potentially, a practical instrument of international collaboration in the advance of under-developed peoples towards the objective of self-government. The United Nations Charter is due for revision in 1956, and at that time provisions could be made in the Charter to extend the powers of the Trusteeship Council and ensure that the Trusteeship objectives be realized. Will the Great Powers consent to a restriction of their sovereignty in favour of true international collaboration? This remains to be seen; but it should be the test of true statesmanship. Awakening is taking place in the under-developed and dependent peoples of Africa. Time is fast changing the face of 'the dark continent'. It is in the spirit of the age that the peoples all over the world demand the inalienable right of human beings to form nations and to be independent. They may not yet be able to assert their right, but the time is not too distant when the claim to be independent will be made, with vigour and vehemence. Will independence come to the African through peaceful means or will it come through ^{questionable} 'more ~~questionable~~ methods'? It cannot be too much stressed

that the successful and honest implementation of the Trusteeship objective and the extension of the System throughout the under-developed lands of Africa would avoid unnecessary strife and be an asset in the promotion of universal peace.

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