

### 6.5.1 After Vogan: Double Standard for Examining Petitions (1951)

Throughout the period of trusteeship, oral hearings were used almost exclusively by African petitioners,<sup>337</sup> particularly petitioners from Togoland. In fact, until 1950, the Ewe and Togoland unification movement was the only group that appeared in oral hearings before the Trusteeship Council<sup>338</sup> and the first group that appeared before the Fourth Committee in 1951.

Thus, for the first time, during the General Assembly's 6<sup>th</sup> Session (1951), the leadership of the unification movement, namely Sylvanus Olympio, Senyo G. Antor, and Martin Aku, requested oral hearings before the Assembly's Fourth Committee. The Belgian representative, Ryckmans, sought to have the Trusteeship Council rather than the Fourth Committee hear the petitioners, but after an objection from anti-colonial delegations, the requests for the first oral hearing before the Fourth Committee were unanimously granted.<sup>339</sup>

Meanwhile, the British and the French delegations finally submitted a joint memorandum on the establishment of the *Joint Council for Togolese Affairs*, which set out its composition, method of election, procedure, and mandate. The *Joint Council* was to have 21 members: 15 for French Togoland and 6 for British Togoland. Again, its terms of reference were limited to "discuss and advise the Administering Authorities"<sup>340</sup> on the amelioration of conditions caused by the existence of the frontier. However, the *Joint Council* was specifically prohibited from altering its own terms of reference.

When Olympio, Aku, and Antor appeared before the Fourth Committee, they made it clear that the proposal would not provide anything essentially different from the previous (*Enlarged*) *Consultative Commission* and they went over to exploit the Vogan incident: Olympio expounded to the members of the Fourth Committee that "almost every conceivable weapon had been used against the Ewe people [...] to crush the unification movement."<sup>341</sup> He accused the French government of arbitrary arrest of unificationists and rigging of representative elections. Now the "Committee had before it details of the most recent and most serious provocations [...] leading to the tragic death of a number of people – all in continuation of the campaign against the Ewe people."<sup>342</sup>

Antor maintained that he lived "in a country where maintenance of law and order had been made an excuse for the suppression of human rights and fundamental freedoms and for the use of armed force against a law-abiding population."<sup>343</sup> He reasoned that the French administration's attitude originated from the threat that "the loss of Togoland would lead sooner or later to the disintegration of the whole French Union."<sup>344</sup> Antor also made his opinion on the Council's petition procedure clear:

<sup>337</sup> Chowdhuri, *International Mandates and Trusteeship Systems*, p. 155.

<sup>338</sup> Amenume, *The Ewe Unification Movement*, p. 189.

<sup>339</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), 8–9.

<sup>340</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), p. 159. See A/C.4/198 available at GAOR 6<sup>th</sup> Session, Annex (A/6/Annexes), *Agenda item 12: Report of the Trusteeship Council*, pp. 14–15.

<sup>341</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), p. 162.

<sup>342</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), p. 162.

<sup>343</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), p. 163.

<sup>344</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), p. 163.

"For many years, the people of Togoland had sent petitions, resolutions and cablegrams to the United Nations. [...]. The petitions, however, had merely been referred to the Trusteeship Council, and the Council's resolutions on them had frequently concluded with the phrase 'draws the attention of the petitioners to the recommendations adopted by the Trusteeship Council in connexion with its examination of the annual report on the administration of the Territory' or 'draws attention of the petitioners to the observations of the Administering Authority.' Such meaningless resolutions had impaired the prestige of the United Nations among the peoples of the Trust Territories, who had seen the *Administering Authorities gain a stranglehold on the Trusteeship Council* during the past few years. That was why they had decided to bring their case before the General Assembly."<sup>345</sup>

Martin Aku's opening statement is a textbook example of securitisation:

"Events since the Second World War had shown the peoples of Togoland that their aspirations to freedom, progress, well-being, democracy, peace and security could only be achieved through the abolition of the colonial system. [...] The first task of the United Nations was the maintenance of peace and security, and it should be able to remove the burden which weighed on the countries dominated by the Powers of the so-called free world. So far no dependent people had been able to acquire self-government by peaceful means within the framework of French imperialism. The people of Togoland were the first African people to express their aspirations to political emancipation before the United Nations and they were conscious of their responsibility as the spokesmen of all Africa. The objectives of their movement for national liberation were essentially peaceful and consistent with the principles of the Charter. The Fourth Committee should bear in mind the fact that to find a just and pacific solution of the urgent problems which existed in Togoland would open the way to a pacific settlement of the whole colonial problem."<sup>346</sup>

Unambiguously, Aku's presentation ended by addressing the General Assembly as the relevant audience: "the French local Administration had declared war on the *Unité togolaise*. Hence the people of the Territory appealed to the United Nations in the hope that at last their aspirations might be fulfilled."<sup>347</sup>

These statements had an impact – at least on anti-colonial states, which made up the majority of the Fourth Committee. The Yugoslav representative, Ivo Vejvoda, noted that the Council had merely paid lip service to the Ewe petitions, as it "had merely drawn up seven stock decisions for dealing with petitions,"<sup>348</sup> and purposefully delayed the establishment of a Standing Committee on petitions. The Philippines' representative, Diosdado Macapagal, said that "the Ewe problem was the most critical that had yet emerged from the operation of the International Trusteeship System. The finding of an adequate solution must be regarded as a test of the Trusteeship System itself [...] and also a test

<sup>345</sup> Emphasis added, GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), p. 180.

<sup>346</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), pp. 164–65.

<sup>347</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), p. 165.

<sup>348</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), pp. 169–70.

of the whole concept of colonialism. It raised the validity of the concepts of the British Commonwealth of Nations and of the French Union.”<sup>349</sup>

For the ease of the Administering Authorities, briefly afterwards, the Fourth Committee heard Robert Ajavon (PTP), Nicholas Grunitzky (PTP) and Mama Fousseni (UCPN), all of whom rejected unification and preferred the status quo.<sup>350</sup> Remarkably, before the general discussion began, Sylvanus Olympio wished to bring the silence dilemma of his movement to the attention of the Fourth Committee: “The Ewe people had had troubles before they appealed to the United Nations, but they had been free to organize and to fight for justice. Now they had lost those freedoms; since their case had come into the international limelight every effort was being exerted to suppress them.”<sup>351</sup>

During the general discussion, a number of delegations, mainly Western powers, supported the Anglo-French memorandum concerning the *Joint Council for Togoland Affairs*, whilst representatives of nine anti-colonial states, however, jointly submitted an amendment which gave more teeth to the draft resolution,<sup>352</sup> recommending that the French and British authorities ought to extend the powers of the Joint Council to deal with *all* aspects of the Ewe and Togoland problem and devise a procedure for the election of representatives satisfactory to all parties. Furthermore, the amendment provided that the Trusteeship Council should allow sufficient time for the next UN Visiting Mission to undertake a thorough study of the *Joint Council* and the unification problem. The Mission then had to submit a detailed report to the Trusteeship Council as well as to the General Assembly with specific recommendations that should take full account of the real wishes of the people concerned. As amended, the draft resolution was adopted.<sup>353</sup>

Thullen notes that while the overall reaction to the petitioners’ statements was in favour of reunification, the General Assembly did not take a definitive position. In particular, the Indian delegation, which had previously been a resolute supporter of reunification, showed itself to be moving away from this position, as reunification was delaying the rapid independence of the Gold Coast.<sup>354</sup>

### General versus Specific Petitions

The debate on the Ewe and Togoland unification problem was immediately followed by a debate on the right to petition. Anti-colonial state representatives, especially from the Global South, increasingly saw the Administering Authorities’ maintenance of the status quo as an unbearable problem. While the Trusteeship Council’s *ad hoc* Committees could not satisfactorily deal with the increased number of petitions, these representatives noted that the Council had merely drawn up non-committed resolutions.<sup>355</sup> The

349 GAOR, “6<sup>th</sup> Session: 4<sup>th</sup> Committee” (1951), p. 189.

350 GAOR, “6<sup>th</sup> Session: 4<sup>th</sup> Committee” (1951), pp. 209–14.

351 GAOR, “6<sup>th</sup> Session: 4<sup>th</sup> Committee” (1951), p. 217.

352 Brazil, Ecuador, Egypt, India, Indonesia, Iraq, Pakistan, Philippines, and Uruguay. A/C.4/L.168

353 GAOR, “6<sup>th</sup> Session: 4<sup>th</sup> Committee” (1951), p. 221. General Assembly Resolution 555 (VI), *The Ewe and Togoland unification problem*, A/RES/555(IV) (18 January 1952), available from <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/068/10/PDF/NR006810.pdf?OpenElement>.

354 Thullen, *Problems of the Trusteeship System*, p. 140.

355 GAOR, “6<sup>th</sup> Session: 4<sup>th</sup> Committee” (1951), p. 223.

anti-colonial state representatives grew aware that the bureaucratic overload of the *ad hoc* petition examination procedure was a feature for the colonial powers, not a bug. Once again, anti-colonial states drafted a resolution calling upon the Trusteeship Council to act without delay to constitute a Standing Committee on Petitions that should be enabled to meet whenever necessary during and between Council sessions.

The colonial powers attacked the draft resolution, arguing that the number of petitions was exceptionally high only because of the enormous number of petitions on the Ewe question and that it would be unwise to introduce a special procedure until the number of petitions returned to normal. The French delegation in particular was concerned about the draft's provision that the Standing Committee could seek information from sources other than those supplied by the colonial powers themselves.<sup>356</sup> The Belgian representative, Ryckmans, defended the Council's prerogatives: "The Assembly was not in a position to give directives to the Council with regard to its rules of procedure, for, under the Charter, the Council was master of its own procedure."<sup>357</sup> Yet, since anti-colonial states were in the majority in the Fourth Committee and only the colonial powers were opposed, the resolution was adopted anyhow.<sup>358</sup>

Thus, despite the opposition from the Belgian representative, at its 10<sup>th</sup> Session (1952), the Council finally inaugurated a procedure for a six-member Standing Committee.<sup>359</sup> However, Standing Committee was not established in the spirit of the General Assembly resolution because it was not authorized to meet between Council sessions. Similarly, the Assembly had requested colonial powers to provide specific information on the measures taken. Yet, the Council included the following convoluted and negatively worded provision in its rules of procedure:

"The Standing Committee on Petitions shall submit recommendations to the Trusteeship Council specifying petitions in respect of which special information on the action taken on the recommendations of the Trusteeship Council by the Administering Authority concerned is not required."<sup>360</sup>

Furthermore, the Standing Committee was tasked to distinguish which of the communications it received were to be treated as *specific* petitions, which as *general* petitions, and which as petitions at all.<sup>361</sup> *Specific* petitions comprised only complaints and grievances which explicitly sought action by the Trusteeship Council. Such communications were

<sup>356</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), p. 227.

<sup>357</sup> GAOR, "6<sup>th</sup> Session: 4<sup>th</sup> Committee" (1951), p. 255.

<sup>358</sup> General Assembly Resolution 552, *Examination of petitions*, A/RES/552(VI) (January 18, 1952), available from undocs.org/en/A/RES/552(VI).

<sup>359</sup> Three members of Administering Authorities and three members of Non-Administering Authorities. Trusteeship Council Resolution 467, *General procedure of the Trusteeship Council*, T/RES/467(XI) (July 22, 1952), available from <https://digitallibrary.un.org/record/216684>.

<sup>360</sup> Rules of procedure of the Trusteeship Council (as amended up to and during its 17<sup>th</sup> session), T/1/Rev.4 (June 5, 1956), p. 16, available from <https://digitallibrary.un.org/record/678772>.

<sup>361</sup> Rules of Procedure of the Trusteeship Council (as amended up to and during its 11<sup>th</sup> session), T/1/Rev.3 (1952), Rule 90, p. 15, available from <https://digitallibrary.un.org/record/675438>.

duly processed: after screening these petitions and examining comments by the colonial powers, the Standing Committee was authorized to invite representatives, submit a summary report with background information and recommendations. Each specific petition was dealt with by the Council in lengthy debates individually and independently of the overall oversight of the respective trusteeship territory. This procedure consequently slowed down the work of the Committee and the time available for dealing with other petitions. Classifying the petitions as specific, as if they had nothing to do with the general problems in the territories, was at best misleading to the petitioners, as the specific problems in the petitions resulted from the general conditions in the trusteeship territories. Furthermore, often discussions of specific petitions were postponed to a future Council session rather than the next possible one. The consideration of as many as 85 petitions, received by the 1952 Visiting Mission, were postponed until 1954.

Regarding *general* petitions, as well as anonymous petitions or petitions on subjects on which the Council had already adopted resolutions, no examination procedure was laid down in the rules.<sup>362</sup> In this way, the colonial powers virtually managed to revive, through the back door, the former rules of the Mandates System that stipulated to not process petitions that either originated from an anonymous source, referred to an issue already covered by another petition or questioned the terms of the mandate itself. Virtually all petitions requesting either Ewe or Togoland unification were therefore not processed. Hundreds and at times thousands of individual petitions that raised general questions were grouped together and subsequently treated as a single petition.<sup>363</sup> Usually, the Standing Committee recommended that general petitions be deferred, and the issues raised in them not be placed on the agenda until the Council considered an annual report, which represented the colonial power's voice on the administration of a trusteeship territory.

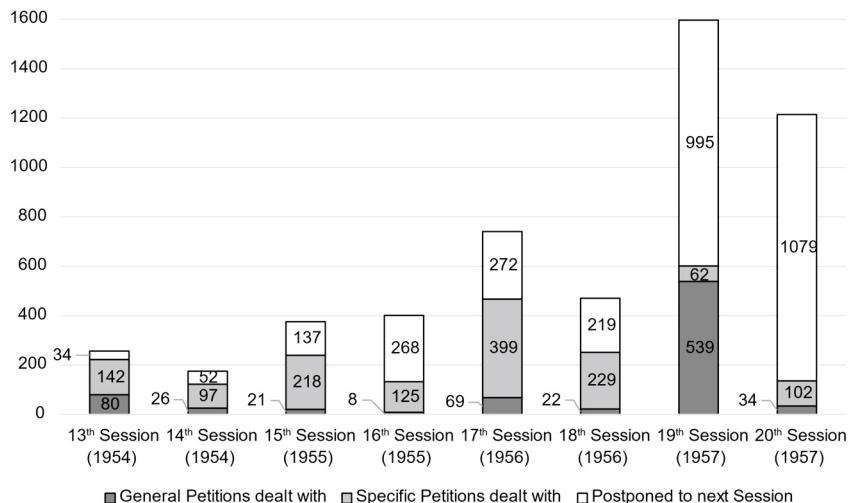
Moreover, there were regularly considerable delays between the submission and examination of written petitions. With only six members, the Standing Committee was understaffed and found it impossible to deal with the large volume of petitions efficiently and thoroughly as the colonial powers deliberately submitted written observations extremely late. At the 13<sup>th</sup> Session (1954), even though the Standing Committee met daily, it was unable to report to the Council on ten petitions on which the colonial powers had already provided their observations. This was only resolved in 1954, when the procedure was changed so that the Standing Committee could finally meet as often as necessary between sessions – four years after the Fourth Committee first urged the Council to do so! But still, the number of postponed petitions rose: 56 general petitions concerning the Togoland unification question and 287 specific petitions were postponed from the Council's 16<sup>th</sup> Session (1955) to its 17<sup>th</sup> Session (1956).<sup>364</sup> Often two to three years had passed before petitioners had received the Council's decisions. Through this procedural system the Administering Authorities managed to silence written petitions.

<sup>362</sup> United Nations (UN), "Art. 87," p. 343.

<sup>363</sup> Lohrmann, *Voices from Tanganyika*, p. 29.

<sup>364</sup> United Nations, "UN Yearbook 1955" (1955), pp. 296–97.

Figure 5: Written Petitions on the Trusteeship Council's Agenda (1954–1957)



Source: Own creation. Calculation based on *Report of the Committee on Procedures regarding Petitions*, T/L.777 (June 10, 1957), 4.

The Soviet representative, Aleksander Soldatov, protested that “the Trusteeship Council itself must receive and examine petitions in order to protect the indigenous inhabitants against the abuses of the agents of the Administering Authorities.”<sup>365</sup> The representative of the USSR reiterated at the 11<sup>th</sup> Session of the Council (1952) that this new classification would set aside all general petitions.<sup>366</sup> The anti-colonial members of the Standing Committee also pointed out that just because the Council had already addressed petitions raising general questions, did not mean that they do not raise new issues.<sup>367</sup> Thus, the new classification system resulted in many petitions being addressed in Council resolutions without their subject matter being considered.

While in the foreground general petitions were given secondary treatment in the Trusteeship Council, behind closed doors the French and British, who had by then moved to full cooperation in Trusteeship matters,<sup>368</sup> agreed to discuss with priority every general petition in their bilateral meetings between colonial ministries.<sup>369</sup> The Administering Authorities effectively defused the threat, which written petitions posed to their reputation. Written petitions thus virtually went nowhere.

365 TCOR, “10<sup>th</sup> Session” (1952), p. 87.

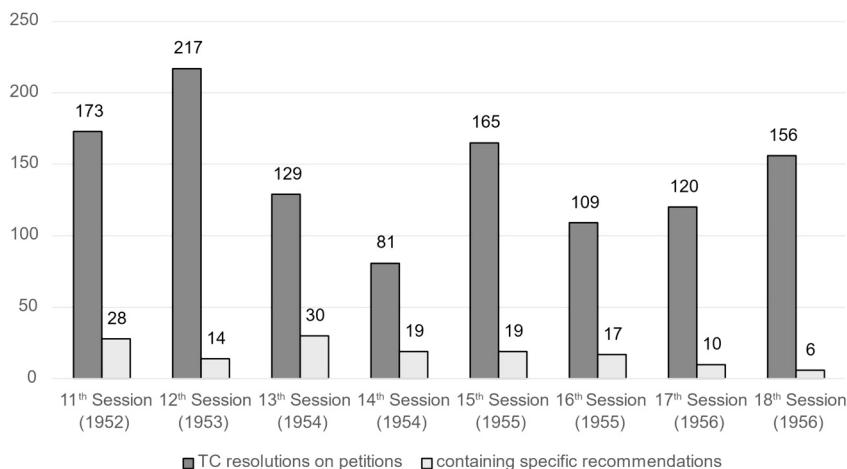
366 TCOR, “11<sup>th</sup> Session” (1952), p. 2.

367 Report of the Standing Committee on Petitions, *Procedure for the Examination of Petitions*, T/L.465(XIV), (1954), p. 2.

368 Kent, “The Ewe Question 1945–56,” p. 196.

369 ANOM (Aix-en-Provence), 1AFFPOL/3341/2, *Entretiens franco-britanniques sur le Togo-Cameroun*, III.- Nations Unies, p. 2.

Figure 6: Trusteeship Council Resolutions on Petitions (1952–1956)



Source: Own creation. Based on Smith 1957, p. 73.

For the unificationists it became clear that from then on only oral petitions before the General Assembly could still exert some degree of influence. Yet, the British administration already had deliberated which petitioners from the Gold Coast and British Togoland could be brought before the Fourth Committee as an “antidote to Antor.”<sup>370</sup> They had Komla Gbedemah in mind. Gbedemah was an Anlo-Ewe from the Gold Coast and a former member of the AEC. Yet, since the Olympio-faction of the AEC espoused Togoland unification, which would unify the Ewes of French and British Togoland but leave out the Ewes of the Gold Coast, Gbedemah decamped to Nkrumah and the CPP in the hope of unifying the Ewes of British Togoland and the Gold Coast.

### 6.5.2 Political Development under Security Surveillance (1952)

In December 1951, the *Assemblée Représentative du Togo* (ART) was re-elected. However, partly due to the criticism levelled by the unification parties at the General Assembly, the French administration was forced to abolish the dual college system for the ART. Thus, only three months after the ART election, in March 1952, the administration held elections for the newly constituted *Assemblée territorial du Togo* (ATT). Thus, apart from Senegal, French Togoland became the only sub-Saharan territory under French rule without electoral discrimination. However, as with the composition of the ECC before, the expansion of the electorate was not an altruistic act by the French government. Rather, the expansion of the electorate, coupled with active French support for the UCPN and the PTP, was well timed to break the previous supremacy of the CUT and Juvento.

<sup>370</sup> TNA (London), CO 554/668, *Togoland under UN Trusteeship: future policy*, The Togoland Unification Issue before the United Nations, 1952, p. 2.