



# UNITED NATIONS TRUSTEESHIP COUNCIL



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COMMUNICATION FROM THE SECRETARY-GENERAL OF THE TOGOLAND CONGRESS  
CONCERNING TOGOLAND UNDER BRITISH AND FRENCH ADMINISTRATION

(Circulated in accordance with rule 24 and supplementary rule F of  
the rules of procedure for the Trusteeship Council)

The National Headquarters,  
Togoland Congress,  
P.O. Box 65,  
HOHOE B. M. T.  
28th July, 1953

The Secretary-General  
United Nations,  
NEW YORK, U.S.A.

Sir,

RE - UNIFICATION OF TOGOLAND

I am directed by the Chairman of the Togoland Congress of Natural Rulers and people to forward the attached petition through you to the Fourth Committee of the General Assembly for their consideration and immediate action.

At the same time I am directed to inform you that Togolanders have retained Theodore O. Asare, Esqr. Attorney and Counsellor at Law, of 101 West 125th Street, New York 27, N.Y. to represent them in the United Nations<sup>1/</sup> in order to support the petition with an oral argument when the hearing of the said petition come before the Fourth Committee of the General Assembly of U.N.

The Secretary-General of U.N. is therefore requested to advise the said attorney when the case is about to come up. This request is made in good faith, because your petitioners have become impoverished and may not afford to send delegates. Besides the issue has become highly specialized which requires legal services.

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<sup>1/</sup> Note by the Secretariat: See T/COM.6/L.21.

We look forward to seeing spirit of fairplay and justice which are the basic aims of the United Nations when the debate of this petition come before the Assembly.

Please kindly inform us of action taken on this matter on our request at your earliest convenience.

I have the honour to be

Sir

Your Obedient Servant,

(signed) A.K. ODAM

for Secretary-General  
Togoland Congress.

Copy to:- Théodore O. Asare, Esqr.,  
Attorney and Counsellor at Law,  
101 West 125th Street,  
New York 27, N.Y. for information

PETITION SUBMITTED BY THE TOGOLAND CONGRESS, INCLUDING  
NATURAL RULERS AND VARIOUS POLITICAL PARTIES AND  
STATUTORY ORGANS IN THE TRUST TERRITORIES OF TOGOLAND  
TO  
THE GENERAL ASSEMBLY OF THE UNITED NATIONS IN NEW YORK  
UNITED STATES OF AMERICA

Sir,

We have the honour to submit the following petition for your consideration and immediate assistance:-

1. That all the members and officers of your petitioners are inhabitants of the Trust Territories of British Togoland and that neither of your petitioners is affiliated, controlled, managed, directed, or in any way connected with any organization outside the Trust Territory of Togoland.
2. That your petitioners, respectfully wish to affirm their abiding faith and confidence in the United Nations as the World Organization dedicated to peace, law, order, justice and fair play among all nations irrespective of size, race, or strength.
3. That your petitioners complaining against Great Britain and France as Administering Powers of the two Trust Territories of Togoland allege:-
  - A. That Great Britain and France have violated the basic principles of the United Nations Charter and the Trusteeship Agreements and continue to violate the same, all to the detriment of the substantial rights of the people of the Trust Territories, present and future.
  - B. That the Trusteeship Council and the second visiting mission have failed and/or refused to perform their duties and obligations towards the people of the Trust Territories under the U.N. charter and the Trusteeship Agreements and have joined the Administering Powers in a concerted and ingeniously planned policy to defeat the basic guarantees, securities, rights and protections granted to the people of the Trust Territories under the U.N. Charter.

In support of these charges, your petitioners submit:

A STATEMENT OF FACTS

Your petitioners are inhabitants of the Trust Territories of Togoland. This territory was a former German Colony, administered in its entirety by the then German Government, Germany was later stripped of this Colony following her defeat in World War 1.

Operating under Article 22 of the Covenant of the League of Nations, there was established a Mandate System through which the former German Colonies were distributed among those allied nations with adjacent holdings - Great Britain and France.

Through this Mandate System, the whole of German Togoland was divided between the two victorious, Allied Powers for the sole purpose of administering it, subject to the provisions of the Covenant of the League of Nations - more particularly, Article 22.

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

Subsection 2, defines the objectives in the following terms, "The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League".

Subsection 3 further established that the character of the Mandate must vary according to the stage of development of its people, the geographical situation of the territory, its economic condition, and other circumstances.

Subsection 4 recognizes the fact that certain communities normally to be brought under the Mandate System have reached a stage of development in which their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by the Mandatory, until such time that they are able to stand alone. Also that the wishes of said communities must be a principal consideration in the selection of the administering Mandatory.

Subsection 5 declares an important principle in the following terms. "Other people, especially those of central Africa are at such a stage, that the Mandatory must be responsible for the administration of the Territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals .... It established the principle that equal opportunities for trade and commerce should be granted to other members of the League in the said regions.

Following World War II, British and French rule over a divided Togoland was continued, and an International Trusteeship System was established under the United Nations Charter signed at San Francisco on June 26, 1945.

The problems which followed World War II, added immeasurably to the economic, social, and political conditions arising from the frontier separating the two regions of Togoland, Currency regulations, foreign exchange controls, trade barriers, and pass restrictions, all made contact between the two territories exceedingly difficult. These difficulties have increased in their intensity since 1947.

As education began to develop and new political institutions took shape under the direct influence of political philosophy and policies of France and Great Britain - most of them assumed divergent patterns from those initially announced, it became quite clear to both groups of Togoland that these policies, if they were continued, would result in complete absorption of the two Trust Territories by Great Britain and France as their colonies.

Recognizing this eventuality, the leaders of both British and French Togoland are seeking unification of the two regions making Togoland again one nation and one cultural group as they originally were.

To obtain this objective of unification, several petitions and delegations have been sent to United Nations to voice this desire. Such petitions and delegations all were in conformity with the United Nations Charter and the Trusteeship Agreements.

Upon examination of the first petition, the Trusteeship Council concluded that the request for unification did represent the wishes of the majority and a mission was sent for on-the-spot investigation in Togoland. Their assigned task was to devote special attention to the problems set forth in the petition and the implementation of measures designed to cope with the issues.

The first visiting mission of the Trusteeship Council arrived in Togoland on the 30th day of November, 1949, and left on the 16th day of December, 1949. Its findings are set out in its report, dated February, 1950. The visiting mission came to the conclusion that the demand of the people for unification were far from being merely a frontier problem to be eased away by a succession of economic and social measures, but that it was a capital political problem, representing the natural desires of the people, now divided, to be brought together as one. The concluding paragraph of this report carefully observed: "In closing these observations the mission feels that it is its duty to point out that the problem has attained the force and dimension of a nationalistic movement, and a solution should be sought with urgency in the interest of peace and stability in that part of the world".

The findings of the first visiting mission of the Trusteeship Council presented the true and unadulterated picture of the existing conditions in Togoland, and the desire of the people for unification. Later events showed that these findings did not meet with the approval of the Administering Authorities.

For this reason, the Administering Authorities decided to do away with the Togoland problem in classic colonial style through suppression, oppression, reign of terror and the method of divide and rule. Thus by inciting Africans against Africans they attempted to crush a movement stemming from the very provisions of the UN Charter and the Trusteeship Agreements to which they were signatories. This indirect contradiction of the sacred, international, legal and moral duties they have assumed.

THE UNITED NATIONS CHARTER ENVISAGED PROGRESSIVE  
DEVELOPMENT OF THE INHABITANTS OF THE TRUST  
TERRITORIES TOWARDS SELF-GOVERNMENT AND/OR  
INDEPENDENCE

The UN Charter established the Trusteeship System, gave the territories placed thereunder a definite and distinct international status. It declared the regions and people thereof as forming a sacred trust of civilization, and entrusted the Administering Powers with the administration of the Trust Territories on behalf of the United Nations.

The powers and functions of the Administering Powers are limited and defined by the United Nations Charter and the Trusteeship Agreements. The underlying philosophy behind the institution of the International Trusteeship System was to take the regions out of the category of "booty", to be divided as spoils of war among victorious nations. The legislative history and the historical background of the UN Charter clearly shows that it was never intended that the Trust Territories shall become colonial possessions of the Administering Powers. The Atlantic Charter supports this contention. A joint declaration of peace aims by President Franklin D. Roosevelt and Winston Churchill, Prime Minister of Great Britain. (August, 1941)

1. US and Great Britain seeks no territory or other aggrandizements.
2. They want no territorial changes not in accord with the wishes of inhabitants, concerned.
3. They recognized the rights of all people to choose their own governments and would restore self-government to those who had lost it.
6. After destruction of Nazi Tyranny a peace given men security and freedom from fear and want within their own boundaries."

The International Trusteeship System is based upon the principle of trust. It declared that since the inhabitants of these regions are not yet able to stand by themselves under the strenuous conditions of the modern world, there would be applied the principle that the well-being and development of such people form a sacred trust of civilization and the security for the performance of this trust should be embodied in the United Nations Charter, and the Trusteeship Agreements, "Article 76 (b) of UN Charter" Article 2 of Trusteeship

Agreement for the territory of Togoland under French Administration"

"Article 3 Trusteeship Agreement for the Territory of Togoland under British Administration".

Article 5 of the Trusteeship Agreement provides that the Administering Powers shall have full powers of legislation administration and jurisdiction in the territory, and shall administer it in accordance with its own laws as an integral part of its territory with modification as may be required by local conditions, nevertheless this provision is limited in its scope and made subject to the United Nations Charter and the Trusteeship Agreements Article 76 (b) U.N.Charter". "Article 6 Trusteeship Agreement .....

THE UNITED NATIONS CHARTER AND TRUSTEESHIP  
AGREEMENTS HAVE BEEN VIOLATED.

The British Government violated the U.N.Charter and the Trusteeship Agreement to which it was signatory when it willfully, deliberately and knowingly authorized and permitted the C.P.P., a political party in the Gold Coast Colony to cross the international boundary and entered into the Trust Territory for the sole purpose of carrying on activities designed to defeat the objectives herein in favour of colonization of the Trust Territory.

A. Article 3 of the Trusteeship Agreement.

B. Cardinal Principle of Law of Trust.

"A trustee is duty bound to administer the trust in strict compliance with the instrument setting up the trust. In so doing, the trustee is duty bound to divorce his own personal interests and to keep them from conflicting with the interests of the beneficiaries under the trust."

The Administering Powers committed acts of aggression against the people of Togoland when in flagrant violation of the U.N.Charter and the Trusteeship Agreements they instituted reign of terror in French zone of Togoland, and wrongfully used their official position and influence to force annexation and absorption upon the inhabitants of the Trust Territory.

The administrative Unions as established by the Administering Powers and the objectives sought to be achieved there from violate Article 6 of the Trusteeship Agreement of Great Britain and Article 4 and 5 of the Trusteeship Agreement of French Togoland when read in conjunction with Article 76 (b) of



the U.N. Charter shows clearly that the Trust Territories were never intended to be made colonial possessions of the Administering Powers, also that the Administrative Unions referred to in the agreement, are not of the type established by the Administering Powers. All the organizations representing the Unification Movement and all the leaders thereof are Togolanders by birth and reside within the Trust Territory. The Unification Movement represents the natural desire and real wishes of the people of the Trust Territory. The Unification Movement represents the natural desire and real wishes of the people of the Trust Territories now divided to be brought together as one. This movement logically stems from the provisions of the U.N. Charter and the Trusteeship Agreements.

The Unification Movement represents the natural desire and the real and unadulterated wishes of the people. This is borne out by the report of the first Visiting Mission, which took place prior to the institution of acts of violations herein before stated.

The legal status of the Trust Territories of Togoland is established by the United Nations Charter and the Trusteeship Agreements. Articles 75 and 77 of the United Nations Charter and the Trusteeship Agreements as approved by the General Assembly of the United Nations, on December 13, 1946.

The Trust Territories possess distinct legal status and special provision which differentiate them from Colonial possessions of the Administering Powers. Articles 6, 8, 9, and 16 of the Trusteeship Agreement and Article 76 of the United Nations Charter.

The activities of the C.P.P. in the Trust Territory of Togoland constitute direct aggression, illegal and subversive acts committed against the people of Togoland which is given a distinct international status by the U.N. Charter. The members and officers of the C.P.P. branches in Togoland are controlled, directed and financed by the parent organization from the Gold Coast. And by reason thereof, the C.P.P. members in Togoland are not free agents; their desires and wishes do not represent the real desires and freely expressed wishes of the people of Togoland.

This is borne out by the fact that several Togoland supporters of the Unification Movement have been induced to betray the real wishes and freely expressed desires of their country in exchange for monies, favours and political positions as well as appointments.

A prominent case in point, is that of one F.Y. Asare, a former leader of the Unification Movement and a delegate to the U.N. in 1949, has since then been paid off and induced to quit the Unification Movement and as a reward for so doing, he has been appointed a Minister in the present Gold Coast Government with a big salary and other remunerations and favours. He is now one of the strongest leaders and supporters of the C.P.P. arm in Togoland, and one of the strongest advocates of annexation of Togoland to the Gold Coast.

The Prime Minister of the Gold Coast freely visits various parts of the Trust Territory (sometimes alone, at other times with the Governor) to advocate annexation. The powerful C.P.P. political propaganda machine backed by the British Government and money from the Gold Coast have subjected Togoland to incessant vicious attacks. The activities herein complained of have rendered your petitioners defenceless and progressively leading to a defeat of all the rights, securities and protections guaranteed to your petitioners under the International Trusteeship System.

Your petitioners are beset by many artificially created difficulties which place them in an unequal basis to counteract this unprovoked aggression. While the C.P.P. representing the party in power, armed with unlimited funds and the power of appointments which are being used effectively to alienate the people of the Trust Territory to the cause of annexation, your petitioners are absolutely destitute of funds to carry on the minimum counter-measures in the defence of their cause.

THAT YOUR PETITIONERS HAVE BEEN SUBJECTED  
TO VICIOUS ECONOMIC STRANGULATION

Your petitioners are mostly farmers depending upon cocoa production for funds. The Gold Coast Government has established a monopoly over the sale and marketing of cocoa beans throughout the Gold Coast and the Trust Territory since 1939 to date.

Your petitioners are paid an arbitrary minimum price set by the Government for the cocoa beans produced from the farms owned absolutely by the producers of the Trust Territory. There are large marginal profits between the arbitrary minimum price paid to the producers and the world prices obtained by the Government under the system. The marginal profits are kept by the Gold Coast Government. As of date, no accounting system known to your petitioners is established whereby the profits representing the share of the cocoa produced from the Trust Territory can be determined.

The arbitrary minimum price paid to the producers as aforesaid is such that can only pay the cost of production and the bare necessities of the producers. As a direct result from this situation, your petitioners have become destitute of funds to conduct the minimum defence of their course in this unprovoked aggression.

The system of cocoa control and marketing herein referred to, has completely deprived your petitioners of their only source of capital with which to trade and commerce and/or legitimate business can be developed. The ingeniously designed plan of economic strangulation to deprive your petitioners of free competitive economy is defended by the Government as a means of creating a reservoir of funds to guarantee future decline of cocoa prices.

This system tends to deprive the country of free capital and economy with which private enterprise, trade and commerce can be developed by the inhabitants of the territory, thus encouraging monopoly of trade and commerce by Great Britain, all in violation of Article 9 of the Trusteeship Agreements.

THE TRUSTEESHIP COUNCIL AND THE SECOND VISITING  
MISSION HAVE FAILED AND/OR REFUSED TO PERFORM  
THEIR DUTIES

Your petitioner had hoped that the Trusteeship Council and the visiting mission would protest the rights of the inhabitants of the Trust Territories; but events which have taken place since 1950, have convinced your petitioners that the Trusteeship Council and the Visiting Mission are completely dominated by the Administering Power.

The crossing of the international boundary between the Trust Territory of British Togoland and the Gold Coast Colony by the C.P.P. for the purpose of forcing Annexation of the Trust Territory constitutes an act of aggression and

a flagrant violation of the cardinal principles of the Law of Trust, which forms the underlying philosophy of the International Trusteeship System. The Trusteeship Council has been informed of these acts of Aggression and the Visiting Mission has witnessed some of these acts while in the Trust Territory, all as appears in the U.N. reports. The Trusteeship Council has failed, and/or refused to label them as Acts of Aggression. The failure and/or refusal of the Trusteeship Council in this respect was deliberate. It was done with the intent of indirectly aiding the Administering Powers in their conspiracy to create confusion which will justify their continual retention and eventual absorption of the Trust Territories.

That the Trusteeship Council is making efforts to justify these illegal acts of Administering Powers and shamefully labelling them as Political Issues. And that by reason thereof, your petitioners have lost faith and confidence in the Trusteeship Council.

THE PRESENT INIQUITIES  
MUST BE REMEDIED

Your petitioners sincerely believe that a solution of the Togoland problem is possible, but not by plebiscite or counting of heads. The aggressive and illegal policies of the Administering Powers encouraged by the Trusteeship Council have created abnormal conditions in the Trust Territories. Official pressure, intimidation, favouritism, reign of terror and false propaganda have robbed the people of the basic and essential freedom of action necessary for expression of real wishes and the best interests of the inhabitants.

A solution in the nature of a change in the Trusteeship Agreement will be desirable. Policies of aggression, selfishness and hypocrisy must give way to honesty, justice and respect for the rights of all peoples as well as all binding international treaties. The Togoland question must be considered in a historical framework. The basic philosophy of Article 22 of the Covenant of the

League of Nations as re-enacted in the U.N. Charter and the Trusteeship Agreements must be recognized. The principle must be affirmed once and for all that the free nations will not permit the rights of the inhabitants of the Trust Territories and the International Treaties which guarantee them freedom of self-government and/or independence to be overruled.

The aggression and the grave iniquities complained of must be stopped. The guarantee of gradual development towards self-government and/or independence established by the United Nations Charter must remain a paramount goal. Where there is disagreement a solution must be found as a means by which this goal should be reached.

Your petitioners submit that should the Trusteeship Council be permitted to continue its present policy, the rights of your petitioners under the United Nations Charter and the Trusteeship Agreements for progressive development towards self-government and/or independence, will be totally defeated and result in the Trust Territory being a Colony.

1. That the issues raised by the Togoland problem are not of merely political nature to be solved by counting of heads or to be decided on the basis of artificially created and coerced wishes of the people.

2. The issue involves violation of fundamental legal rights of the people of Togoland, present and future as established and guaranteed in favour of the people under the United Nations Charter.

3. That the power and influence of the Administering Authorities and the ingeniously designed policies employed by them are of such, that your petitioners are placed in absolutely helpless and disadvantageously unfair position to cope with the situation.

4. That in the interest of International justice and international morality, your petitioners respectfully request that the legal issues thereof be submitted to the International Court of Justice for adjudication and that your petitioners may have such other and further relief as may be just and proper in the premises.

5. That in view of the coming constitutional changes in the Gold Coast Colony whereby the affairs of the Gold Coast would no longer be controlled by H. M. Government of Great Britain and Northern Ireland and therefore Togoland under United Kingdom Trusteeship could no longer be administered as an integral

part of the Gold Coast, we demand the establishment of a separate Cocoa Marketing Board for the Trust Territory as matter of urgency, as this organ must be functioning before the cessation of the administration of Togoland as an integral part of the Gold Coast Colony, so that proper counting of the Cocoa from the Trust Territory may be established before such cessation.

Dated at Hohoe, this 28th day of July, 1953

We are,

Certify that the above was  
read and interpreted by me to  
the above persons who perfectly  
well understood its provisions  
before making their marks and  
signing their names before me:

A.K. ODAM  
for SECRETARY GENERAL,  
TOGOLAND CONGRESS.

Nana John K. Amanie      his  
                                 X  
                                 mark

CHAIRMAN, TOGOLAND CONGRESS.

Nana Solomon K. Adjei      his  
                                 X  
                                 mark

PRESIDENT, TOGOLAND NATIONAL FARMERS UNION

A.K. Senoo  
PRESIDENT, TOGOLAND UNION.

A. Dankwa  
PRESIDENT, TOGOLAND YOUTH ASSOCIATION

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