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UNITED NATIONS NATIONS UNIES

CONFIDENTIAL

9403

Trusteeship and Information from Non-Self-Governing Territories
International Trusteeship System

FILE NUMBER / NO. DU DOSSIER

TR 100 TOG(1-1)

UNITED NATIONS PLEBISCITE COMMISSIONER OF THE TRUST TERRITORY OF TOGOLAND UNDER BRITISH ADMINISTRATION

REPORTS

PART
PARTIE

FILE BEGINS Jan 1955 ~~FEBRUARY 1956~~ ENDS Dec 1959
DOSSIER COMMENCE LE TERMINE LE

DATE 1956	REFERRED TO TRANSMIS A	ROOM BUREAU NO.	P. A. / B. F.	DATE	INIT.	DATE	REFERRED TO TRANSMIS A	ROOM BUREAU NO.	P. A. / B. F.	DATE	INIT.
2/4	Meischoff	3344A	P.A.	2 Apr.	mLW.						
24/5	Carden		P.A.	29/5	[illegible]						
18/10	Meischoff	3344A	P.A.	19/X	mLW						

CR. 37 (5-55)

FOR CONNECTED FILES SEE INSIDE COVER
POUR LES DOSSIERS CONNEXES VOIR AU VERSO

CONFIDENTIAL

TR 100 TOG(1-1)

CR. 49 (3-64)

REGISTRY FILE CLOSURE FORM

[ ] FILE FOR PERIOD OF 1 JAN. 1955

THROUGH 31 DEC. 1959 CLOSED.

A NEW PERIODIC FILE WILL BE OPENED

IF REQUIRED.

[ ] PART _____ CLOSED.

SEE PART _____

[ ] FILE NO. _____ CLOSED.

CORRESPONDENCE CONTINUED UNDER FILE NO.

_____

BC.vb

RECORDS CENTRE

15 AUG 1956

13 August 1956

TR 100 TOG (1-4) CONFID

Sir,

XR TR 100 TOG (1) CONFID.

I wish to acknowledge the receipt of your letter of 7 August 1956 and to inform you that note has been taken of its contents, particularly regarding your views on the transmission of your Report on the Plebiscite in Togoland under United Kingdom administration to the General Assembly.

I take this opportunity to express to you my sincere appreciation of the able manner in which you have discharged the heavy responsibility entrusted to you by the General Assembly.

Accept, Sir, the assurances of my highest consideration.

Dag Hammarskjold
Secretary-General

Mr. Eduardo Espinosa y Prieto
United Nations Plebiscite Commissioner
of the Trust Territory of Togoland
under British administration
Permanent Mission of Mexico to
the United Nations
270 Park Avenue, G-10
New York 17, N. Y.

Reg # 367214

RECORDS CONTROL
8 AUG 1956

UNITED NATIONS PLEBISCITE COMMISSIONER
OF THE TRUST TERRITORY OF TOGOLAND
UNDER BRITISH ADMINISTRATION

TR 100 TOG (1-1)

New York, 7 August 1956. CONFID.

orig. TR 100 TOG (1)
CONFID

Sir:

Having introduced at the Trusteeship Council my official Report on the Plebiscite in Togoland under United Kingdom administration, and having been honored with the unanimous and most generous approval of the Council, I now wish to reiterate to You my sincere thanks for your kindness and for the help that You have given me constantly for the fulfilment of my duties.

In accordance with the permission I sought and obtained from the Council I have left with an officer of the Trusteeship Division note of the corrections to be made in the printed editions of the Report in the official languages of the General Assembly.

I respectfully requested the Council, in the precise terms of Resolution 944 (X), to transmit this Report to the General Assembly, from which I received my mandate in connexion with this Plebiscite and to which I must come at its XI session on the basis of this document. It is my clear understanding that the Report in its entirety will be printed and transmitted to the Fourth Committee of the General Assembly in its official languages.

In accordance with the function assigned to me by the General Assembly I have determined carefully what elements constitute my Report. I have assumed in this a grave responsibility, being bound to bring to the Council and to the General Assembly the full facts of the Plebiscite - in my estimation of them - duly balanced in order not to prejudice in any form the interests of any one of the two parts in the contest. The Report is carefully weighed in this light. Chapter VIII and the documents in it (see paragraphs 506 to 509) are in this manner as inseparable a part of the Report as those other elements, perhaps opposite to these, that Members of the Council have quoted in the debate to support their particular points of view. I have asked officers connected with this work to be good enough to insure that no omission is made in printing the new editions in the official languages of the General Assembly.

To Mister Dag Hammarskjøld,
Secretary General of the
Organization of the United Nations,
New York City.

UNITED NATIONS PLEBISCITE COMMISSIONER
OF THE TRUST TERRITORY OF TOGOLAND
UNDER BRITISH ADMINISTRATION

The Plebiscite in Togoland has been justly considered an operation of far-reaching consequences, and the importance of the part that the United Nations have played in it has been fully acknowledged. I am indeed gratified that the Trusteeship Council has accepted my Report in accordance with these considerations.

Having come to the conclusion of this stage of my mission as United Nations Plebiscite Commissioner I now take leave from You and wish to renew to You the expression of my heartfelt thanks for the services of the personnel that was assigned to me and for the facilities and deference that have been shown to me at the Secretariat.

Accept, Sir, the assurances of my highest consideration.

Eduardo Espinosa y Prieto
United Nations
Plebiscite Commissioner

Action completed
See T/1269
TR 100 TOG (1-1)

UNITED KINGDOM DELEGATION TO THE UNITED NATIONS

99 PARK AVENUE,
NEW YORK 16, N.Y.

Telephone
Murray Hill 2-6820

Replies should be addressed
P.O. Box 206
New York 16, N.Y.

11 JUL 1956

1512/46

6 July 1956

Sir,

I have the honour to request that the Report by the Plebiscite Administrator, Sir John Dring K.B.E., C.I.E., on the Plebiscite held in Togoland under United Kingdom administration on May 9th 1956, copies of which are .... enclosed, be circulated to members of the Trusteeship Council.

I have the honour to be
Sir,
Your obedient servant,

(B.O.B. Gidden)

The Secretary,
Trusteeship Council,
United Nations Headquarters,
New York.

TR 100 TOG (1-1)

FTL/cc

RECORDS CONTROL

JUL 1956

9 July 1956

Dear Sir John,

.... I am sending you herewith, for your information, the report of the United Nations Plebiscite Commissioner for the Trust Territory of Togoland under British administration (document T/1158).

Yours sincerely,

H.A. Wieschhoff
Acting Director
Division of Trusteeship

Sir John Dring
Plebiscite Administrator
Colonial Office
Church House
Great Smith Street
London S.W.1 England

B. Cohen

JUL 2 1956

Under-Secretary, TRI

RECORDS CONTROL

15 AUG 1956

UNITED NATIONS PLEBISCITE COMMISSIONER
OF THE TRUST TERRITORY OF TOGOLAND
UNDER BRITISH ADMINISTRATION

Confid

París, 25 de junio de 1956.

TR 100 TOG (1-1)
CONFID.

Señor don Benjamín Cohen,
Subsecretario General de las Naciones Unidas
para el Sistema de Tutela,
Nueva York.

Muy querido y distinguido amigo:

Tengo una preocupación con respecto al idioma en el cual he tenido que presentar mi informe sobre el Plebiscito en el Territorio del Togo bajo administración del Reino Unido, y ruego a usted su consejo al respecto.

Escribí este informe en inglés porque está dispuesto por la Resolución 944 (X) de la Asamblea General que debo someterlo en primera instancia al Consejo de Tutela, en el cual el español no es idioma de trabajo. Entiendo que si yo hubiera entregado un texto en español no habría logrado otra cosa que imponer a la Secretaría General la tarea de hacer a toda prisa una traducción (dentro del brevísimo plazo de que disponíamos) y esa traducción sin duda habría sido el texto oficial. Tratándose de un trabajo delicado, mejor que vigilar una traducción he presentado el informe directamente en inglés.

Documentos importantes que son parte integrante del Informe, tales como las cartas o notas dirigidas al Ministro de las Colonias del Reino Unido, al Gobernador de la Costa de Oro y a uno de los partidos contendientes, las había yo escrito en inglés por ser el idioma oficial del país en el que actuábamos.

Ahora bien, si los reglamentos en vigor permiten que el informe sea aceptado en español e inglés, yo con gusto me haría cargo de la versión en español al llegar a Nueva York el 2 de julio. Si esto no es posible le ruego hacérmelo saber y le agradeceré decirme si en todo caso se me podría permitar que examine el texto en español antes de que se imprima.

Lo saludo afectuosamente y me repito su sincero amigo

Eduardo Espinosa y Prieto
Comisionado de las Naciones Unidas para
el Plebiscito en el Territorio del Togo
bajo administración del Reino Unido

)e

TR 100 TOG (1-1)

ACTION COPY

TO. WIESCHHOFF

File No.

Action Completed

Initials FM.

Return to Registry Section (Room 2074)

20 JUN 1956

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UNPAR 93 WIESCHHOFF FROM ESPINOSA STOP AGREE DATE JUNE FIFTEENTH

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RECORDS CONTROL

20 JUN 1956

12 June 6

Dr. E. Espinosa y Prieto,
U.N. Plebiscite Commissioner for the Trust
Territory of Togoland under British administration
c/o U.N. Information Center,
Room 513, 36 rue La Pérouse, Paris, XVIème, France.

TR 100 TOG
(1-1)
Conf.

J.J. Cebe-Habersky

Your report

1. I am happy to inform you that the original as well as copies of Mr. Antor's letter are in our files. It is therefore not necessary to wait for copies requested from Fabry.

2. Your two letters containing amendments to your report arrived yesterday. All amendments were promptly inserted.

3. I hope that the Special Court's hearings at Yendi will not delay for a longer period the insertion of paragraphs 500-505 of your report. You probably will soon have a progress report from Fabry informing you on the developments.

RECORDS CONTROL

15 AUG 1956

Confid.

UNITED NATIONS PLEBISCITE COMMISSIONER
OF THE TRUST TERRITORY OF TOGOLAND
UNDER BRITISH ADMINISTRATION

TR 100 TOG (1-1)

CONFID.

París, junio 6 de 1956.

Señor don Benjamín Cohen,
Subsecretario General de las Naciones Unidas,
Nueva York.

Muy querido y distinguido amigo:

Ayer logramos terminar el Informe a tiempo para que Cebe-Habersky saliera en la noche con él rumbo a Nueva York. Le ruego hable con Wieschhoff y con el propio Cebe-Hábersky, a quien estoy agradecido por una colaboración muy leal y muy noble. Verá usted que no ha habido sentimientos egoístas en esto, y que el tiempo apenas nos alcanzó. Es cierto que desde un principio tuve el propósito de hacer yo el Informe, pero si hubiéramos contado con dos semanas más lo habría discutido en todas sus partes con Wieschhoff, con Howard y con Cebe. En las últimas semanas en Ho tenía yo apenas borradores, y las muchachas me alcanzaron a pasar a maquina seis de los capítulos en los días en que ya estaban empacando sus maletas. Lo difícil era el capítulo político, pero por fin encontré la solución que creo es la justa.

He hecho arreglos para salir de aquí a media noche el primero de julio y llegar allá al día siguiente, y le he rogado a Wieschhoff decirme si esto coincide bien con los planes del Consejo.

Como usted sabe, fue necesario dejar en blanco el punto relativo a la Corte Especial, pero espero de un momento a otro noticias sobre el desenlace de este asunto. Aparté seis párrafos para ese fin. Las peticiones no valen nada, pero que sea el Juez el que lo diga. Si quieren repetir el voto (las únicas peticiones medianamente coherentes son en áreas ganadas ampliamente por el Togoland Congress) estoy dispuesto a volver a Ho de una día al otro. Si rechazan las peticiones tendrá usted esa parte del Informe en pocas horas.

Todo eso me obliga a estar en París. No tengo el espíritu del turista, y lo pruebo con el hecho de que en cuatro meses y medio no salí ni un paso del Territorio de mi jurisdicción. Pero no me dolerá pasar estos días en Francia.

Le envío un fuerte abrazo y quedo como siempre su sincero amigo que mucho lo admira y aprecia

Eduardo Espinosa y Prieto

MAY 24 1956

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

TO: The Secretary-General

Through: Mr. Benjamin Cohen, Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories

From: H. A. Wieschhoff, Principal Secretary United Nations Plebiscite Commissioner of the Trust Territory of Togoland under British administration

Subject: The Togoland Plebiscite

Date: 24 May 1956

FILE NO.: TRI 100 TOG (1)

CONFIDENTIAL

SENDER'S TELEPHONE EXTENSION: 2925

1. The official results of the Togoland Plebiscite show that, on a territorial basis, 161,882 votes were cast (1,095 having been rejected) and that 93,365 votes were cast for union with the Gold Coast and 67,422 votes for separation from the Gold Coast and for continuation of trusteeship; thus a plurality of about 26,000 votes in favour of union with the Gold Coast was established.

2. The votes in southern and northern Togoland differ radically. In the three northern districts the votes were as follows: 49,119 for union and 12,707 for separation, thus giving to the pro-union forces a plurality of 34,412. In the three southern districts the votes were: 44,246 for union and 54,715 for separation, thus giving to the pro-separation forces a plurality of 10,469.

3. If, however, a line were to be drawn through the Territory roughly south of the Krachi area, which followed largely the northern voting pattern, the vote would be as follows:

	Union	Separation
Northern Togoland and Krachi	59,123	15,568
Southern Togoland without Krachi	34,242	51,854

4. The vote distribution was far from even. The pro-separation vote of northern Togoland came from a few isolated wards where, as a result of local disputes, certain tribal groups cast a protest vote. In the south, where the pro-separation forces showed the greatest strength, namely in the areas inhabited by Ewe tribesmen, some wards and many individual villages voted strongly for union with the Gold Coast. Local issues appear often to have been more important to the voters than the national issue involved.

5. The technical aspects of the plebiscite functioned in a remarkably efficient manner. Voting proceeded quickly and without any significant incidents.

6. Although the Trusteeship Council will examine the report which the United Nations Plebiscite Commissioner is going to submit, the final evaluation of the plebiscite will be made by the General Assembly, probably during December of this year. It is likely that the Assembly in making its final decision on the Togoland question will to no small degree be guided by the events which are now unfolding in the Gold Coast and which have a bearing upon the early attainment of independence by that Territory.

7. I have been informed by both the Governor, Sir Charles Arden-Clarke, and the Prime Minister, Dr. Kwame Nkrumah, that new elections for the Gold Coast Legislative Assembly will be held between 15 and 21 July of this year. Observers in the Gold Coast regard it as certain that the present government of the Convention People's Party, under Dr. Nkrumah, is going to be returned by a workable majority. If this assumption should prove correct, it can be regarded as certain that a date for independence will be fixed for 6 March 1957. (The Secretary of State for the Colonies has recently declared in the House of Commons that a specific date for independence would be fixed if a "reasonable" majority would be secured in the Gold Coast Legislative Assembly.)

8. If the definite date for Gold Coast independence should be known by the time the General Assembly discusses the Togoland question, it may be assumed that this fact will induce many Member States to favour integration of Togoland into an independent Gold Coast. Any alternate plan could only envisage the partitioning of Togoland whereby the north would be integrated and the southern section would, for the time being, form a land-locked separate administrative unit under continued United Kingdom trusteeship. Since the whole of British Togoland does not form a viable unit, the southern section alone would even be less so.

9. The staff of the United Nations Secretariat which served under the Plebiscite Commissioner discharged the tasks entrusted to it in an exemplary manner. In spite of difficult living conditions to which most staff members were unaccustomed, work proceeded efficiently and harmoniously and in full cooperation with the personnel provided by the Administering Authority. It was gratifying to receive so many commendations regarding the United Nations staff from the British authorities.

10. Relationship between the Commissioner and the United Nations staff was on the whole excellent. The Commissioner approached his task in an extremely personalized manner. He rarely accepted advice which was given to him and, above all, decided that the writing of the report should not only be his exclusive responsibility but that the drafting too should be done by him alone. The Secretariat was only asked to prepare certain appendices to the report. From discussions with the Commissioner, it

became clear that the report would in scope exceed what is required from him under the General Assembly resolution and that he is dealing with subject matters which are extraneous to the "administration, conduct and results" of the plebiscite.

11. There arose a few cases when relations between the Commissioner and the British authorities became slightly strained. During April an exchange of letters took place between the Commissioner and the Governor of the Gold Coast involving the political activities of a Gold Coast Minister, Mr. Gbedemah, in which it was felt by the Governor that the Commissioner was exceeding his authority. There exists the possibility that this issue may be aired in the General Assembly. I wish to add that the Secretariat group strongly counselled the Commissioner against taking these actions.

12. A factual report on the Togoland Plebiscite is now being prepared by us.

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

CONFIDENTIAL

TO: Mr. Andrew W. Cordier
Executive Assistant to the
Secretary-General

Date: 1 May 1956

FILE NO.: TT/810

FROM: H.A. Wieschhoff
Principal Secretary
UNPCT

SENDER'S TELEPHONE EXTENSION:

SUBJECT: Report for the period 24 April to 1 May

1. In paragraph 6 of our last report reference was made to a dispute involving Mr. Gbedemah, Finance Minister of the Gold Coast. An exchange of letters has taken place between the Commissioner and the Governor of the Gold Coast. Enclosed herewith are copies of the following:

(a) Letter of Commissioner to Governor, dated 18 April 1956.

(b) Letter of Commissioner to Mr. Antor, dated 18 April 1956.

(c) Letter of Governor to Commissioner, dated 25 April 1956.

(d) Letter of Commissioner to Governor, dated 30 April 1956.

We strongly advised the Commissioner with regard to the substance and language of all of his letters, but our advice was of little avail. We regarded it as particularly inadvisable that the Commissioner in his last letter should remind the Governor of his powers under the Constitution and the Order in Council establishing the plebiscite.

2. The Revising Officer's Courts have finished their work. We have as yet no precise figures as to the total end results, but all observers who watched the proceedings concluded that all cases appear to have been decided fairly and impartially.

3. Arrangements are now being made for polling day. It has been decided, in order to cover as many polling stations as possible, that the 13 observers should be reinforced by the Ho staff, including the Secretaries and the Field Service Officers. Each person will have a special area to cover. The counting of the votes will begin immediately after the closing of the polls at 6 p.m. on 9 May and it is expected that the counting will continue throughout the night, except for a few areas where the ballot boxes may not reach the counting centers before the morning of the tenth. Satisfactory security arrangements have been agreed upon by all concerned.

4. Our greatest concern remains the report. The Commissioner continues to insist that, except for one technical chapter dealing with complaints, he will write the report himself and categorically refuses any Secretariat interference. Since he is a very good typist he has thus far not even availed himself of the assistance of the secretaries. From discussions with him it is to be feared that the report will cover subjects which, strictly speaking, will go far beyond the scope laid down in the General Assembly resolution. He has told us, however, that we will have at least an opportunity to read and comment on the report. From past experience it is unlikely that we will materially change whatever draft he may have prepared.

5. The "Essay Contest" sponsered by the Commissioner has been concluded. First prize was awarded to Ruth Galevo, a 15 year old girl of Kpedze Middle School; second and third prize were given to Michael K. Edze of Kete-Krachi and Agbekey Emmanuel of Ho Roman Catholic Middle School. A ceremony was held at the Commissioner's House at Ho on May 1. Before awarding these prizes the Commissioner received the approval of the Governor. The prize winning essay is being printed and distributed throughout the Territory as a "call" to the people of Togoland. A copy of this essay is appended hereto.

6. There will be no report next week since no pouch will be leaving for New York on account of polling day.

EEP/mvb

P.O. Box 103 - H o.

30 April 1956

Your Excellency,

I have the honour to refer to Your Excellency's note No. 660/1 of the 25th April, in connexion with a visit to Togoland by Mr. K.A. Gbedemah, Minister of Finance in the Government of the Gold Coast.

I am convinced that, apart from the specific commitments that the Government of the Gold Coast has announced regarding the abscention of their Ministers in connexion with the Togoland Plebiscite, the necessity that they refrain from visiting the Territory for political activities for the Plebiscite does not stem from voluntary undertakings but from the fact that one of the alternatives in the Plebiscite asks of the voter in Togoland if he wishes the union of his Territory with the Gold Coast. It is obvious that in these circumstances the presence of Ministers of that country in Togoland, with the purpose of influencing the people to vote for that alternative, would be contrary to the free and neutral atmosphere that we are committed to secure.

His Excellency
Sir Charles Noble Arden-Clarke
Governor of the Gold Coast
Accra

I must further drew the attention of Your Excellency to what is said in paragraph 111 of the Visiting Mission's Special Report in connexion with this point. Your Excellency and the Government of the Gold Coast will surely appreciate that this matter concerns my function directly.

In connexion with the powers to which Your Excellency refers in paragraph 4 of Your Excellency's note, I do not doubt that it would be unnecessary to appeal to those contained in Sections 16(b) and 17 of the Constitution of the Gold Coast, or to the fact that the Plebiscite is placed by the Order in Council in the hands of Your Excellency, because I am certain that the enlightened Government of Doctor Kwame Nkrumah, which has always commanded my sincere respect and highest consideration, and Doctor Obedemah himself, would not hesitate to offer to Your Excellency their full co-operation if their attention is drawn to the fact that this point is one that could reflect seriously on the appraisal of this Plebiscite.

I have co-operated wholeheartedly with Your Excellency's Government and with the parties contending in the Plebiscite, and have assumed responsibilities for instance in the supervision of printing of ballot papers, upon request to protect not only the interests of the parties but also the position of the Administering power. I have made appeals to the people, such as the one now in possession of the Administrator to be issued on the 3rd May, giving full assurances of the fairness of the Plebiscite.

It is on the basis of the above considerations and in virtue of the function given to me by paragraph 4 of the General Assembly's Resolution 944(X) that I must ask

Your Excellency to request of the Government of the Gold Coast that their Ministers, other than those holding Togoland constituencies, refrain from coming to Togoland in political activities connected with the Plebiscite.

I avail myself of this opportunity to reiterate to Your Excellency the assurance of my highest consideration.

Eduardo Espinosa y Prieto
United Nations Plebiscite
Commissioner

RECORDS CONTROL File
B. Cohen
22 JUN 1956
MAY 24 1956
Under-Secretary, TRI

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

PERSONAL AND CONFIDENTIAL

TO: Mr. Benjamin Cohen, Under-Secretary
Department of Trusteeship and Information
from Non-Self-Governing Territories

Date: 30 April 1956

FILE NO.: TR 100 TOG/(1-1) Conf.

FROM: H.A. Wieschhoff
Principal Secretary
UNPCT

SENDER'S TELEPHONE EXTENSION:

SUBJECT: Visit to Lome

1. Upon the invitation of the Governor of French Togoland, Mr. Berard, I visited Lome on Saturday, 28 April 1956, accompanied by Mr. Cebe-Habersky. The purpose of the visit which was arranged by the French Delegation to the Trusteeship Council was the informal discussion of questions relating to the forthcoming "popular consultation" in French Togoland.

Background

2. On 23 March 1956 the French National Assembly adopted in first reading the following text relating to French Togoland:

> "The Government is authorized to define by decree taken in Council of Ministers, with the advice of the Territorial Assembly and the Council of State, a draft status for Togoland. This status shall correspond with the objectives defined by the Trusteeship Agreement as well as with the principles set forth in the preamble of the French Constitution. It will define the division of financial powers and responsibilities between the French State and the Territory, the powers of local assembly and of the local executive and its members, as well as the rights and freedoms guaranteed to the Togoland people.
>
> "A referendum, which will be carried out on the basis of adult universal suffrage and by secret ballot, and of which the date and details will be determined in due course by decree in the Council of Ministers, shall permit the peoples to choose between the status envisaged in the preceding paragraph and the maintenance of the trusteeship system provided for in the agreement of 13 December 1946.
>
> "If the results of the consultation are favourable to the application of the new status, this, subject to the intervention of international action bringing the Trusteeship system to an end, will enter into force on the expiry of a period of four months from the submission to the National Assembly of the decree provided for in the first paragraph above."

Timing of the French "Plebiscite"

3. The Governor informed me that the question of whether or not a popular consultation would be undertaken in French Togoland would depend on the outcome of the Plebiscite in British Togoland. If, as they are in fact expecting, the outcome would not clearly favour the integration of Togoland into the Gold Coast, they would not consult their people. If on the other hand the outcome of the vote should favour integration, thus making it probable that the General Assembly would agree to the termination of the trusteeship agreement for British Togoland, the French Authorities would wish to hold the referendum at the earliest possible date, preferably beginning in November of this year. It is believed in Lome that the necessary arrangements could be made through the Trusteeship Council, since the General Assembly is (a) meeting late and (b) may, on account of the Algerian question, be meeting without the French Delegation.

4. It is obvious that it is the desire of the French to hold and conclude these consultations before the date on which the Gold Coast may become independent, now expected for March or April 1957.

Possible organization of a French "Plebiscite"

5. The Lome authorities believe that the popular consultations can be held in a period of about 3 months (as against 4½ months in British Togoland). Based on the present experience it is thought unnecessary to allow long time periods for the publication and revising of the registers.

6. Having apparently received uncomplimentary remarks from the British Authorities concerning the Commissioner, but rather complimentary remarks concerning the functioning of the U.N. Observer system, the Governor expressed himself as strongly in favour of exclusive Secretariat supervision under the "commissionership" of a senior U.N. official.

7. No precise figure was given for the number of U.N. observers required, but it was stated that they would probably be in excess to those employed in British Togoland.

General comments

8. It is realized in Lome that great obstacles will have to be overcome before a U.N. supervised "plebiscite"

would be authorized by the United Nations. It is also realized that whatever new self-governing status for French Togoland may be devised for the presentation to the Togoland voters, it must include a clause allowing the Territory to "secede" from the French Union.

9. As far as I am aware the question of the possibility of popular consultations have not been discussed in the Territory by either newspapers or other news media. We were informed, however, that discussions between the various political parties, involving Dr. Ajavon and Mr. Olympio, are going on with the object of establishing, if possible, a common front concerning the holding of a referendum.

10. If the French plebiscite is to depend on the outcome of the British plebiscite, present indications are that the likehood of it taking place this or next year are not very bright.

c.c.: Mr. A. Cordier
Mr. R. Bunche

HW/mvb

PERSONAL AND CONFIDENTIAL

Mr. Benjamin Cohen, Under-Secretary
Department of Trusteeship and Information
from Non-Self-Governing Territories

30 April 6

H.A. Wieschhoff
Principal Secretary
UNPCT

Visit to Lome

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> "A referendum, which will be carried out on the basis of adult universal suffrage and by secret ballot, and of which the date and details will be determined in due course by decree in the Council of Ministers, shall permit the peoples to choose between the status envisaged in the preceding paragraph and the maintenance of the trusteeship system provided for in the agreement of 13 December 1946.
>
> "If the results of the consultation are favourable to the application of the new status, this, subject to the intervention of international action bringing the Trusteeship system to an end, will enter into force on the expiry of a period of four months from the submission to the National Assembly of the decree provided for in the first paragraph above."

Timing of the French "Plebiscite"

3. The Governor informed me that the question of whether or not a popular consultation would be undertaken in French Togoland would depend on the outcome of the Plebiscite in British Togoland. If, as they are in fact expecting, the outcome would not clearly favour the integration of Togoland into the Gold Coast, they would not consult their people. If on the other hand the outcome of the vote should favour integration, thus making it probable that the General Assembly would agree to the termination of the trusteeship agreement for British Togoland, the French Authorities would wish to hold the referendum at the earliest possible date, preferably beginning in November of this year. It is believed in Lome that the necessary arrangements could be made through the Trusteeship Council, since the General Assembly is (a) meeting late and (b) may, on account of the Algerian question, be meeting without the French Delegation.

4. It is obvious that it is the desire of the French to hold and conclude these consultations before the date on which the Gold Coast may become independent, now expected for March or April 1957.

Possible organization of a French "Plebiscite"

5. The Lome authorities believe that the popular consultations can be held in a period of about 3 months (as against 4½ months in British Togoland). Based on the present experience it is thought unnecessary to allow long time periods for the publication and revising of the registers.

6. Having apparently received uncomplimentary remarks from the British Authorities concerning the Commissioner, but rather complimentary remarks concerning the functioning of the U.N. Observer system, the Governor expressed himself as strongly in favour of exclusive Secretariat supervision under the "commissionership" of a senior U.N. official.

7. No precise figure was given for the number of U.N. observers required, but it was stated that they would probably be in excess to those employed in British Togoland.

General comments

8. It is realized in Lome that great obstacles will have to be overcome before a U.N. supervised "plebiscite"

would be authorized by the United Nations. It is also realized that whatever new self-governing status for French Togoland may be devised for the presentation to the Togoland voters, it must include a clause allowing the Territory to "secede" from the French Union.

9. As far as I am aware the question of the possibility of popular consultations have not been discussed in the Territory by either newspapers or other news media. We were informed, however, that discussions between the various political parties, involving Dr. Ajavon and Mr. Olympio, are going on with the object of establishing, if possible, a common front concerning the holding of a referendum.

10. If the French plebiscite is to depend on the outcome of the British plebiscite, present indications are that the likehood of it taking place this or next year are not very bright.

c.c.: Mr. A. Cordier
Mr. R. Bunche

660/1

Government House,
Accra.

25th April, 1956.

Your Excellency,

I have the honour to acknowledge your letter of the 18th April in which you refer to the visit by Mr. K.A. Gbedemah, Minister of Finance, to Togoland between the 23rd and 25th March.

2. At the beginning of this year, after consultation with Your Excellency and myself, Gold Coast Ministers voluntarily offered an assurance that no Minister who was not a native of Togoland would participate in the Plebiscite campaign. In making this assurance it was their intention that Ministers should not attend or speak at public meetings or rallies held in connection with the Plebiscite. It was not Ministers' intention that they should dissociate themselves, for the period of the Plebiscite, from the Togoland supporters of their Party; nor was it their intention that no Minister should enter Togoland during this period. As Your Excellency is aware, both Mr. Asafu Adjaye (at that time Minister of Local Government) and Mr. Jantuah (Minister of Agriculture) have openly visited Togoland in the course of their ministerial duties; but, so far as I am aware, they were at pains not to attend or to speak at any public meetings organised in connection with the Plebiscite.

3. With the greatest respect to Your Excellency's views on the matter of Mr. Gbedemah's activities during his recent visit to Togoland, there does not seem to me to be any issue of principle which would prevent Gold Coast Ministers from taking the fullest part in the Plebiscite, if they so wished. It is the view of the Plebiscite Administrator, which I share, that participation in Plebiscite activities by persons resident outside British Togoland is neither illegal nor objectionable according to recognised plebiscitary practice.

4. In the instance to which you refer in your letter, Mr. Gbedemah appears to have visited Togoland to meet some of his Party organisers and sympathisers, and to have been at pains to ensure that these meetings were private and that no publicity attached to his movements. I see nothing

objectionable in this. I know of no legal or other powers which could be used to prevent Gold Coast Ministers from entering Togoland or from taking a full part in the Plebiscite campaign, if they so wished, save their own voluntary undertaking which appears to have been misconstrued by the Togoland Congress. I am confident that Your Excellency can continue to rely on the assurance given by Gold Coast Ministers that no Minister who is not a native of Togoland will attend or speak at public meetings or rallies held in connection with the Togoland Plebiscite.

With renewed assurances of my highest consideration,

I have the honour to be
Your Excellency's Obedient Servant

(Signed) C.N. Arden-Clarke

GOVERNOR

Senor Eduardo Espinosa y Prieto,
United Nations Plebiscite Commissioner.

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

CONFIDENTIAL

TR 100 TOG (1-1) Conf

TO: Mr. Andrew W. Cordier
Executive Assistant to the
Secretary-General

Date: 24 April 1956

FILE NO.: TT/810

FROM: H.A. Wieschhoff
Principal Secretary
UNPCT

SENDER'S TELEPHONE EXTENSION:

SUBJECT: Report for the period 17 to 23 April

1. The publication on 18 April of the Gold Coast "White Paper" entitled "Constitutional Proposals for Gold Coast Independence" is likely to have some effect on the outcome of the Togoland Plebiscite. Recently the Togoland Congress, advocating separation from the Gold Coast, appeared to have gained considerable strength. It is now, however, expected that the pro-Gold Coast forces have an excellent opportunity to recuperate some of the lost ground. On the same day when the White Paper was published, Nkrumah, at the cornerstone laying ceremony for the new State House, intimated that 6 March 1957 would be Independence Day.

2. The printing and packaging of the ballot papers is now proceeding under the supervision of Mr. Langrod. The extent of our responsibility for the security of these ballot papers is contained in Circular No.14, sent by the Commissioner to the Observers (copy enclosed herewith).

3. On 20 April the Revising Officer's Courts began their sessions in various parts of the Trust Territories. The Observers are attending and will shortly report on the results. The Commissioner himself attended the Court at Ho. No real difficulties are expected from this phase of the operation.

4. On 19 April agreement was reached between the Commissioner and the Plebiscite Administrator concerning the physical arrangements for the plebiscite. Voting booths and boxes were found of satisfactory construction and designed to guarantee absolute secrecy.

5. On the same day a final meeting was held between the Administrator, the Commissioner, and representatives of the two political parties. The meeting was most harmonious, both parties

expressing their basic satisfaction with the arrangements made, although making some reservations on which they may base later claims.

6. During the period under review, Mr. Antor, the leader of the Togoland Congress, complained to the Commissioner that Mr. Gbedemah, the Finance Minister of the Gold Coast, had visited Togoland for the purpose of organizing the campaign for the C.P.P. In January Mr. Gbedemah had stated that he would respect Mr. Espinosa's desire that no Gold Coast Minister, not a voter in Togoland, should participate in the Gold Coast campaign. After receiving confirmation that Mr. Gbedemah had in fact visited the Trust Territory for political purposes, Mr. Espinosa submitted a representation to the Governor and simultaneously informed Mr. Antor that such a representation had been made. We had certain doubts regarding the handling of this question, particularly concerning a letter to Mr. Antor before the Governor had had an opportunity to respond to the representation in writing. We are still concerned because we feel Mr. Antor may attempt to interject this issue into the campaign.

OB/505 23 April 1956

UNITED NATIONS PLEBISCITE COMMISSIONER
OF THE TRUST TERRITORY OF TOGOLAND
UNDER BRITISH ADMINISTRATION

CIRCULAR NO.14

(Instructions to Observers)

1. I have asked Mr. Langrod to attend the printing and packaging of ballot papers in the Government Printing Office in Accra. In addition I would request Observers to be present at the opening of the packages of ballot papers in their districts solely in order that they might identify the two seals placed on each package by Mr. Langrod. The first consists of a rubber stamp legend reading as follows:-

United Nations Plebiscite
Commissioner of the Trust Territory
of Togoland under British Administration

over which Mr. Langrod's signature will appear. The second is a wax seal on which are impressed the letters "WL". I am enclosing a specimen of the stamp bearing Mr. Langrod's signature.

2. You will also be invited to attend the distribution of the ballot papers into sealed packets or envelopes, one for each polling station (except where it is possible to distribute them on the morning of polling day). Spare books of ballot papers may be carried by Assistant Returning Officers on polling day in case they are needed. You may be asked to check the number of these both before they are issued and when they are handed in after polling.

3. It should be clearly understood that your responsibility insofar as the security aspect is concerned extends no further than the identification of Mr. Langrod's seal. Otherwise you are to observe the conduct of all aspects of polling, including the preparatory phases, and to report thereon.

4. You should soon receive copies of the instructions to Returning Officers and Assistant Returning Officers and a note on security of ballot papers through the Government Agent.

5. Observers in the Southern Section will also receive copies of the instructions to Presiding Officers and to Polling Assistants in Southern Togoland from the same source. It is my understanding that the corresponding instructions for the Northern Section will soon be issued by Mr. Lewis and distributed among the Observers in that area.

Ho - P.O. Box 103

18 April 1956

Sir,

I refer again to your letter of 9 April with which you have provided me information regarding a visit to Togoland by Mr. K.A. Gbedemah, Minister of Finance in the Government of the Gold Coast.

I am now in a position to say that the inquiry that was immediately made on this point by the Plebiscite Administrator confirms that Mr. Gbedemah was in Togoland on the dates referred to, and the circumstances attending his visit lead me to believe that his activity was of a political nature, connected with the Togoland Plebiscite. I have learned this with concern.

It has been pointed out to me that the decision of the Government of the Gold Coast, in the terms of the letter addressed to you by the Plebiscite Administrator on 28 March was to the effect that Ministers of the Government and Ministerial Secretaries, other than those who represent constituencies in Togoland, will abstain from addressing political meetings in Togoland until the vote has taken place.

But I bear in mind that in Mr. Gbedemah's statement to the press, published on 15 January, it was said that no Cabinet Minister who was not a native of Togoland would participate in the plebiscite campaign.

Mr. S.O. Antor
Secretary General
Togoland Congress
P.O. Box 85
Hohoe

My attention has been called to the fact that, while Gold Coast members of the Convention Peoples' Party are barred from coming to Togoland in the present situation, you are known to go frequently to Kumasi, as Secretary General of the Togoland Congress, engaged in political activities and alliances that I am told are directed against the Convention Peoples'Party there, and that no obstacle is put in your way in this connexion, nor indeed am I aware of any law that forbids persons or groups from Togoland to take part in political activities in the Gold Coast or viceversa.

It has also been pointed out to me, in official representations of the Convention Peoples' Party, that persons coming from Togoland under French administration have used photographs with distorted captions misconstruing Mr. Banerji's presence in a Togoland Congress rally in 1955.

However, referring specifically to the points that you have brought up in your letter of 9 April I must say that I am opposed to activities of undue external influence on the Plebiscite. Consequently, I have accepted your complaint as a legitimate one and I have addressed a representation to His Excellency the Governor of the Gold Coast.

Eduardo Espinosa y Prieto
United Nations Plebiscite
Commissioner

COPY/ pgc

Ho - P.O. Box 103

18 April 1956

Your Excellency,

I have the honour to inform You that the Secretary General of the Togoland Congress, in a letter dated the 9th April, has communicated to me data by which it could be presumed that Mr. K.A. Gbedemah, Minister of Finance of the Gold Coast Government, visited various points in Southern Togoland from the 23rd to the 25th March, in circumstances in which it is to be inferred that his activities were political and closely connected with the Togoland Plebiscite.

I regret to say that, having immediately brought the point to the attention of the Plebiscite Administrator, the inquiries that he made at my request bore out the truth of these facts.

I must refer to the commitment of the Government of the Gold Coast in connexion with the Plebiscite, as stated by the Administrator to the Togoland Congress in a letter of 28 March and by Mr. Gbedemah to the press on 15 January. I remember that You referred to this decision in answering questions in public ceremonies during Your visit to Togoland late in January.

Bearing in mind the relation of the Gold Coast with the alternatives put to the voter in the Togoland Plebiscite, I feel that the fairness of the Plebiscite, which has been so scrupulously maintained, makes it imperative that these commitments should be strictly abided by.

His Excellency
Sir Charles Noble Arden-Clarke
Governor of the Gold Coast
Accra

I regret that the intervention referred to has taken place and must consequently request of You that the above be brought to the attention of the Government of the Gold Coast and that formal assurances be sought that acts of this nature will not take place again.

I take this opportunity to reiterate to You, Sir, the assurances of my highest consideration.

Eduardo Espinosa y Prieto
United Nations Plebiscite
Commissioner

My dear and beloved people of British Togoland, as one of your little children, I have gratefully accepted the United Nations Plebiscite Commissioner's kind invitation to speak to you about the importance of the impending plebiscite of which you are all aware.

United Nations stand for the protection of Human Rights, and their past and present achievements are countless. On Wednesday, 9th May, they will ask you for the first time in our country's history to take a definite DECISION on a major issue. This request is not only a big OPPORTUNITY for which we cannot be too grateful, but a very great RESPONSIBILITY.

Our country's future either good or bad will depend on the choice you will make of one of the two alternatives set before us. Upon you therefore rest our immediate and future destinies. Whichever choice you may decide to make you must first count the cost.

My beloved people, we your children humbly request you to bury your differences and get together for a wise and noble choice. After all, we are all brothers and sisters, we are not enemies. I think famous men and women are famous everywhere, likewise fearless people are fearless everywhere.

For sound judgment and a wise choice, we humbly pray for God's guidance.

I remain,
my beloved Men and Women of integrity,
Your loving daughter,

RUTH GALEVO (Form: 2)
EPC MIDDLE SCHOOL,
P.O. Box 2m
KPEDZE

Signed by (to certify)
B.K. Tuapay,
Headmaster.

RECORDS CONTROL
JUL 1956

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

CONFIDENTIAL

TO: Mr. Andrew W. Cordier
Executive Assistant to the Secretary-General

Date: 17 April 1956

FILE NO.: TT/810

FROM: H.A. Wieschhoff
Principal Secretary
UNPCT

SENDER'S TELEPHONE EXTENSION:

SUBJECT: Report for the period 4 April to 16 April

TR 100 TOG (1-1) Conf.

A. The Plebiscite Commissioner

1. Mr. Espinosa has informed us that it is his intention to include in his report all correspondence containing complaints which he has received, the observations and comments of the Plebiscite Administration and his replies. In addition he wishes to include copies of the numerous forms and posters used as well as the legislative texts. It is not inconceivable that his report might be as long as 400 pages and we have drawn his attention to the problem presented in terms of the General Assembly's views regarding the control and limitation of documentation.

2. Although Mr. Espinosa is determined to include all of this material in his report we intend to continue our efforts to omit unnecessary details.

B. The Plebiscite

(a) Organization and conduct

3. The final figures for claims and objections are as follows:

Southern Section	Claims	Objections
Ho East	2	1
Ho West	2	75
Kpandu	41	171
Jasikan	80	63
Krachi	19	--
	144	310 = 454

Northern Section	Claims	Objections		
North East Dagomba	6	--		
South East Dagomba	17	--		
Nanumba Gonja	24	1		
Kusasi	--	--		
Mamprusi	19	--		
	66	1	=	67

Total claims and objections:

Southern Section	144	310	=	454
Northern Section	66	1	=	67
	210	311	=	521

Many of these were submitted at the last moment (3 April).

4. Mr. Odame, the Togoland Congress leader in the Jasikan area, submitted a complaint to Mr. Espinosa stating that he had gathered 54 claims for submission on the last day 3 April, but had been unable to find the Assistant who had left his post.

5. The Assistant Registration Officer had refused to accept them stating that claimants should submit these forms in person. Mr. Espinosa discussed this matter with Sir John Dring and Mr. Odame was informed by the Plebiscite Administration that the 54 claims might be accepted as having been tendered in time, but that before the Revising Officer went into their merits he would be asked to decide whether the actual claimants had given notice in writing in the manner required by the regulations.

6. The 13th was the last day for publication of statements of claims and objections and the Revising Courts will start to sit on the 20th.

7. At the request of the Plebiscite Authorities Mr. Espinosa has agreed to assign a member of the Secretariat to supervise the printing and packaging of ballot papers in Accra between 18 and 25 April. Mr. Espinosa has gone to Accra to establish the procedure to be followed.

8. The intention is to forestall the suspicion among Togoland Congress leaders that extra ballot papers might be fraudulently printed and distributed. Presumably the block will be marked in a distinctive manner in the presence of the U.N. Observer who will then take possession of it and remain present when it is in use in the printing shop. He would probably also affix a special seal to the packets of ballot papers.

9. Because of the small number of claims and objections in the Krachi district Mr. Langrod has been assigned this task.

(b) Political party activities

10. A meeting has been called for 19 April between the Plebiscite Commissioner, the Plebiscite Administrator and political party leaders. It is expected that there will be some discussion of the allocation of polling agents, but the main purpose would seem to be a desire on the part of Mr. Espinosa to appeal to leaders to conduct a clean campaign through polling day.

11. A Togoland Congress rally took place at Jasikan on 8 April and it is reported that it was not well attended. Mr. Antor was the principal speaker.

C. Staff

12. Between 12 and 16 April the Principal Secretary visited all Observers at their duty stations and found them in excellent spirit.

13. It is now expected that most of the Observers and other staff, may leave the Mission area between 13 and 17 May. Two Observers and one Field Service Officer should, however, stay until after the final date for the filing of post-election petitions, namely May 23. If no serious petitions should be filed all U.N. personnel could be expected to leave around 1 June.

D. Information Activities (prepared by Mr. R. de Roussy de Sales)

14. All the U.N. publications received have been distributed to the Observers who made good use of them and could have used more.

15. Two talks by the Commissioner on the Plebiscite, in Spanish and in English, were recorded on tape and sent to the Radio Division.

16. A press release on the Essay Contest sponsored by the

Commissioner was released to the local newspapers and announced on the Radio.

17. At the request of Mr. Ensor, the Information Officer gave a talk in Accra to the Government trainees on the Specialized Agencies.

18. The Information Officer also addressed the United Nations Student Associations of the Akropong Presbyterian Training College and the Aburi Secondary Girl's School.

HAW/mvb

CONFIDENTIAL

17 April 6

Mr. J.A.C. Robertson
Director
Office of Personnel

H.A. Wieschhoff
Principal Secretary
UNPCT

Staff, United Nations Plebiscite Commissioner of the Trust Territory of Togoland under British Administration

1. It is now expected that most of the staff members may be released from their Togoland assignments between 13 and 17 May. In view of the heavy booking for outward flights, most staff members have made their reservations.

2. Mr. Rajassoria who as you know wishes to be in Ceylon on 16 May has been informed that he may have his duty-station (Gambaga) on 10 May, provided that the counting of the votes has been finished. If no special circumstances, such as heavy rains on voting day, arise, he should be able to reach Ceylon at the desired day. It is understood by him that his assignment must be completed before he can depart. The Assistant Plebiscite Administrator in charge of the Northern Section of Togoland where Mr. Rajasooria is stationed assured me that the counting of the ballots would be finished in the evening of 9 May and he sees no reason why Mr. Rajasooria could not be released on 10 May.

3. When the counting of the ballots is finished, the last period of the Plebiscite will begin, namely the period during which petitions may be filed. The final date for this period is 23 May 1956. Mr. Espinosa agrees that two Observers and one Field Service Officer should be left for this period. The handling of any petitions which may be filed will be the exclusive responsibility of the British Judge appointed for the purpose and our Observers will only be present so that they may report to the Commissioner. While it is difficult to anticipate what might happen, it is now expected that no petitions will be filed, or in any case that no serious petitions will be forthcoming. It should be realized, however, that there exists the possibility that petitions may in fact lead to run-off elections in some wards. If such elections should become necessary they could not take place before the early weeks in July. I should like to reiterate that such a development is at present regarded as rather unlikely; nevertheless it must be taken into account for the purpose of the assignment of staff.

4. Mr. Espinosa and I agree that Mr. Jakhelln and Mr. Fabry should be requested to stay. Both have agreed provided that their respective departments have no objection. In all probability this would extend their Togoland assignment to 1 June only, but a longer stay would have to be envisaged. I hope that you will notify us that you and the departments concerned agree with these proposals.

5. Mr. Bruce would be the Field Service Officer who would remain with the two Observers.

6. Mr. Martell who is likely to be ready to leave around May 17 has expressed a desire to take leave on the way to Headquarters, but told me that his department is pressing for his early return. I believe that a short leave before his return to New York is highly desirable since he has been living under rather difficult circumstances for the last four months.

cc. Mr. A. Cordier

CR.13 (4-55) **ROUTING SLIP**

TO: MR. CORBIER
MR. VAUGHAN
MR. ROBERTSON

	APPROVAL		MORE DETAILS
	REPLY, PLEASE	X	YOUR INFORMATION
	SEE ME, PLEASE		RETURNED AS REQUESTED
	YOUR SIGNATURE		INVESTIGATE AND REPORT
	NOTE AND FILE		FOR ACTION
X	NOTE AND RETURN Please		REPLY FOR MY SIGNATURE
	YOUR COMMENTS		INITIAL AND FORWARD

MR. STAVROPOULOS
MR. KATZKI

Mr Bruchc to see page 1 (Mr Shastri)

DIRECTOR
OFFICE OF
PERSONNEL SERVICES
16 APR 1956
(1)

COMMENTS FOR THE RECORD SHOULD NOT BE WRITTEN ON THIS SLIP. REFERRAL SHEET PT.108 SHOULD BE USED INSTEAD.

DATE: 10/4/56

FROM: B. COHEN
Rm. 3329

B. Cohen

MAY 24 1956

UNITED NATIONS NATIONS UNIES

Under-Secretary, TRI

File

CONFIDENTIAL

INTEROFFICE MEMORANDUM

TO: Mr. Benjamin Cohen, Under-Secretary
Department of Trusteeship and Information
from Non-Self-Governing Territories

Date: 3 April 1956

FILE NO.: TT/810

FROM: G.D. Howard
Deputy Principal Secretary
UNPCT

SENDER'S TELEPHONE EXTENSION:

TR 100 TOG(1-1)

22 JUN 1956

Conf.

SUBJECT: Report for the period 27 March to 3 April

A. The Plebiscite Commissioner

1. The Commissioner remained in Ho devoting much time to his draft report.

B. Staff

2. Mr. Shastri departed for Accra on 2 April and it is hoped that he will be able to obtain a seat on an outbound plane from Accra or Kano within the next two days. His departure has been delayed by the long Easter holiday as well as by the fact that the airlines are booked up two weeks ahead.

Not. none to see

3. Mr. Shastri collaborated most effectively in the work of the headquarters group in Ho. He assumed responsibility for the analysis of complaints, an important phase of the headquarters operation. Moreover, the writer wishes to record his appreciation of Mr. Shastri's contribution in the day-to-day discussion and analysis of problems with the Commissioner, a task in which he and the writer were able to collaborate on the basis of absolute agreement on principles and procedures.

Seen with interest JSCH 18.VI.56

C. The Plebiscite

a) Organization and conduct

4. The period for the lodging of claims and objections ended on 3 April. The statements of claims and objections are being prepared for publication no later than 13 April and the Revising Courts will start to sit on 20 April. Thus far there appear to be no more than 100 claims and objections in the Southern Section.

5. There has been no further discussion of polling arrangements between Mr. Espinosa and Sir John Dring, the Plebiscite Administrator. Mr. Espinosa feels that certain problems remain unsettled and is anxious to determine what steps are contemplated by the Plebiscite Administrator.

6. The polling regulations (The Togoland Plebiscite Regulations, 1956) were published on 2 April; a copy is annexed to this report (Annex 1). An amendment to the Togoland Plebiscite (Registration) Regulations, 1956 is also enclosed (Annex II).

b) Political developments

7. We have been notified by Messrs. J.J. Cebe-Habersky and C.J. Jakhelln that minor incidents took place at Gbi Wegbe on 25 March when the Convention Peoples' Party held its rally at Hohoe. It appears that Convention Peoples' Party members attempted to raise the party flag in this predominantly Togoland Congress village. During the disturbances which ensued, a number of CPP members were arrested.

8. While passing through Hohoe on 3 April, Messrs. Mills and de Roussy de Sales encountered Mr. Antor who informed them that he would soon complain to Mr. Espinosa with reference to free transport allegedly provided by the Gold Coast Government to persons wishing to attend the CPP rally at Hohoe on 25 March as well as the participation of a Minister of the Gold Coast Government, Mr. Alassani, in the rally. Mr. Antor complained that Sir John Dring, the Plebiscite Administrator, summarily rejected complaints of the Togoland Congress and considered that Mr. Espinosa was too lenient with the Plebiscite Administrator in his investigation of complaints. He admitted, however, that Mr. Espinosa's conduct was absolutely fair and impartial.

D. Information activities

9. Mr. de Roussy de Sales toured the Territory between 29 March and 2 April with Mr. Mills, the Administrative Officer, and gathered material for a feature story which is being despatched to Headquarters by this pouch together with films taken by himself and the Porter group. On their return, Messrs. Mills and de Roussy de Sales came upon the scene of a disastrous passenger lorry accident north of Ho in which eighteen persons were injured, some of them critically.

Mr. Mills drove on to Ho with some of the injured to report the accident and seek medical aid while Mr. de Roussy de Sales remained at the scene of the accident for several hours to assist the injured and organize their transport to hospital.

10. The United Nations publications and posters which had been requested in an earlier report have been received. The Observers are very happy to know that they will have this material for distribution.

E. Social activities

11. Mr. Espinosa attended the following social functions:

30 March: Dinner at the Regional Officer's.

1 April: Dinner at the Assistant Regional Officer's.

GDH/pgc

CONFIDENTIAL

Mr. Benjamin Cohen, Under-Secretary 3 April 6
Department of Trusteeship and Information
from Non-Self-Governing Territories TT/810

G.D. Howard
Deputy Principal Secretary
UNPCT

Report for the period 27 March to 3 April

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b) Political developments

7. We have been notified by Messrs. J.J. Cebe-Habersky and C.J. Jakhelln that minor incidents took place at Gbi Wegbe on 25 March when the Convention Peoples' Party held its rally at Hohoe. It appears that Convention Peoples' Party members attempted to raise the party flag in this predominantly Togoland Congress village. During the disturbances which ensued, a number of CPP members were arrested.

8. While passing through Hohoe on 3 April, Messrs. Mills and de Roussy de Sales encountered Mr. Antor who informed them that he would soon complain to Mr. Espinosa with reference to free transport allegedly provided by the Gold Coast Government to persons wishing to attend the CPP rally at Hohoe on 25 March as well as the participation of a Minister of the Gold Coast Government, Mr. Alassani, in the rally. Mr. Antor complained that Sir John Dring, the Plebiscite Administrator, summarily rejected complaints of the Togoland Congress and considered that Mr. Espinosa was too lenient with the Plebiscite Administrator in his investigation of complaints. He admitted, however, that Mr. Espinosa's conduct was absolutely fair and impartial.

D. Information activities

9. Mr. de Roussy de Sales toured the Territory between 29 March and 2 April with Mr. Mills, the Administrative Officer, and gathered material for a feature story which is being despatched to Headquarters by this pouch together with films taken by himself and the Porter group. On their return, Messrs. Mills and de Roussy de Sales came upon the scene of a disastrous passenger lorry accident north of Ho in which eighteen persons were injured, some of them critically.

Mr. Mills drove on to Ho with some of the injured to report the accident and seek medical aid while Mr. de Roussy de Sales remained at the scene of the accident for several hours to assist the injured and organize their transport to hospital.

10. The United Nations publications and posters which had been requested in an earlier report have been received. The Observers are very happy to know that they will have this material for distribution.

E. Social activities

11. Mr. Espinosa attended the following social functions:

30 March: Dinner at the Regional Officer's.

1 April: Dinner at the Assistant Regional Officer's.

Annex I

L.N. 74/56.

THE TOGOLAND UNDER UNITED KINGDOM TRUSTEESHIP (PLEBISCITE) ORDER IN COUNCIL, 1955

THE TOGOLAND PLEBISCITE REGULATIONS, 1956

IN exercise of the powers conferred upon the Governor by section 5 of the Togoland under United Kingdom Trusteeship (Plebiscite) Order in Council, 1955, the following Regulations are hereby made:—

1. These Regulations may be cited as the Togoland Plebiscite Regulations, 1956. Title.

2. In these Regulations, unless the context otherwise requires— Interpretation.

"assistant returning officer" means a person appointed as such under subsection (3) of section 7 of the Order;

"the Order" means the Togoland under United Kingdom Trusteeship (Plebiscite) Order in Council, 1955; L.N. 402.

"the plebiscite" means the plebiscite provided for in the Order;

"the Plebiscite Administrator" means the person appointed under section 7 of the Order to be responsible for the conduct of the plebiscite;

"polling assistant" means a person appointed as such under subsection (3) of section 7 of the Order;

"presiding officer" means a person appointed as such under subsection (3) of section 7 of the Order;

"Returning Officer" means a person appointed as such under subsection (3) of section 7 of the Order;

"register of voters" means a register of voters prepared under the provisions of the Togoland Plebiscite (Registration) Regulations, 1955; L.N. 397.

"United Nations observer" means a person appointed to observe the plebiscite on behalf of the United Nations;

"voter" means a person who has been registered on a register of voters;

"ward" shall have the same meaning as is ascribed thereto in the Togoland Plebiscite (Registration) Regulations, 1955. L.N. 397.

3. Each Returning Officer shall, in the area in which he is to exercise his functions, on or before the seventh day before the day fixed for the holding of the plebiscite, give notice of the holding of the plebiscite in such manner as he shall think fit, specifying Notice of Plebiscite.

(*a*) the day fixed for the holding of the plebiscite;

(*b*) the hours fixed within which votes can be cast;

(*c*) the situation of each polling station and a statement of the persons entitled to vote thereat;

(*d*) the symbol and colour allocated by the Plebiscite Administrator to each alternative on which a vote can be cast; and

(*e*) the alternatives on which a vote can be cast at the plebiscite, namely

(i) The union of Togoland under British Administration with an independent Gold Coast.

(ii) The separation of Togoland under British Administration from the Gold Coast and its continuance under Trusteeship, pending the ultimate determination of its political future.

Direction of officers as to place in which to exercise functions and powers of officers.

4. (1) The Plebiscite Administrator shall direct for which areas Returning Officers, assistant returning officers, presiding officers and polling assistants shall exercise their functions and he may delegate to Returning Officers such power in respect of assistant returning officers, presiding officers and polling assistants.

(2) An assistant returning officer shall have all the powers of a presiding officer and may if he thinks fit relieve a presiding officer of his duties at any polling station and in such event may authorise a person appointed to be a polling assistant to exercise the powers and duties of a presiding officer.

Arrangements for the plebiscite.

5. The Returning Officer shall

(*a*) provide a sufficient number of polling stations for each ward and allot the voters within the ward to the polling stations in such manner as he thinks most convenient;

(*b*) ensure, in respect of each ward, that sufficient polling assistants, to assist at the voting in the plebiscite, are available;

(*c*) ensure that a presiding officer shall be in charge of each polling station;

(*d*) furnish each polling station with such number of compartments as in the opinion of the Returning Officer may be necessary, in which the voters can, screened from observation, record their votes;

(*e*) provide each presiding officer with such number of ballot boxes and such number of ballot papers as in the opinion of the Returning Officer may be necessary;

(*f*) provide each polling station with instruments for making the official mark on the ballot papers, with pads impregnated with indelible ink of a distinctive colour and with copies of the register of voters for the ward, or such part thereof as contains the names of the voters allotted to vote at the polling station;

(*g*) cause to be published in each polling station the symbol and colour which has been allocated to each alternative on which a vote can be cast at such polling station; and

(*h*) do such other acts and things as may be necessary for conducting the plebiscite in the manner provided in these Regulations.

6. (1) Any political party active in Togoland under United Kingdom Trusteeship at the date of publication of these regulations may within fourteen days of such date inform the Plebiscite Administrator in writing which of the alternatives on which a vote can be cast is favoured by it. Polling Agents.

(2) On the expiration of the said period of fourteen days the Plebiscite Administrator, after such consultation as he and the Plebiscite Commissioner shall deem necessary, shall by notice in the *Gazette* inform the party or parties in favour of each alternative that they may appoint persons to be polling agents for the purpose of detecting personation, and such notice shall specify the number of such persons who may be appointed by each party for polling stations generally or for polling stations in a particular area or for any polling station so that however not more than two polling agents may be appointed for any one polling station by the political parties who favour either particular alternative.

(3) Notice in writing of the appointment, stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by the secretary of the party or other person authorised by him to the Returning Officer not later than seven days before the day appointed for the plebiscite and before four o'clock in the afternoon of the last day for the delivery of the notice.

7. (1) Every ballot box shall be so constructed that the ballot papers can be put therein by the voter but cannot by him be withdrawn. The ballot boxes in use shall have attached to them with a seal a notice showing an alternative on which a vote can be cast at the plebiscite, the symbol and colour allocated to that alternative by the Plebiscite Administrator and the polling station, ward and local council area in which the box is in use. Ballot boxes.

(2) Immediately before the commencement of the voting the residing officer at each polling station shall show the ballot boxes empty to such persons as may lawfully be present so that they may see that they are empty, and shall then close and place seals upon the boxes in such manner as to prevent them being opened without breaking the seal and shall keep them so closed and sealed until the voting is completed.

8. The hours of voting shall be from 6 a.m. to 1 p.m. and from 2 p.m. to 6 p.m. Hours of voting.

9. The voting at the plebiscite shall be conducted in the following manner— Method of voting.

(*a*) Every voter desiring to record his vote shall present himself to a polling assistant at the polling station at which he is entitled to vote tendering the receipt for the application for registration issued to him under the provisions of paragraph (4) of regulation 5 of the Togoland Plebiscite (Registration) Regulations, 1955, and the polling assistant, after satisfying himself— L.N. 397.

(i) that the name of such voter appears on the copy of the register of voters provided for that polling station; and

(ii) that he has not already voted in the plebiscite;

shall, notwithstanding that no receipt for the application for registration has been produced, upon being satisfied as to his eligibility to vote, deliver to him a ballot paper.

(*b*) Immediately before the polling assistant delivers a ballot paper to a prospective voter—

(i) the ballot paper shall be marked with an official mark;

(ii) the number, name, address and description of the voter as stated in the copy of the register of voters, or part thereof, shall be called out;

(iii) the number of the voter in the register of voters shall be marked on the counterfoil of the ballot paper; and

(iv) a mark shall be placed against the number of the voter in the copy of the register of voters, to denote that a ballot paper has been received, but without showing the number of the ballot paper which has been received.

(*c*) A polling assistant may, and if required by a polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them—

(i) Are you the person whose name is on the register of voters as follows (reading the entry in the register) ?

(ii) Have you already voted at the plebiscite at this or any other polling station ?

(*d*) A voter on receiving a ballot paper shall submit to having his left thumb pressed upon a pad impregnated with ink sufficiently indelible to leave a mark for a period of approximately twelve hours and shall then go immediately into one of the screened compartments in the polling station, which shall contain a ballot box for each alternative in favour of which a vote can be cast, and shall there secretly record his vote by placing his ballot paper in the ballot box for the alternative in favour of which he wishes to vote. The voter shall vote without undue delay.

(*e*) A voter who has accidently dealt with his ballot paper in such a manner that it cannot conveniently be used as a valid ballot paper may, on delivering such ballot paper to the presiding officer, require another ballot paper in the place of the paper so delivered up, and the presiding officer after being satisfied that the ballot paper has been spoilt by accident shall provide another ballot paper and the spoilt ballot paper shall be immediately cancelled.

(*f*) If a voter, by reason of blindness or other physical disability, is unable to cast his vote, he shall call the presiding officer aside and tell him, no other person being present or within hearing, the alternative in favour of which he wishes to cast his vote, and the presiding officer shall record the vote by placing the voter's ballot paper in the ballot box for the alternative in favour of which the voter wishes to cast his vote.

Requirements as to ballot paper.

10. Every ballot paper shall—

(*a*) have a number printed thereon; and

(*b*) be attached to a counterfoil bearing the same number as is printed on the ballot paper.

Admission of persons to polling station.

11. (1) No person shall be permitted to vote at any polling station other than the one allotted to him under the provisions of paragraph (*a*) of regulation 5 of these Regulations.

(2) The presiding officer shall regulate the admission of voters to the polling station, and shall exclude all other persons except United Nations observers, polling agents, polling assistants, police officers on duty, and any other person who in his opinion has lawful reason to be admitted.

Personation.

12. (1) If at the time a person applies for a ballot paper, or after he has so applied and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed the offence of personation and undertakes to substantiate the charge in a court of law, or if the presiding officer has otherwise reasonable cause to believe that the applicant has committed the offence of personation, the presiding officer may order a police officer to arrest such person, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

(2) A person in respect of whom a polling agent makes a declaration in accordance with paragraph (1) of this regulation or a person who the presiding officer has reasonable cause to believe has committed the offence of personation shall not, by reason thereof, be prevented from voting, but the presiding officer shall cause the words " protested against for personation " to be placed against his name in the marked copy of the register of voters, or part thereof together, with the number of the ballot paper delivered to him:

Provided that where a person seeking to vote or having voted, admits to the presiding officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already done so, and if he has already voted, the presiding officer shall make a note of the number of the ballot paper delivered to him, and, upon the count being taken, such ballot paper shall be invalid.

(3) A person arrested under the provisions of this regulation shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

Tendered votes.

13. If a person representing himself to be a voter named in the register of voters applies for a ballot paper after another person has voted as such voter, the applicant shall, upon giving satisfactory answers to the questions set out in paragraph (*c*) of regulation 9 of these Regulations, be entitled to have his name, number in the register of voters, and the alternative in favour of which the voter wishes to cast his vote entered by the presiding officer, in conditions of secrecy, upon a tendered votes list and the presiding officer shall inform such person that his name has been entered on such list; and this list shall be admissible in any legal proceedings arising out of the election.

Conduct in polling stations.

14. (1) The presiding officer shall keep order in the polling station.

(2) If any person misconducts himself in a polling station or fails to obey any lawful order of the presiding officer, he m by order of the presiding officer, be removed from the polling station by any police officer, or by any other person authorised in writing by the presiding officer in that behalf, and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day of the plebiscite; and any person so removed may, if charged with the commission of an offence in such station or if he returns to the station otherwise than for the purpose of voting be arrested by a police officer and on arrest such person shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant:

Provided that the provisions of this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of so voting.

Presiding Officer's duties at close of voting.

15. (1) As soon as practicable after the termination of the voting the presiding officer shall, in the presence of the polling agents, make up into separate packets, each sealed with his own seal—

(*a*) each ballot box in use at his polling station unopened and sealed so as to prevent the introduction of additional ballot papers;

(*b*) unused and spoilt ballot papers, which latter expression shall include any ballot paper issued to a voter which has not been inserted in a ballot box, placed together;

(*c*) the marked copies of the register of voters or part thereof;

(*d*) the counterfoils of the used ballot papers; and

(*e*) the tendered votes list;

and shall deliver the packets to the Returning Officer in such manner as he may direct.

Schedule.

(2) The packets shall be accompanied by a statement to be called the ballot papers account which shall be as set out in the Schedule to these Regulations, completed as to the first column by the returning officer and as to the other columns by the presiding officer, showing the serial numbers of the ballot papers entrusted to him and accounting for them under the following heads—

(*a*) serial numbers of spoilt ballot papers;

(*b*) serial numbers of unused ballot papers.

16. (1) Each political party which has been informed that it may appoint polling agents may appoint a counting agent to attend each Returning Officer on the counting of votes. Counting agents.

(2) Notice in writing of the appointment, stating the names and addresses of counting agents, shall be given by the secretary of the party or other person authorised by him to the Returning Officer to whom the counting agent has been assigned not later than three days before the plebiscite and before four o'clock in the afternoon of the last day for the delivery of the notice.

17. (1) The Returning Officer shall make arrangements for counting the votes in the presence of a United Nations observer and the counting agents after the termination of the voting which counting shall commence not later than 8 o'clock a.m. on the day after the voting and shall, so far as is practicable, proceed continuously with the counting, in the presence of a United Nations observer, allowing only reasonable time for refreshment, until it is complete. Counting of votes.

(2) From the time of delivering of the sealed packets by the presiding officer under the provisions of regulation 15 of these Regulations until the counting of votes the Returning Officer shall keep such packets in safe custody.

18. Except with the consent of the Returning Officer, no person other than the Returning Officer, his assistants, counting agents and a United Nations observer may be present at the counting of votes. Persons who may be present.

19. The Returning Officer shall, in the presence of a United Nations observer and the counting agents, open each ballot box and, taking out the ballot papers, shall ensure a proper counting of votes and record the number thereof, and shall ensure also that the ballot papers for each ward and for each alternative are kept separate from those for any other ward and alternative. Method of counting votes.

20. Any ballot paper which does not bear the official mark or which bears a number indicating that it was issued for use at a polling station other than that in which it was used to vote shall not be counted. Votes not to be counted.

21. (1) The Returning Officer shall endorse the word " rejected " on any ballot paper which, under the provisions of regulation 20 of these Regulations, is not to be counted. Endorsements by Returning Officer.

(2) The Returning Officer shall add to the endorsement the words " Rejection objected to " if an objection to his decision is made by any counting agent, setting out also the name of the counting agent who objected.

22. The Returning Officer shall prepare a statement showing the number of ballot papers rejected under regulation 21 of these Regulations and shall on request allow any counting agent to copy the statement. Rejected ballot papers.

23. The decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final, and shall be subject to review only on a voting petition questioning the result. Returning Officer's decision final.

Returning Officer's duties at conclusion of counting.

24. Upon the conclusion of the counting of the votes the Returning Officer shall seal up in separate packets for each ward the counted and rejected ballot papers, the ballot papers cast in respect of each alternative being kept separate, and the packets shall be endorsed on the outside by the Returning Officer with the alternative in favour of which the votes represented by the ballot papers therein were cast and the ward in which they were cast. He shall not open the sealed packet containing the marked copy of the register of voters or the sealed packet containing the counterfoils of used ballot papers, but shall proceed, in the presence of the United Nations observer, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him in accordance with regulation 19 of these Regulations, the unused and spoilt papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The Returning Officer shall prepare a statement as to the result of the verification and shall on request allow any counting agent to copy the statement.

Declaration of result.

25. When the result of the voting has been ascertained, the Returning Officer shall in respect of each ward for which he is exercising functions—

(*a*) forthwith publish at the place of counting the number of votes cast in favour of each alternative;

(*b*) report the result of the voting to the Plebiscite Administrator who shall in turn report to the Governor who shall cause the result of the voting, together with the number of votes recorded for each alternative, to be published in the *Gazette*.

Custody of documents.

26. (1) Upon the completion of the counting of the votes the Returning Officer shall arrange with the Plebiscite Administrator for the safe custody of all documents relating to the conduct of the plebiscite.

(2) All such documents shall be destroyed on a date to be notified by the Governor, being a date not earlier than the first day of January, 1957, unless otherwise directed in respect of any ward by an order of any Court arising from proceedings relating to the plebiscite.

Powers of polling assistants.

27. A polling assistant may be authorised by the presiding officer to do any act which the presiding officer is required or authorised to do at a polling station by these Regulations, except that he may not order the arrest of any person, or the exclusion or removal of any person from the polling station.

Secrecy of vote.

28. No person who has voted at the plebiscite shall, in any legal proceedings arising out of the plebiscite, be required to state in favour of which alternative he voted.

Absence of United Nations observers or agents not to invalidate proceedings.

29. Where in these Regulations any act or thing is required or authorised to be done in the presence of a United Nations observer, a polling agent or a counting agent the non-attendance of any such person at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

30. Any Returning Officer, assistant returning officer, presiding officer or polling assistant who does any act in the course of his official duties with intent to influence the result of the voting in the plebiscite, not being an act which he is authorised or required to perform under the provisions of these Regulations, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment: Offences by Plebiscite Officials.

Provided that no prosecution shall be commenced under the provisions of this regulation without the consent of the Attorney-General.

31. Every person who makes a false answer to either of the questions prescribed in paragraph (*c*) of regulation 9 of these Regulations, knowing it to be false or not believing it to be true, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment. Penalty for false answer.

32. (1) Every person who— Offences in respect of ballot papers, etc.

(*a*) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(*b*) without due authority, supplies any ballot paper to any person; or

(*c*) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(*d*) fraudulently takes out of any polling station, place of voting or place of counting any ballot paper; or

(*e*) without due authority, destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the plebiscite;

shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) Any attempt to commit an offence specified in this regulation shall be punishable in the manner in which the offence itself is punishable.

(3) In any prosecution for an offence in relation to the ballot boxes, ballot papers, counterfoils, marking instruments and other things in use at the plebiscite, the property in such papers, boxes, instruments and things may be stated to be in the Returning Officer at such plebiscite.

33. (1) Every officer, polling assistant, and agent shall maintain and aid in maintaining the secrecy of the voting in the plebiscite and shall not communicate, except for some purpose authorised by law, before the plebiscite is concluded, to any person any informa- Infringement of secrecy.

tion as to the name or number on a register of voters of any voter who has or has not applied for a ballot paper or voted, or as to the official mark.

(2) No such officer, polling assistant or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when casting his vote, or otherwise attempt to obtain information as to the alternative in favour of which any voter is about to vote or has voted, or communicate at any time to any person information obtained during the plebiscite as to the alternative in favour of which any voter is about to vote, or has voted, or as to the number on the ballot paper given to any voter:

Provided always that the provisions of this paragraph of this regulation shall not extend or be construed to extend to any procedure prescribed under these Regulations for recording the vote of any voter who is incapacitated by blindness or other physical cause from casting his vote himself or under regulation 13.

(3) Every officer, polling assistant, or other person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at such counting as to the alternative in favour of which any vote is given by any particular ballot paper.

(4) Every person who acts in contravention of the provisions of this regulation shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalty for bribery, treating, etc.

34. Every person who is guilty of bribery, treating or undue influence shall be guilty of a corrupt practice and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Penalty for personation.

35. Every person who is guilty of personation or of aiding, abetting, counselling, or procuring the commission of the offence of personation, shall be guilty of a corrupt practice and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Incapacity entailed by conviction for corrupt practice.

36. Every person who is convicted of a corrupt practice shall (in addition to any other punishment) be incapable, during a period of ten years from the date of his conviction—

(*a*) of being registered as an elector for any election of Members of the Legislative Assembly or a Municipal Council, District Council, Urban Council or Local Council; and

(*b*) of being elected as a Member of the Assembly or of a Municipal, District, Local or Urban Council, or, if elected before his conviction, of retaining his seat as such Member.

37. The following persons shall be deemed to be guilty of bribery within the meaning of these Regulations— Persons to be deemed guilty of bribery.

(1) every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at the plebiscite;

(2) every person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure or to endeavour to procure any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at the plebiscite;

(3) every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement, as aforesaid to or for any person, in order to induce such person to procure, or to endeavour to procure, the vote of any voter at the plebiscite in favour of a particular alternative;

(4) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures, or engages, promises, or endeavours to procure the vote of any voter at the plebiscite in favour of a particular alternative;

(5) every person who advances or pays, or causes to be paid, any money to or for the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at the plebiscite, or who knowingly pays, or causes to be paid, any money to any person, in discharge or repayment of any money wholly or in part expended in bribery at the plebiscite;

(6) every voter, who, before or during the plebiscite, directly or indirectly, by himself or by any other person on his behalf, receives, agrees to receive, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at the plebiscite; and

(7) every person who, after the plebiscite, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration

on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at the plebiscite:

Provided always that the provisions of this regulation shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred concerning the plebiscite.

Persons to be deemed guilty of treating.

38. The following persons shall be deemed to be guilty of treating within the meaning of these Regulations—

(1) every person who corruptly, by himself or by any other person, either before or during the plebiscite, directly or indirectly gives, or provides, or pays, or promises to give, provide or pay, wholly or in part, the expense of giving or providing any food, drink, entertainment, or provision to or for any person, for the purpose of corruptly influencing that person, or any other person, to vote or refrain from voting at the plebiscite; and

(2) every voter who corruptly accepts or takes any such food, drink, entertainment, or provision.

Persons to be deemed guilty of undue influence.

39. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at the plebiscite, or who, by abduction, duress, or any fraudulent contrivance, impedes or prevents the free use of the vote by any voter or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at the plebiscite, shall be guilty of undue influence within the meaning of these Regulations.

Use of oaths, fetishes, spells and gong-gong.

40. Every person who—

(*a*) (i) swears or administers any oath, otherwise than for the purpose of any legal proceedings, whether or not such oath is recognised as lawful by customary law, or

(ii) administers, invokes or makes any other use of any fetish, or

(iii) makes any other invocation, or

(iv) purports to cast any spell,

and relates any such act to or connects any such act with the voting or refraining from voting by any person at the plebiscite; or

(*b*) beats a gong-gong accompanied by any statement or announcement relating to or connected with the voting or refraining from voting by any person at the plebiscite, other than an announcement or statement of the date, time, and place at which voting is to take place; or

(*c*) threatens any act referred to in paragraph (*a*) of this regulation;

shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment, and shall be incapable during a period of ten years from the date of conviction, of being registered as a voter, or of voting, at any election of, and of being elected as, a Member of the Assembly or of a Municipal, District, Local or Urban Council, or, if elected before his conviction, of retaining his seat as such Member.

Persons to be deemed guilty of personation.

41. Every person who at the plebiscite applies for a ballot paper in the name of another person or tenders a vote in the name of another person, whether that name is the name of a person living or dead or of a fictitious person, or who, having voted once at the plebiscite, applies for a ballot paper or tenders a vote at the same plebiscite, in his own name, shall be guilty of personation within the meaning of these Regulations.

Attempts to mislead the public in relation to the plebiscite.

42. Any person who publishes in writing any matter which is reasonably calculated to deceive the public as to any matter for which these Regulations provide shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment:

Provided that no prosecution for an offence under the provisions of this regulation shall be commenced without the consent of the Attorney-General.

Penalty for persons guilty of certain illegal practices.

43. Every person who votes, or induces, or procures any other person to vote, at the plebiscite, knowing that he or such other person is prohibited by any provision of any law from voting at the plebiscite shall be guilty of an illegal practice, and on conviction thereof shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and shall be incapable, during a period of five years from the date of his conviction, of voting at any election of, and of being elected as, a Member of the Legislative Assembly or of a Municipal, District, Local or Urban Council or if elected before his conviction of retaining his seat as such Member.

Interference with lawful public meeting to be an illegal practice.

44. Any person who at a lawful public meeting, held in connection with the plebiscite, between the date of publication of the notice in the *Gazette* appointing a day for the holding of the plebiscite under these Regulations and the date at which the result of the plebiscite is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice and shall be liable upon conviction to a fine not exceeding fifty pounds or to a term of imprisonment not exceeding six months or to both such fine and imprisonment and shall be incapable, during a period of five years from the date of his

conviction, of voting at any election of, and of being elected as, a Member of the Legislative Assembly or of a Municipal, District, Urban or Local Council or if elected before his conviction of retaining his seat as such Member.

Display of emblems in vicinity of place of voting prohibited.

45. No person shall within any building where voting in the plebiscite is in progress, or on any public place within a distance of fifty yards of any entrance to such building, wear or display any card, symbol, favour or other emblem indicating support for a particular political party or particular alternative being put in the plebiscite and no person shall within four hundred yards of any such building make any public address indicating support for such a particular political party or alternative. Any person acting in contravention of this regulation shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten pounds.

For the purposes of this regulation "public place" has the same meaning as in section 3 of the Criminal Code.

Cap. 9.

Saving for offences under other Ordinances. Cap. 9. and Cap. 10.

46. Nothing in these Regulations shall in any way prejudice or affect any of the provisions of the Criminal Code or of the Criminal Procedure Code, as to the offences relating to public elections or to public offices or officers.

SCHEDULE

[*Regulation* 15 (2)]

BALLOT PAPERS ACCOUNT

Local Council area..... Ward..... Polling Station.....

To THE RETURNING OFFICER .....

Serial Numbers of ballot papers provided by Returning Officer	Serial Numbers of ballot papers unused	Serial Numbers of ballot papers spoilt

....., 1956

.....
Signature of Presiding Officer

Made at Accra this 26th day of March, 1956.

G. HADOW
Officer Administering the Government.

Printed and published by the Government Printer (Published in Supplement to Gazette No. 21 *of* 1956). *To be purchased from the Government Printing Department (Publications Branch), Accra, Gold Coast, and from the Crown Agents for Oversea Governments and Administrations,* 4 *Millbank, London, S.W.*1.

GPD/AW2148/1,180/3-56 *Price* **8d.**

Annex II

L.N. 75/56.

THE TOGOLAND UNDER UNITED KINGDOM TRUSTEESHIP (PLEBISCITE) ORDER IN COUNCIL, 1955

THE TOGOLAND PLEBISCITE (REGISTRATION) (AMENDMENT) (NO. 3) REGULATIONS, 1956

IN exercise of the powers conferred upon the Governor by section 5 of the Togoland Under United Kingdom Trusteeship (Plebiscite) Order in Council, 1955, the following Regulations are hereby made:—

1. These Regulations may be cited as the Togoland Plebiscite (Registration) (Amendment) (No. 3) Regulations, 1956, and shall be read as one with the Togoland Plebiscite (Registration) Regulations, 1955, hereinafter referred to as the principal Regulations. Title. L.N. 397/55.

2. In the contents of the First Schedule to the principal Regulations relating to the Krachi Local Council the following amendments shall be made:— Amendment of First Schedule to the principal Regulations.

(*a*) the name of the village "Banda" appearing under the sub-heading "Ward M3" shall be deleted;

(*b*) the name of the village "Atrafie" appearing under the sub-heading "Ward M4" shall be deleted;

(*c*) immediately after the name of the village "Dain" under the sub-heading "Ward N4" there shall be added the name of the village "Apepesu";

(*d*) the names of the villages "Kwaachi" and "Apepesi" appearing under the sub-heading "Ward O1" shall be deleted;

(*e*) immediately after the name of the village "Obanda" under the sub-heading "Ward O1" there shall be added the name of the village "Atrafie";

(*f*) immediately after the name of the village "Mpeyo" under the sub-heading "Ward O2" there shall be added the name of the village "Kwaachi";

(*g*) The sub-heading "Ward O3" and the name of the village "Pampawie" appearing immediately thereunder shall be deleted.

Made at Accra this 21st day of March, 1956.

G. HADOW
Officer Administering the Government.

Printed and published by the Government Printer (Published in Supplement to Gazette No. 21 of 1956). To be purchased from the Government Printing Department (Publications Branch) Accra, Gold Coast, and from the Crown Agents for Oversea Governments and Administrations, 4 Millbank, London, S.W.1.

GPD/AW2149/1,180/3-56 *Price* 2d.

KUMASI
I hope to see you again
NO. 1,722 ACCRA, MONDAY, APRIL 2, 1956 PRICE: TWO

TOGO PLEBISCITE REGULATIONS ARE PUBLISHED

REGULATIONS IN CONNECTION WITH THE FORTHCOMING PLEBISCITE IN TOGOLAND UNDER UNITED KINGDOM TRUSTEESHIP HAVE BEEN PUBLISHED IN ACCRA.

These explain how the plebiscite is to be held, acts considered to be illegal and penalties for such acts.

They were enacted by the Officer Administering the Government under the provisions of the Togoland Under United Kingdom Trusteeship (Plebiscite) Order-in-Council, the instrument instituting the plebiscite.

According to the regulations, May 9 has been confirmed as the date for the holding of the plebiscite. The casting of votes is scheduled to start from 6 a.m. to 6 p.m. on that day with an hour's break at 1 p.m.

Counting will start at 8 o'clock in the morning of May 10. It will proceed continuously, allowing only reasonable time for refreshments until it is complete.

Counting

Arrangements for the counting, which will be done in the presence of a United Nations Observer, will be made by the Returning Officer.

Other people who may be present at the counting of votes are the Returning Officer, his assistants, and the counting agents of political parties interested in the plebiscite.

BUT, SAY THE REGULATIONS, NO COUNTING OF VOTES WILL BE INVALIDATED IF THE UNITED NATIONS OBSERVER OR A PARTY'S COUNTING AGENT FAILED TO ATTEND THE COUNTING AT THE TIME AND PLACE APPOINTED FOR THE PURPOSE.

Only exception

The only exception to this rule is a case in which the counting has not been otherwise properly done.

The following acts have been declared illegal:

- An attempt by plebiscite officials of all grades, while discharging their official duties, to influence the result of the plebiscite.
- An attempt by any member of the public to induce through bribery in cash or in kind a voter to cast his vote particularly for one of the two alternatives or refrain from voting.
- **The threat to inflict a temporal or spiritual injury or harm on a person as a means of inducing or compelling the person to vote or refrain from voting.**
- The use of oaths, fetishes, spells and the gong-gong as a threat to induce or compel a person to vote or refrain from voting.
- The publication in writing of any matter calculated to deceive the public as to any matter for which the regulations provide.
- Disorderly acts or incitement to disorderly acts for the purpose of preventing a public

X (Continued on back page)

Togo Plebiscite

X (Continued from page 1)

meeting organised in connection with the plebiscite.

The penalties for offences related to these acts range from £50 fine with or without six months' imprisonment to £100 fine with or without one year's imprisonment.

IN ADDITION TO THESE, ANYBODY FOUND GUILTY OF AN OFFENCE RELATED TO THESE ACTS WILL CEASE FOR TEN YEARS TO BE ELIGIBLE FOR VOTING OR FOR ELECTION IN RESPECT OF THE LEGISLATIVE ASSEMBLY AND LOCAL GOVERNMENT COUNCILS.

If the person is already a member of any of these bodies, he will be ordered to vacate his seat.

B. Cohen

MAR 19 1956

UNITED NATIONS NATIONS UNIES

Under-Secretary, TRI

INTEROFFICE MEMORANDUM

CONFIDENTIAL

Dr. Wieschhoff
Circulate as usual
ack. res.

TO: Mr. Benjamin Cohen, Under-Secretary
Department of Trusteeship and Information
from Non-Self-Governing Territories

Date: 13 March 1956

FILE NO.: ~~TR/810~~ TR 100 TOG (1-1)

Through: Mr. H.A. Wieschhoff, Acting Director

FROM: G.D. Howard,
Deputy Principal Secretary
UNPCT

SENDER'S TELEPHONE EXTENSION:

SUBJECT: Report for the period 7 to 13 March 1956

20 MAR 1956

A. The Plebiscite Commissioner

1. Mr. Espinosa spent most of the week at Ho. He proceeded to Jasikan on the 9th and toured the neighbouring area to the north on the 10th. He had been informed that the Plebiscite Administration was to examine the registration lists in the Cement Poasi area and that by the 9th or 10th an Assistant Registration Officer would begin to tour the surrounding villages checking on doubtful cases. Upon our arrival in Jasikan we were informed by Mr. Fabry that the Plebiscite authorities did not find it feasible to conduct such an investigation since the nominal rolls, which might have been used as a check ~~comparison~~, were found to be very incomplete.

2. The Commissioner attended at Jasikan a briefing of assistants who will receive claims and objections during the present phase of the Plebiscite. The meeting reflected the thoroughness with which the African assistants are being prepared for a somewhat difficult task. The morning of the 10th, the Commissioner, accompanied by Mr. Fabry, Mr. Van Wijk and myself, travelled north of Jasikan as far as Dodi Papase. A number of villages off the road were visited and the French Togoland frontier was reached in a detour off the main road.

3. The Commissioner issued a circular to the Observers containing the text of his reply to the invitation of the Togoland Congress to attend a rally as well as that of a telegram addressed to the C.P.P. and N.P.P. and of a press release. (Annex I)

B. Staff

4. The Observers and Headquarters Staff are all in good health.

C. The Plebiscite

a. Organization and conduct

5. If available later in the day final registration figures will be annexed to this report.

6. The Commissioner and staff spent some time during the period

under review gathering information concerning the demarcation of the northern segment of the border between the Gold Coast and the Trust Territory. Mr. de Roussy de Sales made a trip to Accra where he was able to obtain from the Government Archives the Report of the Anglo German Boundary Commission defining in detail this section of the frontier. There will be a section in the report dealing with the boundary question and showing the extent to which the Plebiscite Administration determined the precise location of villages lying in the immediate vicinity of the border. The evidence thus far does not show any substantial amount of infiltration but as was pointed out in a previous report the position will be finally clarified during the period when claims and objections are reviewed by the revising officers.

7. It now seems to be that the number of unqualified persons registered in the Buem, Akan and East Krachi areas may not be as numerous as it was first thought. It is considered that both the C.P.P. and the Togoland Congress may have encouraged the registration of unqualified persons. Under the circumstances, however, it is impossible to detect such cases with any degree of certainty; it will only be through the lodging of objections that such cases might be detected and disposed of.

8. The lists of registers were posted by the 12th and the Observers are touring their districts to ensure that the lists are available and that the announcements are posted.

b. Political Developments

9. On the morning of the 10th the Commissioner met with Mr. Odame at Jasikan. Mr. Odame claimed that there was some evidence to show that C.P.P. organizers were holding registration receipts in his area. He considered that the amendment to the Registration Regulations enacted on 4 February would to some extent remedy this situation, but he suggested that police should be instructed to look out for persons holding these receipts on polling day.

10. He repeated his earlier suggestion that each of the two parties separately stamp ballots at the polling stations. Mr. Espinosa explained that he had studied this proposal and the he was sure that it would give rise to confusion and that it might give an opportunity for polling agents to intimidate voters. He further explained that the Plebiscite Administration planned to mark each ballot with special perforating machines to be brought from the United Kingdom.

11. Mr. Espinosa informed Mr. Odame of the two letters of Mr. Antor and his associates and referred in particular to the "without fear of favour" passage. He explained that he had asked for a clarification. Mr. Odame, in this connexion, stated that Mr. Antor had in this case followed his usual practice of not consulting him. He felt quite unhappy about Mr. Antor's ties with the National

Liberation Movement in Ashanti and suggested that after the Plebiscite it might be necessary to reorganize and re-orient the Togoland Congress.

12. Although Mr. Odame does have a certain amount of influence in his area, the fact that Togoland Congress organizers from Hohoe came in in substantial numbers and encouraged people to register would indicate that he does not possess effective control over the operations of the Party in that area.

13. In conclusion, Mr. Odame stated that the ~~mass~~ majority of assistants at the briefing meeting at Jasikan which the Commissioner had attended on the previous day were members of the C.P.P. and he considered that personnel affiliated with the Togoland Congress had been deliberately overlooked in making these appointments. After some discussion it was agreed that at the most 10 of the 75 assistants were Togoland Congress sympathizers or members and that less than 10 were not affiliated in any way with the political parties.

14. The first major rally of the Togoland Congress, to which the Commissioner had been invited, took place at Kpandu on 11 March. On the instructions of the Commissioner, Mr. Cebe-Habersky and Mr. Jakhelln attended and I was informed by Mr. Jakhelln that the rally took place without incident and without any embarrassment to the Observers. I understand that a report on the rally has been submitted by the Observers to the Commissioner and if available a copy will be annexed hereto. As yet there has been no reaction from the C.P.P. or the N.P.P. to the Commissioner's declaration concerning the first rallies of the political parties. There has been no reply from the Togoland Congress as yet to the Commissioner's letter of 25 February.

15. On 12 March, the Commissioner gave a cocktail party to which many persons in the local community, including chiefs, civil servants, teachers as well as leaders of political parties and the members of the Legislative Assembly in the Southern Section, were invited. The party was very successful being attended at least by 60 persons and it was of considerable interest to observe the political leaders discuss matters relating to the Plebiscite.

D. <u>Information Activities</u> (prepared by Mr. de Roussy de Sales)

16. Press release No. 43/56, giving in Mr. Espinosa's own words his views and intentions about attending political rallies, was given to all the local newspapers. It was published in the Daily Graphic (copy attached) and given over the radio.

17. The cinema-vans covering the Trust Territory will start showing next week the U.N. films just received.

18. The article on Togoland which appeared in the February issue of the UNITED NATIONS REVIEW displeased Mr. Daniel Chapman and Mr. Ensor who felt it did not state clearly the demands of the

Ewe Tribes -- first made to the United Nations in 1947 -- for the unification of their territories. They felt the article should have said that the Ewes have favoured the unification of all the Ewe populated areas in the Togolands and the Gold Coast, instead of saying "the integration of the Ewe population as a separate entity of the Gold Coast". For this reason, they asked us not to distribute reprints of this article as was originally planned.

19. British officials were annoyed by an article which appeared in the Daily Graphic on 2 March (copy attached) in which it was said that the Gold Coast needed large scale assistance which it would receive from the United Nations after the country had become self-governing.

E. Social Activities

20. In addition to the Commissioner's cocktail party on 12 March, the Commissioner and the staff were the guests of the Regional Officer and his wife at a buffet-supper on 10 March.