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PETITIONS CONCERNING THE TRUST TERRITORY OF  
TOGOLAND UNDER FRENCH ADMINISTRATION

Draft Report of the Standing Committee on Petitions

Chairman: Mr. Michel de Camaret (France)

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/Note by the Secretariat: In order to avoid unnecessary duplication of material which has been already circulated in mimeographed form, the present draft report contains only the material to be added to that contained in the Secretariat working paper (T/C.2/L.211) and the draft resolutions. The original material should be considered as forming part of the draft, except where otherwise indicated.7

1. At its 377th, 379th, 380th and meetings on 20, 22, 25 June and 1956, the Standing Committee on Petitions, composed of the representatives of Belgium, Burma, China, France, the United Kingdom and the Union of Soviet Socialist Republics, examined the petitions concerning the Trust Territory of Togoland under French administration which are listed in the preceding table of contents.
2. Mr. René Doise participated in the examination as the special representative of the Administering Authority concerned.
3. The Standing Committee submits herewith to the Council its report on these petitions and recommends, in accordance with rule 90, paragraph 6, of the Council's rules of procedure, that the Council decide that no special information is required concerning the action taken on resolution .....
4. The Standing Committee notes that several of the petitions dealt with in the present report and also in other reports to be presented to the Council at its current session raise the question of the future of Togoland under French administration. The Committee recommends that those petitions should be taken into consideration by the Council when next it considers that question. It has therefore requested the Secretariat to submit a list of those petitions to the Council.

I. Petitions from Togbui Agamah VIII (T/PET.7/447) and from notables and "chefs de quartier" of Bé (T/PET.7/506)

1. In a petition, dated 29 September 1955, Togbui Agamah VII states that he is the properly elected traditional chief of Bé (Lomé), and complains that because of his membership in the Comité de l'Unité Togolaise (CUT) he has been deposed and replaced by a certain Sodjedo Agamah (or Sodjedo Adela).
2. The petitioner states that he was elected to the village chiefdom in accordance with traditional custom on 8 February 1950. At that time, he says, the whole village supported the CUT. Later, however, some members of his family, who apparently disagreed with his political views, plotted to have him deposed and were encouraged in this by the Administration. They finally succeeded in this when, on 26 December 1953, they elected Sodjedo Agamah to replace him. The petitioner states that the election was attended by only sixteen persons out of a total village population of 6,000 and that most of the villagers were unaware of what was happening.
3. The petitioner states that Sodjedo Agamah was elected without the authority of the Administration and was chosen on purpose to bully and maltreat the population. He appeals to the United Nations to bring the matter to the attention of the Administering Authority in order that his rights as traditional chief should be respected.
4. Attached to the petition are two lists of notables who have signed delegations of powers on behalf of the petitioner and his opponent.
5. In its observations (T/OBS.7/37, section 3) the Administering Authority states that without any intervention at all on the part of the Administration, Mr. Agamah was chosen by the people to replace the previous chief whom they had just deposed. Using the same customary and regular procedures as on the previous occasion, the people deposed Mr. Agamah, it being held, among other things, that his mental balance was seriously disturbed. In each case the Administration's part was properly confined to ensuring that the operations were in order and to recognizing the person appointed.
6. The Administering Authority adds that the petitioner's charges are false.

7. In an undated letter addressed to the Visiting Mission, nine notables and chefs de quartier of Bé complain that the Administration has victimized and finally dethroned their traditional cantonal Chief because of his active membership in the Comité de l'Unité Togolaise (CUT).

8. The petitioners state that this chief, Joseph Aklassou Adela, who was elected in 1928, performed his duties to the satisfaction of all concerned for twenty years. His troubles began when he agreed to the purchase by the Administration, at a price less than its value, of a piece of land in his canton for the construction of the Lomé aerodrome. This sale displeased some of the landowners concerned, particularly since the Territorial Government did not pay the owners the agreed price at the proper time and it subsequently resold the land to the French State. The Administration, seeing in this discontent an opportunity to bring pressure upon Chief Aklassou to change his political views, encouraged the malcontents among the chief's own family to bring a case against him as a result of which he was deprived of certain family land which he had held in trust as the head of the family. This case, the petitioners say, is still sub judice as Chief Aklassou has appealed against the judgement of the local court.

9. At the same time, the Administration also sought to undermine the chief's position by reducing his allowance. The petitioners say that in 1953 and 1954 Chief Aklassou's allowance was reduced from 50,000 to 1,000 francs per annum although chiefs of smaller communities such as Amoutivié and Davié, both of whom are members of the FTP, had their allowances increased during the same period.

10. Since these measures did not have the effect of forcing Chief Aklassou to renounce his membership in the CUT, say the petitioners, the Administration then convened a customary council composed of a majority of the chief's opponents, who were not qualified to participate in such a council, which on 29 December 1953, in the absence of the Chief, decided to depose him. The petitioners say that this action was illegal not only because the customary council was improperly composed, but also because under the terms of articles 7 and 12 of Order No. 951-49/APA of 1949, which sets forth the regulations relating to indigenous authorities, a chief cannot be dismissed or suspended unless he has committed a crime or an offence. The petitioners say that Chief Aklassou has appealed

against his deposition to the Conseil du Contentieux Administratif (Administrative Disputes Tribunal) but his case has not yet been considered.

11. On 24 February 1954, the Administration appointed a certain Sodjedo to be chief of the Bé canton. The petitioners say that this new chief oppresses the people by imposing exorbitant fines, illegal imprisonment and corporal punishment, all of which is tolerated by the police who refused to listen to the complaints of the victims.

12. The petitioners ask the Visiting Mission to intervene with the Administering Authority in order that the situation may be remedied.

13. In its observations (T/OBS.7/40, section 2) the Administering Authority states that with regard to the airport, the owners received payment for one part, of an area of 126 hectares 87 ares, in 1945. The price of the remaining 82 hectares 57 ares, at 50,000 francs per hectare, i.e., 4,120,500 francs, was paid over in 1949 to the proper representative of the claimants.

14. It is true that the claimants, 127 in number, had protested against the transfer of the land to the Territory but after the second payment they appeared satisfied and withdrew their protest. The land was therefore regularly registered as the property of the Territory. Any lawsuit which may be pending concerning this affair cannot therefore relate to the payment of the proper price, as the petitioners suggest, but to the distribution of the money among the claimants, which was apparently not done correctly by their representative.

15. The land was not ceded to the French State. By decision No. 103/ART of 15 November 1950 (See Journal officiel du Togo, 1950, page 17) the Territorial Assembly authorized the Commissioner of the Republic to grant the local representative of the French State, in this case the representative of the Secretariat-General for Civil and Commercial Aviation, either a long lease of ninety-nine years for an annual rent to be discussed, or a ground lease in perpetuity for a nominal price of 1 franc. The latter solution was adopted and incorporated in a contract dated 25 March 1952.

16. The Administration brought no pressure to bear on Mr. Aklassou. The people themselves, noting the defects and the incompetence of their former Chief, deposed him and chose another Chief to replace him, who was elected according to custom.

17. There is no chief's allowance. Chiefs receive a bonus, the amount of which varies according to the total amount of taxes collected by them.

18. The two petitions were examined and discussed at the 377th, 379th and meetings of the Standing Committee (documents T/C.2/SR.377, 379 and ).

19. The special representative stated that elections of chiefs follow the traditional customs of the locality concerned. The Administration only ensures that the elections are in order and recognizes the person elected, it does not otherwise interfere. Similarly, only the customary authorities are competent to depose a chief. The Administration can only endorse the deposition. Disputes regarding these elections and depositions can be brought before the competent courts, composed of elders conversant with traditional customs, and appeals can be made to the Conseil du Contentieux Administratif. The petitioner, Togbui Agamah VII, followed this procedure but his appeal was rejected.

20. The special representative mentioned that the underlying factor of these two petitions concerned payment for the land on which the Lomé airfield is situated. The lawyer engaged by the Chief to negotiate the compensation for the land and who duly received the compensation money on behalf of the villagers of Bé, absconded with the money. The villagers blamed the Chief and deposed him. Incidentally, the lawyer was caught and punished, and recently the money has been paid over to the villagers.

21. The special representative stated that the land on which Lomé airfield now stands, was formerly vacant land pertaining to the village of Bé. It was duly acquired as public property of the Territory and the villagers were paid compensation for it. Whatever the future fate of the Territory, the land will remain the property of the Territory, since the Administration had not bought the land but merely acquired the ground lease of it.

22. The special representative further stated that the allegations against the present Chief, set out in paragraph 11 above, were investigated by the Administration and found to be false. Had they been true, the Chief would have been prosecuted.

25. At its meeting, the Committee adopted by votes to with abstention draft resolution I, annexed to the present report, which it recommends that the Council adopt.



I. Petitions from Togbui Agamah VIII (T/PET.7/447) and the notables and "chefs de quartier" of Bé (T/PET.7/506)

The Trusteeship Council,

Having examined the petitions from Togbui Agamah VIII and the notables and "chefs de quartier" of Bé concerning Togoland under French administration in consultation with France as the Administering Authority concerned (T/PET.7/447 and 506, T/OBS.7/37 and 40, T/L.       ),

Draws the attention of the petitioners to the observations of the Administering Authority and to the statements of its special representative, in particular

(a) with regard to the deposition of the Chief, that he was deposed according to traditional custom; that he exercised his right of appeal to the Conseil du Contentieux Administratif and that his appeal was rejected, and

(b) with regard to the airfield, that the land was formerly vacant; that compensation, agreed upon by the parties concerned, was paid; that the land is now being profitably used for the air traffic of passengers and goods connected with the Territory and that the land will remain the property of the Territory.

II. Petition from Mr. Nii Akue V (T/PET.7/467)

6. The Administering Authority confirms (T/OBS.7/37, section 13) the observations of the Local Authority.
7. The petition was examined and discussed at the 379th and meetings of the Standing Committee (documents T/C.2/SR.379 and ).
8. The special representative stated that while Degbemu might have been an independent village in the distant past, it had formed a quarter of Anécho during both the German and French administrations. The Paramount Chief or the Regent of Anécho was therefore entitled to depose the chef de quartier at will.
9. The special representative pointed out that alongside the traditional chiefs there existed at Anécho an elected municipal Council, which was responsible for local administration.
10. At its meeting, the Committee adopted by votes to with abstention draft resolution II, annexed to the present report, which it recommends that the Council adopt.

II. Petition from Mr. Nii Akue V (T/PET.7/467)

The Trusteeship Council,

Having examined the petition from Mr. Nii Akue V concerning Togoland under French administration in consultation with France as the Administering Authority concerned (T/PET.7/467, T/OBS.7/37, T/L. ),

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative in particular that

- (a) Degbemu is a quarter in the urban area of Anécho;
- (b) the Paramount Chief or the Regent of Anécho appoints the chefs de quartier and may depose them at will.



III. Petition from Mr. Sebastien Djossou Mlapa IV (T/PET.7/468)

5. The Administering Authority confirms (T/OBS.7/37, section 13) the observations of the Local Authority.
6. The petition was examined and discussed at the 379th and                      meetings of the Standing Committee (documents T/C.2/SR.379 and                      ).
7. The special representative explained that the institution of the chiefdom was based on custom but that custom was not unchangeable. It very often happened that when a village grew in size a number of its inhabitants would decide to form a new community and to choose a new chief. The possibility of abuse was, moreover, limited by the fact that the chief was obliged to seek recognition by the Administration. On the contrary, a split - always the result of a tense situation - usually tended to restore calm because each chief then had a well-defined sphere of action.
8. The special representative stated that one of the causes of the tension in the present case was that Togoville contained members of two different ethnic groups.
9. At its                      meeting, the Committee adopted by                      votes to                      with                      abstention draft resolution III, annexed to the present report, which it recommends that the Council adopt.

III. Petition from Mr. Sebastien Djossou Mlapa IV (T/PET.7/468)

The Trusteeship Council,

Having examined the petition from Mr. Sebastien Djossou Mlapa IV concerning Togoland under French administration in consultation with France as the Administering Authority concerned (T/PET.7/468, T/OBS.7/37, T/L.                      ),

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative, in particular that

- (a) the Administration has recognized an additional chief at Togoville, but does not support one chief against the other.
- (b) each chief enjoys among the population which elected him whatever authority and esteem he has succeeded in gaining or preserving.

IV. Petition from Messrs. Siegfried Agbogbo Etsi, Osenya Adzogble, Agbozomevi Francis and Nkumenya Amewu (T/PET.7/469)

(Replace the present paragraph 2 by the following.)

2. In its observations (T/OBS.7/37, section 8), the Administering Authority states that this petition brings up old disputes over land and chiefdoms which have already been settled in accordance with the customs and to the satisfaction of the majority of the population. The local administration has brought no political pressure to bear on the new Village Chief.
3. The petition was examined and discussed at the 379th and meetings of the Standing Committee (documents T/C.2/SR.379 and ).
4. The special representative stated that the land dispute in question was a long-standing one between the Ewe and Akposso tribes. In 1916, the first French commandant de cercle of Atakpamé had had to settle the matter but each time a new commandant de cercle was appointed to the region, each of the parties again brought the dispute before him in the hope that he would alter the decisions of his predecessor in their favour. From 1929 onwards a series of judgements had been delivered by the courts, as a result of which a path had been traced as a boundary between the property of the two tribes. However, the introduction of industrial crops such as coffee and cocoa to the area had revived the dispute. The geographical service had mapped the boundaries decided on by the courts and a surveyor had been appointed to mark out the land according to that map.
5. The special representative added that there was no shortage of land for cultivation in the region; the causes of the dispute were psychological.
6. The special representative believed that the former Chief of the village had been deposed several years previously.
7. At its meeting, the Committee adopted by votes to with abstention draft resolution IV, annexed to the present report, which it recommends that the Council adopt.

IV. Petition from Messrs. Siegfried Agbogbo Etsi, Osenya Adzogble, Agbozomevi Francis and Nkumenya Amewu (T/PET.7/469)

The Trusteeship Council,

Having examined the petition from Messrs. Siegfried Agbogbo Etsi, Osenya Adzogble, Agbozomevi Francis and Nkumenya Amewu concerning Togoland under French administration in consultation with France as the Administering Authority concerned (T/PET.7/469, T/OBS.7/37, T/L. ).

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative in particular that

- (a) the land dispute mentioned by the petitioners is a long-standing one between the Ewes and Akpossos and has been decided by the competent courts of the Territory;
- (b) a surveyor has been appointed to mark out on the ground the boundaries decided on by the courts;
- (c) the dispute over the chiefdom of Dayes-Elavagnon was settled in accordance with the customs and to the satisfaction of the majority of the population.

V. Petition from Mr. Albert K. Tamakloe (T/PET.7/470)

6. The Administering Authority confirms (T/OBS.7/37, section 13) the observations of the Local Authority.

7. The petition was examined and discussed at the 379th and meetings of the Standing Committee (documents T/C.2/SR.379 and ).

8. At its meeting, the Committee adopted by votes to with abstention draft resolution V, annexed to the present report, which it recommends that the Council adopt.

V. Petition from Mr. Albert K. Tamakloe (T/PET.7/470)

The Trusteeship Council,

Having examined the petition from Mr. Albert K. Tamakloe concerning Togoland under French administration in consultation with France as the Administering Authority concerned (T/PET.7/470, T/OBS.7/37, T/L. ),

Draws the attention of the petitioner to the observations of the Administering Authority, in particular that

(a) the destooling of chiefs is exclusively a matter for the tribal authorities and for the people.

(b) in the absence of details, no inquiry could be made into the incident affecting the petitioner.

VI. Petition from Chief David A. Akuagbi II (T/PET.7/494)

1. In a letter addressed to the Visiting Mission, the petitioner complains that, because he is a unificationist and is considered by the Administration to be anti-French, he has been replaced as traditional chief of the village of Toutou (Klouto cercle) by a person who is a member of the Parti togolais du progrès. The petitioner states that he was officially appointed chief in May 1936 and that when the Administration replaced him in 1952, it did not rescind the Order by which he was appointed. He states that since that time he has been obliged, as a result of deliberate provocations and repressive measures to live in exile at Lomé, abandoning his family and his people.
2. In addition to his own case, concerning which he requests the United Nations to intervene with the Administering Authority on his behalf, the petitioner also complains that his father, who is sixty-six years old, and certain other persons, including his two aunts, were savagely beaten for having attended a meeting of the Comité de l'Unité togolaise at Lomé on 12 September 1954.
3. In a further communication (T/PET.7/494/Add.1) Mr. Akuagbi gives further details of his own cases and annexes copies of letters to the local Authorities dealing with other complaints.
4. In its observations (T/OBS.7/39, section 2), the Administering Authority states that the people are the only ones entitled to elect and remove chiefs, and the 1949 Order on chiefdoms proclaims their absolute sovereignty in that respect. The local administration does not know why the petitioner left his village. There is no reason why he should not return to it.
5. The petition was examined and discussed at the 380th and                    meetings of the Standing Committee (documents T/C.2/SR.380 and                    ).
6. The Committee decided to postpone consideration of document T/PET.7/494/Add.1, until the Administering Authority could furnish information on the complaints contained in the annexes.
7. The special representative explained that the Chief had been deposed by the inhabitants of his village; the Administration had only confirmed his deposition and the appointment of his successor. The two main reasons for his removal from office were that he had left the village to live at Lomé and that he had sold to outsiders too much of the land belonging to the village.

8. The special representative further stated, in respect to the complaint set forth in paragraph 2 above, that at the time mentioned by the petitioner an inquiry had been held into a complaint that funds were being illegally collected or extorted from the villagers. That inquiry had, however, had no connexion with any political meetings, and no one had been beaten.

9. At its meeting, the Committee adopted by votes to with abstention draft resolution VI, annexed to the present report, which it recommends that the Council adopt.

VI. Petition from Chief David A. Akuagbi II (T/PET.7/494)

The Trusteeship Council,

Having examined the petition from Chief David A. Akuagbi concerning Togoland under French administration in consultation with France as the Administering Authority concerned (T/PET.7/494, T/OBS.7/39, T/L. ),

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative, in particular that

- (a) the petitioner was deposed by the people of his village in accordance with their custom;
- (b) the petitioner is free to return to his village;
- (c) no one in the village had been ill-treated in connexion with political meetings.



VII. Petitions from Chief Christian A.F. Gbadegbe VII (T/PET.7/495) and Chief Christian Gbadegbe VII and notables of Amou-Oblo village T/PET.7/496)

(Not yet examined by the Committee)

VIII. Petition from Members of the Customary Council of Koutoukpa (T/PET.7/500)

4. In its observations (T/OBS.7/39, section 5) the Administering Authority states that it is untrue that local custom was violated in any way. It recalls that the election and removal of chiefs rest exclusively with the people and that the Order of 1949 on chiefdoms proclaims their absolute sovereignty in that regard.
5. The petition was examined and discussed at the 380th and                      meetings of the Standing Committee (documents T/C.2/SR.380 and                      ).
6. The special representative stated that, as far as he knew, Mr. Karl Ossah was still the chief of Koutoukpa. He pointed out, further, that since the incident referred to by the petitioners had taken place on 13 January 1955 and the petition was dated September 1955, it was obvious that the chief had not been deposed nine months after the event he was complaining of.
7. At its                      meeting, the Committee adopted by                      votes to                      with                      abstention draft resolution VIII, annexed to the present report, which it recommends that the Council adopt.

VIII. Petition from Members of the Customary Council of Koutoukpa (T/PET.7/500)

The Trusteeship Council,

Having examined the petition from Members of the Customary Council of Koutoukpa concerning Togoland under French administration in consultation with France as the Administering Authority concerned (T/PET.7/500, T/OBS.7/39, T/L.                      ),

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative, in particular that

- (a) the election and deposition of chiefs rests with the people;
- (b) Mr. Karl Ossah is still Chief of Koutoukpa.

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