

UNITED NATIONS
TRUSTEESHIP
COUNCIL



GENERAL

T/PET.6/309
14 November 1951

ORIGINAL: ENGLISH

PETITION FROM THE JOINT TOGOLAND CONGRESS CONCERNING
TOGOLAND UNDER BRITISH ADMINISTRATION

Note by the Secretary-General: In accordance with rule 85 and supplementary rule F of the rules of procedure for the Trusteeship Council, the Secretary-General has the honour to transmit to the members of the Trusteeship Council and to the Government of Italy as the Administering Authority of the Trust Territory of Somaliland, a communication dated 3 October 1951 from the Joint Togoland Congress concerning the Trust Territory of Togoland under British administration.

JOINT TOGOLAND CONGRESS

(ACCRA Branch)

3rd. October, 1951

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

Sir,

I am directed by the National President of the Togoland Congress to forward to you a copy of the resolution adopted by the said Congress on 8th September 1951, together with its covering letter, the draft legislation with object and reasons for the Togoland Produce Marketing Board, and the reply sent by the Congress to His Excellency's letter of September 27, 1951.

The Togoland Congress hopes that the Fourth Committee of the General Assembly of the United Nations will be gracious enough to expedite the implementation of the proposals now before it in order to protect the interests of the producers and promote the progressive development of the economy of Togoland as a national entity.

The Congress will be much obliged for The Fourth Committee of the General Assembly of the United Nations' early attention in this matter.

Yours very truly,

(Signed) S. G. ANTOR

SECRETARY-GENERAL

Received at United Nations Headquarters: 10 October 1951

/SECRETARY-GENERAL'S

SECRETARY-GENERAL'S OFFICE
TOGOLAND CONGRESS,
HOHOE.
TOGOLAND UNDER UNITED KINGDOM
TRUSTEESHIP
9TH SEPT. 1951.

Your Excellency,

The Togoland Congress, fully representing the six State Councils and Native Authorities, the various political and other organisations in the International Trust Territory of Togoland under United Kingdom Trusteeship realizes:

- (1) That neither the present nor the previous laws governing the Gold Coast Cocoa Marketing Board were enacted by the Administering Authority i.e. His Majesty's Government of the United Kingdom nor her only representative the Governor of the Gold Coast for the time being in consultation with the accredited representatives of the peoples of the Trust Territory in question.
- (2) That seven out of twelve delegations on the Trusteeship Council of the United Nations expressed their deep concern on the incompetence of the present Government's administration over the International Trust Territory of Togoland.
- (3) That the Togoland National Farmers' Union in a resolution adopted on July 22, 1951, as approved by the State Councils of the six existing States and their Native Authorities rejected without compromise the participation in the Colonial Government created Cocoa Marketing Board for the British Colony of the Gold Coast.
- (4) That the name of the present as well as the previous Board has no legal provision for the International Trust Territory of Togoland since it is called "Gold Coast Cocoa Marketing Board" and not "Togoland Cocoa Marketing Board".
- (5) That article 5 (a) & (b) of the Trusteeship Agreement's refers only to His Britannic Majesty's Government of the United Kingdom and Northern Ireland and her competent representative the Governor of the Gold Coast for the time being who alone in that capacity can enact laws for the International Trust Territory of Togoland in consultation with and consent of the accredited representatives of the peoples of the Trust Territory.

/(6) That in

(6) That in accordance with the Trusteeship Agreement no Minister or Ministers of the present Cabinet of the Gold Coast Government has legal jurisdiction over the International Trust Territory of Togoland.

The Togoland Congress of Traditional Rulers, the various political and other organisations in the Trust Territory of Togoland concludes that representation on the Gold Coast Cocoa Marketing Board is inimical to the interest of Togoland since, considering the legal and international status of the International Territory in question, the basis of such representation is absolutely obscure, and therefore requests Your Excellency - the only recognised liaison between the International Trust Territory of Togoland and His Majesty's Government - to approve the Marketing Board now created by the Farmers of the Trust Territory in question.

I now have the honour to enclose a resolution in regard to this matter as well as the Unification Problem dated 8th September 1951 for the appropriate action to be taken by your Excellency.

Your Excellency's most dutiful servant,

(Signed) S. G. ANTOR

SECRETARY-GENERAL,

His Excellency
Sir Charles Noble Arden-Clarke, K.C.M.G.
Governor and Commander-in-Chief
of the Gold Coast,
Christiansborg Castle,
Accra.

Copies to:

1. U.N.O.
2. S. of S. London
3. Senior D.C., Ho
4. Fourth Committee,
General Assembly,
United Nations.

RESOLUTION OF THE TOGOLAND CONGRESS (TRADITIONAL RULERS,
TOGOLAND FARMERS, STATUTORY INSTITUTIONS, PRINCIPAL
POLITICAL AND OTHER ORGANISATIONS AT A MEETING
HELD AT BUEM-BORADA ON SATURDAY THE
8TH DAY OF SEPTEMBER, 1951

SUBJECT:

TOGOLAND PRODUCE MARKETING BOARD AND THE UNIFICATION OF
THE TWO TRUST TERRITORIES OF TOGOLAND

WE MEMBERS OF THE TOGOLAND CONGRESS HERE ASSEMBLED:

ACCEPTING the Togoland National Farmers Union as the only body in Togoland representing the Togoland Farmers interests.

HAVING NOTED with satisfaction the various decisions taken by the Togoland National Farmers on the GOLD COAST COCOA MARKETING BOARD AND THE GOLD COAST PRODUCE MARKETING BOARD.

FULLY SUPPORTING the Togoland National Farmers Union for the creation of TOGOLAND PRODUCE MARKETING BOARD for the sale of Togoland produce direct to Buyers.

REALISING that the need of Togoland NOW and the DUTY of the Administering Authority is establishing separate organs in the Trust Territory as foundations for Independence.

KNOWING that Mr. Sutherland's (Special Representative) statement at the Ad Hoc Committee of the last Session of the Trusteeship Council that "A number of farmers, had, however, decided against participation in the Board and in view of that refusal it was not yet known what decision the Minister of Commerce would take" (vide PROVISIONAL/T/AC/41/SR.18 of 26th July, 1951), was calculated to divert the attention of Members of the Ad Hoc Committee and to prevent members from pressing for the establishment of the separate organs demanded by the Togoland Farmers.

REALISING THAT IN ACCORDANCE WITH THE UNITED NATIONS CHARTER AND THE TRUSTEESHIP AGREEMENT THE MINISTER OF COMMERCE OF THE PRESENT GOLD COAST GOVERNMENT HAS NO LEGAL RIGHTS OVER THE ADMINISTRATION OF THE TRUST TERRITORY OF TOGOLAND; i.e. THE PRESENT GOLD COAST GOVERNMENT IS NOT THE ACCEPTED ADMINISTERING AUTHORITY OVER THE INTERNATIONAL TRUST TERRITORY OF TOGOLAND UNDER UNITED KINGDOM TRUSTEESHIP.

NOTING

NOTING THE RESOLUTION of the Trusteeship Council at its 9th Session on the Togoland National Farmers Union petition concerning non-participation on the Gold Coast Cocoa Marketing Board and the establishment of a separate Togoland Produce Marketing Board for the Trust Territory which shall be under the direct control of the indigenes of the Trust Territory.

RE-AFFIRMING the Resolution of the Congress of British and French Togolands adopted at Agome-Palime on the 7th day of January, 1951, demanding the immediate unification of the two Trust Territories.

VIEWING with dissatisfaction the inability of the Trusteeship Council to recommend the immediate unification of the two Trust Territories.

BE IT RESOLVED AND IT IS HEREBY RESOLVED:

1. That the TOGOLAND PRODUCE MARKETING BOARD established by the Resolution of the Togoland National Farmers Union on July 22nd, 1951, is herein accepted by the TOGOLAND CONGRESS.
2. SHOULD the Administering Authority disregard this irrevocable decision of the Togoland Congress, all Statutory Organs in the Trust Territory shall be dissolved forthwith and a National Government of Togoland established immediately.
3. That all Togoland produce shall be sold through the TOGOLAND PRODUCE MARKETING BOARD.
4. That Members of the Togoland Produce Marketing Board shall forthwith, take all action for the disposal of all available TOGOLAND PRODUCE.
5. That in view of the inability of the Trusteeship Council to recommend immediate unification of the two Trust Territories of Togoland the General Assembly of the United Nations shall unify the territories with Independence.

RESOLVED AT BUEM-BORADA THIS 8TH DAY OF SEPTEMBER, 1951.

1. (Mkd.) John Amanie CHAIRMAN OF CONGRESS
REGENT PARAMOUNT CHIEF OF BUEM STATE,
MEMBER BUEM NATIVE AUTHORITY AND STATE COUNCIL.
2. (Mkd.) Wilson Kwadzo
AG. CHIEF FARMER OF TOGOLAND AND CHIEF
FARMER OF BUEM.
AG. PRESIDENT TOGOLAND NATIONAL FARMERS UNION.
3. (Mkd.) Solomon Adjei
CHIEF FARMER OF JASIKAN-BUEM.
4. (Sgd.) R. Buami VI.
MEMBER ATANDO NATIVE AUTHORITY AND SOUTHERN
TOGOLAND COUNCIL.

15. (Sgd.)

5. (Sgd.) C.A. Agbettley.
REP. CHIEF FARMER OF GBI DIVISION, ATANDO
NATIVE AUTHORITY.
6. (Mkd.) Kwadzo Gyapong
CHIEF FARMER OF KEDJEBI, BUEM STATE.
7. (Sgd.) Tette Attu II
TRADITIONAL RULER OF AKPAFU-ODOMI, BUEM STATE.
8. (Mkd.) Isufu Tsyei
CHIEF FARMER OF BUEM-WORAWORA, BUEM STATE.
9. (Sgd.) Nana S.K. Agyei III
TRADITIONAL RULER OF OLD-AYOMA, BUEM STATE,
10. (Mkd.) Nana Adzisam II
DIVISIONAL CHIEF OF AKPAFU DIVISION, BUEM STATE.
11. (Mkd.) Ogbe Klobodu
CHIEF FARMER OF KPAFU DIVISION, BUEM STATE
12. (Mkd.) Kwami Ayitey.
CHIEF FARMER OF BUEM APESOKUBI, BUEM STATE
13. (Sgd.) Katakylira X
Traditional Ruler of Goviefe Division, Asogli State.
14. (Mkd.) Nana Aglago
CHIEF FARMER OF GOVIEFE DIVISION, ASOGLI STATE.
15. (Sgd.) Raphael K. Kodadjar
REP. TRADITIONAL RULER OF TAFI DIVISION, AKPINI STATE.
16. (Sgd.) S.K. Fofu-Gbedegbleme XVI
FIAGA OF FODOME DIVISION AND REP. AKPINI
NATIVE AUTHORITY.
(MEMBER OF AKPINI NATIVE AUTHORITY AND STATE COUNCIL).
17. (Mkd.) P.K. Agbati
REP. CHIEF FARMER OF FODOME DIVISION AKPINI STATE.
18. (Mkd.) Abotsi Dzanada
CHIEF FARMER OF TAKI DIVISION, AKPINI STATE.
19. (Mkd.) Mankralo Yawo.
REP. TRADITIONAL RULER OF WOADZE DIVISION, AKPINI STATE.
20. (Mkd.) Koku Sakyi
CHIEF FARMER OF WOADZE DIVISION, AKPINI STATE.

21. (Sgd.) Godfried K. Conu.
REP. CHIEF FARMER OF LIATI DIVISION, AKPINI STATE.
22. (Sgd.) M.K. Kuttch.
REP. TRADITIONAL RULER OF AIAVANYO DIVISION
AKPINI STATE.
23. (Mkd.) Kosi Asigbetse
CHIEF FARMER OF AIAVANYO DIVISION, AKPINI STATE.
24. (Sgd.) F.K. Anka.
REP. TRADITIONAL RULER OF BOTOKU DIVISION, AKPINI STATE
25. (Mkd.) Asafoatse Gobo Dzasi.
REP. CHIEF FARMER OF BOTOKU DIVISION, AKPINI STATE.
26. (Sgd.) W.K. Makata X
REP. TRADITIONAL RULER HAVE DIVISION, AKPINI STATE.
27. (Sgd.) R.K. Agbogomatu.
REP. CHIEF FARMER OF HAVE DIVISION, AKPINI STATE.
28. (Sgd.) E. Kwami Ohin.
CHIEF FARMER OF KPANDU DIVISION, AKPINI STATE.
29. (Sgd.) C.K. Amuzu.
REP. TRADITIONAL RULER OF WLI DIVISION, AKPINI STATE.
30. (Mkd.) Damianus Nyavor.
REP. CHIEF FARMER OF WLI DIVISION, AKPINI STATE.
31. (Sgd.) D.K. Akotiah.
REP. TRADITIONAL RULER OF DZOLU, BUEM STATE.
32. (Sgd.) ? Benoni
REP. CHIEF FARMER OF DZOLU, BUEM STATE.
33. (Mkd.) Togbe Nyibuivi Dikro VIII
TRADITIONAL RULER OF AGATE DIVISION, AKPINI STATE.
34. (Mkd.) Erasmus Doe
REP. CHIEF FARMER OF AGATE DIVISION, AKPINI STATE.
35. (Mkd.) Afari Yawo
CHIEF FARMER OF OLD AYOMAH, BUEM STATE.
36. (Mkd.) Robert Donker
REP. CHIEF FARMER OF TSRUKPE DIVISION, AKPINI STATE.
37. (Sgd.) Alfred K. Adzo.
REP. CHIEF FARMER OF WUSUTA DIVISION, AKPINI STATE.

38. (Mkd.) Akototse III
TRADITIONAL RULER OF LIKPE DIVISION AND MEMBER
ATANDO NATIVE AUTHORITY.
39. (Sgd.) Thomas K. Egbadzo.
CHIEF FARMER OF LIKPE DIVISION, ATANDO NATIVE AUTHORITY
40. (Sgd.) C.Y. Dabra V.
TRADITIONAL RULER OF LOGBA AND MEMBER AKPINI NATIVE
AUTHORITY AND STATE COUNCIL. REP AKPINI STATE.
41. (Mkd.) G.B. Agbemstsi
CHIEF FARMER OF AKPINI STATE (ALSO CHIEF FARMER OF
LOGBA DIVISION).
42. (Mkd.) Yonas Biaku
CHIEF FARMER OF AKPOSO-BENA.
43. (Mkd.) Kofi Kosi
CHIEF FARMER OF BIAKA-SOMANYA, BUEM STATE.
44. (Mkd.) Kwami Agbemor,
REP. CHIEF FARMER OF BAIKA, BUEM STATE.
45. (Sgd.) D.K. Atiga II
TRADITIONAL RULER OF BAIKA-SOMANYA, BUEM STATE.
46. (Sgd.) Salo Yao III
TRADITIONAL RULER OF BOWIRI DIVISION, BUEM STATE.
MEMBER OF BUEM NATIVE AUTHORITY AND STATE COUNCIL.
47. (Mkd.) Kofi Anani.
CHIEF FARMER OF BOWIRI DIVISION, BUEM STATE.
48. (Sgd.) Nana B.Y. Akoto II NEW AYOMAHENE
TRADITIONAL RULER OF NEW AYOMA, BUEM STATE.
MEMBER BUEM NATIVE COURT.
49. (Mkd.) Nana Yawo Buaka IV.
TRADITIONAL RULER OF BAGLO, BUEM STATE.
MEMBER BUEM NATIVE COURT.
50. (Mkd.) Alphons Pentem.
CHIEF FARMER OF BAGLO, BUEM STATE.
51. (Sgd.) Issah Pewudie
CHIEF FARMER OF ANFOEGA DIVISION.
52. (Mkd.) Pius Ankulikpali.
CHIEF FARMER OF KUTE-BAGLO, BUEM STATE.

53. (Mkd.) Lucas Nyami.
REP. CHIEF FARMER OF NEW AYOMAH, BUEM STATE.
54. (Sgd.) J.K.D. Idda.
CHIEF FARMER OF LOLOBI DIVISION, BUEM STATE.
55. (Mkd.) Nana Egley II.
TRADITIONAL RULER OF LOLOBI DIVISION, BUEM STATE.
56. (Mkd.) Sebastian K. Morty.
CHIEF FARMER OF LIATI-GBLEDE, AKPINI STATE.
57. (Mkd.) Klu Daku.
REP. CHIEF FARMER OF LIATI-WOTE, AKPINI STATE.
58. (Sgd.) A.K. Mortty.
REP. DRIVERS' UNION, ATANDO AREA.
59. (Sgd.) Mathias Zu.
REPORTER, TOGOLAND EXSERVICEMEN ASSOCIATION.
60. (Sgd.) T.K. Adjei
REP. BUEM STATE DRIVERS UNION.
61. (Mkd.) Osei Tutu V.
TRADITIONAL RULER, MATSE DIVISION, ASOGLI STATE.
MEMBER ASOGLI NATIVE AUTHORITY AND STATE COUNCIL.
MEMBER ASOGLI NATIVE COURT.
62. (Mkd.) Kofi Agbeko.
CHIEF FARMER OF MATSE DIVISION, ASOGLI STATE.
63. (Sgd.) Simon B.K. Akoto.
REP. TRADITIONAL RULER OF TANYIGBE DIVISION, ASOGLI STATE.
64. (Mkd.) Nathaniel Akafia
REP. CHIEF FARMER OF TAINGBE DIVISION, ASOGLI STATE.
65. (Mkd.) Joseph Tse.
CHIEF FARMER OF ZIAMI DIVISION, ASOGLI STATE.
66. Hosi Komla (Mkd.)
CHIEF FARMER OF KIEFE DIVISION, ASOGLI STATE.
67. (Sgd.) Vincent Afuly
REP. TRADITIONAL RULER OF KIEFE DEMENTIE, ASOGLI STATE.

68. (Sgd.) M. Y. Akakpo.
REP. CHIEF FARMER OF TAVIEFE DIVISION, ASOGLI STATE.
69. KWAMENA DZAMEFE (Mkd.).
CHIEF FARMER OF LUME DIVISION, ASOGLI STATE.
70. (Mkd.) Tsevi Kodzo.
REP. TRADITIONAL RULER OF DODOME-DOGBLEME, AWATIME STATE.
71. (Sgd.) K. Nyaku V, CHIEF OF AKOME GBOGOME.
REP. TRADITIONAL RULER OF AKOME DIVISION, AWATIME STATE.
72. (Sgd.) Math. Afei
REP. CHIEF FARMER OF AKOME DIVISION, AWATIME STATE.
73. (Mkd.) S. K. Takyi IX CHIEF OF AWATIME BLAKPA
REP. PARAMOUNT CHIEF OF AWATIME STATE.
74. (Sgd.) F. K. Blege.
CHIEF FARMER OF AWATIME STATE AND CHIEF FARMER OF KEEDEE
DIVISION. MEMBER NATIVE AUTHORITY - AWATIME.
75. (Sgd.) N. K. Asempa.
REP. CHIEF FARMER OF AWATIME DIVISION, AWATIME STATE.
76. (Sgd.) A. K. Gadze VII.
TRADITIONAL RULER OF KPOETA DIVISION, AWATIME STATE.
MEMBER AWATIME STATE COUNCIL AND NATIVE AUTHORITY,
MEMBER AWATIME NATIVE COURT.
REP. AWATIME NATIVE AUTHORITY
77. (Sgd.) E. Amankawata III
TRADITIONAL RULER OF SAVIEFE DIVISION, AWATIME STATE,
MEMBER OF AWATIME NATIVE AUTHORITY AND STATE COUNCIL.
MEMBER AWATIME NATIVE COURT.
REP. AWATIME STATE.
78. (Sgd.) H. K. Fesi.
CHIEF FARMER OF KPOETA DIVISION, AWATIME STATE.
79. (Mkd.) Erenfried Ametsikor.
CHIEF FARMER OF SAVIEFE DIVISION, AWATIME STATE.
80. (Mkd.) Siegfried Aglili.
81. (Mkd.) Komla Foli
CHIEF FARMER OF DZOLO DIVISION, AWATIME STATE.
82. (Sgd.) N. G. Klukpai.
REP. TRADITIONAL RULER OF DODOME DIVISION, AWATIME STATE.

83. (Mkd.) Kodzotse Abutia.
CHIEF FARMER OF DODOME DIVISION, AWATIME STATE.
84. (Mkd.) Dente Kofi.
REP. TRADITIONAL RULER OF HOE DIVISION, AWATIME STATE.
85. (Mkd.) Boni Yeu.
REP. CHIEF FARMER OF HOE DIVISION, AWATIME STATE.
86. (Mkd.) Ameko Komi.
REP. TRADITIONAL RULER OF KEEDZE DIVISION, AWATIME STATE.
87. (Mkd.) Kosi Tekpor.
REP. KLAVE DIVISION TRADITIONAL RULER, AWATIME STATE.
88. (Mkd.) Yohanes Tefe.
CHIEF FARMER OF KLAVE DIVISION, AWATIME STATE.
89. (Sgd.) Renatus Adzohonu.
PRESIDENT ATANDO NATIVE AUTHORITY, REP. NATIVE
AUTHORITY. TRADITIONAL RULER VE DIVISION.
90. (Sgd.) Erasmus K. Amegadze.
REP. CHIEF FARMER OF VE DIVISION, ATANDO NATIVE AUTHORITY.
91. (Sgd.) Alfred Adjima.
REP. TRADITIONAL RULER, AGU DIVISION.
92. (Sgd.) Christoph Vuti.
TRADITIONAL RULER OF KUMA-ADAME.
93. (Mkd.) Nana Abu.
DZASIHENE OF BUEM-BOARDA, BUEM STATE.
94. (Mkd.) Nana Amu Yao.
ANKOBIAHENE OF BUEM-BORADA, BUEM STATE.
95. (Mkd.) Kwaku Koranteng.
CHIEF LINGUIST, BUEM STATE.
96. (Mkd.) Yao.
MANKRALO OF BUEM-BORADA, BUEM STATE.
97. (Mkd.) K. O. Brantuo III
ADOMIENHENE OF BUEM-ADENIEN DIVISION,
MEMBER BUEM NATIVE AUTHORITY AND STATE COUNCIL.
98. (Mkd.) Kwadzo Buachi. SENIOR SUB-CHIEF OF JASIKAN, BUEM.
SENIOR SUB-CHIEF OF JASIKAN, BUEM.
PRESIDENT TOGO YOUTH ASSOCIATION.

99. (Sgd.) J. Y. Q. Sekyere I.
VICE PRESIDENT TOGO CONGRESS.
MEMBER SOUTHERN TOGOLAND COUNCIL AND MEMBER ATANDO
NATIVE AUTHORITY.
100. (Mkd.) Togbe Gabusu IV
PARAMOUNT RULER, GBI DIVISION,
ATANDO NATIVE AUTHORITY MEMBER.
101. (Sgd.) Nicholas Adenu.
REP. CHIEF FARMER OF NYANGBO DIVISION,
AKPINI STATE.
102. (Sgd.) Nana S.T. Owusu IV.
KYIDOMENE OF BUEM STATE, TETEMAN.
MEMBER SOUTHERN TOGOLAND COUNCIL, BUEM NATIVE
AUTHORITY AND STATE COUNCIL.
103. (Mkd.) Dansu Adjakoe
CHIEF FARMER OF KYIDOM DIVISION, TETEMAN,
BUEM STATE.
104. (Sgd.) Imprah Besemuna II, KRACHIWURA,
TRADITIONAL RULER OF KRACHI STATE.
PRESIDENT KRACHI NATIVE AUTHORITY, REP.
NATIVE AUTHORITY. MEMBER, SOUTHERN TOGOLAND COUNCIL.
105. (Mkd.) Kwame Donkor.
MANKRALO, MEMBER KRACHI NATIVE AUTHORITY.
106. (KWABENNA BYAMFI (MKD.)
AKROSOEENE
MEMBER, KRACHI NATIVE AUTHORITY,
MEMBER SOUTHERN TOGOLAND COUNCIL.
107. (Mkd.) Kofi Kumah
PAWIA,
MEMBER, KRACHI NATIVE AUTHORITY.
108. (Sgd.) C. K. Gbogbolulu IV.
FIAGA OF VAKPO DIVISION, AKPINI STATE.
109. Nana Yawo Nyarko (Mkd.)
TRADITIONAL RULER OF WORAWORA - BUEN AKAN SECTION
MEMBER BUEM NATIVE AUTHORITY.
110. (Sgd.) A. K. SENOO.
PRESIDENT, TOGO UNION.

/111. (Sgd.) G. Morny,

111. (Sgd.) G. Morny, VICE PRESIDENT.
REP. TOGO EX-SERVICEMEN ASSOCIATION.
112. (Sgd.) N.C. Batse, VICE PRESIDENT,
REP. TOGO CHAMBER OF COMMERCE.
113. (Sgd.) M. C. Batse,
AG. SECRETARY-GENERAL, TOGOLAND
NATIONAL FARMERS UNION.
114. (Sgd.) Agboka V,
DIVISIONAL CHIEF IEKLEBI DIVISION,
MEMBER AKPINI NATIVE AUTHORITY AND STATE COUNCIL,
MEMBER SOUTHERN TOGOLAND COUNCIL.
115. (Sgd.) G. Clement.
NATIONAL PRESIDENT, JOINT TOGOLAND CONGRESS.
116. (Sgd.) S. G. Antor.
SECRETARY-GENERAL, TOGOLAND CONGRESS
AND WITNESS TO SIGNATURES AND MARKS.

CERTIFIED TRUE COPY,
ASST. SECRETARY GENERAL,
TOGOLAND CONGRESS.

THE TOGOLAND PRODUCE MARKETING BOARD

A B I L L
I N T I T U L E D

AN ORDINANCE to Establish the Togoland Produce Marketing Board, and to provide for regulating and controlling the marketing and export of Togoland cocoa and other produce and for other matters and purposes connected therewith. BE IT ENACTED by the Governor of the Gold Coast with respect to Togoland under United Kingdom Trusteeship as follows:

Short Title
and Date of
Commencement:

1. (1) This Ordinance may be cited as the Togoland Produce Marketing Board Ordinance, 1951, and shall apply to Togoland Under United Kingdom Trusteeship,
- (2) This Ordinance shall come into operation on a day to be appointed by the Governor by Order published in the Gold Coast Gazette.

Interpretation:

2. In this Ordinance unless the context otherwise requires - "the Board" means the Togoland Produce Marketing Board established under Section 3 of this Ordinance; "Produce" means agricultural as well as forestry and mineral produce and includes livestock and dairy products and poultry of all kinds and descriptions; "Togoland" means Togoland Under United Kingdom Trusteeship.

Togoland Produce
Marketing Board:

3. There shall be established in Togoland Under United Kingdom Trusteeship a Board to be known as "The Togoland Produce Marketing Board."

Membership
of Board:

4. (1) The Board shall consist of the following members:

/(a) One person

- (a) One Person appointed by the Governor as Chairman of the Board;
- (b) Two persons appointed by the Governor to represent the interests of the Commercial Community in Togoland;
- (c) Two persons elected by the Traditional Rulers of Togoland to represent the traditional elements of Togoland;
- (d) Six persons elected by the farmers to represent the interests of the producers in Togoland.

(2) The Chairman and the members of the Board shall hold office for a period of three years and shall be eligible for re-appointment or re-election, as the case may be.

(3) Five Members of the Board shall constitute a quorum of the Board.

(4) The Governor may appoint a member of the Board to be a Deputy Chairman of the Board. The Deputy Chairman shall preside at meetings of the Board in the absence of the chairman.

(5) The person lawfully acting as Chairman at any meeting of the Board shall have an original as well as casting vote.

Appointment
of Officers;
employers
or agents:

5. The Board may -

(a) from time to time appoint at such salaries and upon such terms and conditions as they may think fit such employees as they may deem necessary for the proper and efficient conduct of the operations of the Board and may at any time terminate such appointment;

(b) grant pensions, gratuities or retiring allowances to any employees and may require employees to contribute to any pension or contributory scheme;

/(c) from time

(c) from time to time appoint agents to perform any of the duties imposed upon the Board by this Ordinance.

Board to be a corporate body:

6. (1) The Board shall be a body corporate having perpetual succession and a common seal, and may in their corporate sue and be sued and for and in connection with the purposes of this Ordinance, may purchase, hold, manage and dispose of real and personal property and may enter into such contracts as may be necessary or expedient.

(2) The Board, with the prior approval of the Governor, may from time to time raise or borrow such sums of money for or in connection with the purposes of this Ordinance as they may think fit.

Powers and Functions of the Board:

7. (1) It shall be the duty of the Board to secure the most favorable arrangements for the purchase, grading, export and selling of cocoa and other produce from Togoland and to assist in the development by all possible means of the cocoa industry as well as the agricultural livestock, poultry, mining and other industries or produce of Togoland for the benefit and prosperity of the producers of Togoland.

(2) In particular, and without prejudice to the generality of the foregoing, the Board shall have power -

(a) to control and fix, with the prior approval of the Governor, the price or prices to be paid from time to time to Togoland producers from their cocoa and other produce and to arrange in such manner as the Board shall think fit to notify such prices;

(b) to purchase cocoa and other produce and to do all things necessary for and in connection with the

- purchase from the producers of Togoland cocoa and other produce from Togoland;
- (c) to appoint licenced buying agents for the purchase of cocoa and other produce on behalf of the Board;
 - (d) to grant, renew or withhold licences for each crop year to such agents, to impose conditions upon the grant of such licences, and to cancel or suspend any such licences for breach of any such conditions or other good cause;
 - (e) to give, in the case of the mining industry, the consent of the Board in writing before any concessions are granted to any mining interests;
 - (f) to sell cocoa and other produce and to do all things necessary for and in connection with the selling, exporting, shipping and storage of Togoland cocoa and other produce;
 - (g) for or in connection with any of the purposes of this Ordinance, and with the prior approval of the Governor, to buy, under write, subscribe for or acquire and to hold, deal with, sell or otherwise turn to account any stocks, shares or securities of any company established under the Companies Act in Great Britain or in the United States of America or in any Country which is a member of the United Nations Organisation the activities of which company are limited by its constitution to the operations necessary for the importing, storage, exporting, shipping, selling or dealing in cocoa and other produce from Togoland.

In this subsection "crop year" means the period from the 1st day of October in any year to the 30th day of September next following, both dates inclusive.

Funds of the
Board:

8. (1) The funds of the Board shall comprise of grants by or through the Governor of the Gold Coast out of monies or revenues collected by the Government of the Gold Coast out of and from Togoland, monies derived from the selling of cocoa and other produce, borrowings under Sub-section 2 of Section 6 of this Ordinance, and such other sums of money as may from any source and at any time be granted or allocated to the Board, or as may be earned by the Board.
- (2) The Board shall from time to time apply the funds at their disposal, or any such part of such funds as they may at any time think fit, to and in connection with the purchase of cocoa and other produce, to the carrying out of all or any of their powers, functions, responsibilities and operations in connection with the purposes of this Ordinance, and to the payment of the salaries, gratuities, pensions, retiring allowances and expenses of their members, officers and employees.
- (3) The Board, with the prior approval of the Governor, in every case may from the funds at their disposal, from time to time contribute such sums as they may think fit for any purpose or purposes likely, in the opinion of the Board, to benefit the cocoa and other producers of Togoland.

Restrictions on
purchase and Export
of Produce:

9. From and after the Commencement of this Ordinance -
- (1) No person or body of persons shall purchase cocoa and or any exportable produce in or from Togoland except -
- (a) the Board, or a person or body of persons authorized by the Board to purchase cocoa and other exportable produce for sale to the Board;
- or

/(b) a licensed

- (b) a licensed buying agent or a person authorised by the Board to purchase for sale to such an agent; or
- (c) a person acting upon the written instructions of the Board.

(2) No person shall export cocoa and or any exportable produce from Togoland except -

- (a) Cocoa and or other produce which is the property of the Board; or
- (b) Cocoa and or other produce the export of which has been authorised by the Board.

In this Section "authorised" means authorised by the written authority of the Board.

Offence:

10. Any person who falsely holds himself out or represents himself as being -

- (a) a licensed buying agent; or
- (b) a person acting under the written authority or instructions of the Board, shall be guilty of an offence against this Ordinance.

11. (1) Every person who is convicted of an offence against this Ordinance shall, on summary conviction, be liable for a first offence to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment and for a second or subsequent offence to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

(2) Where any offence against this Ordinance committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate he, as well as the body

/corporate,

corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Board to purchase all suitable cocoa or other produce:

12. The Board shall purchase all cocoa or other exportable produce offered which is graded as suitable for export.

Power of Board to enter into arrangements:

13. The Board, in their absolute discretion, may from time to time enter into any arrangement with the Government or any Country, or with any department, authority or person in any Country which is a member of the United Nations Organisation for, or in connection with, any of the purposes of this Ordinance.

Appeals:

14. Any person aggrieved by the refusal of the Board to grant or renew a licensed buying agent's license, or by any Condition imposed by the Board in connection with any such licence, may within fourteen days appeal in writing to the Governor whose decision shall be final.

Board to Furnish Information to Governor:

15. (1) The Board shall furnish the Governor with such returns, accounts, and other information with respect to their property and activities as the Governor may from time to time require.

Accounts of the Board:

(2) (a) The Board shall prepare in respect of each year terminating on the 30th day of September a statement of account in a form approved by the Governor. Such be audited by a qualified auditor to be appointed in respect of each such year by the Governor, and auditor shall make a report of the accounts examined by him.

(b) The remuneration of the auditor appointed by the Governor under paragraph (a) of this Sub-section shall be fixed by the Governor

/and shall

and shall be paid out of the funds of the Board,

(3) So soon as the accounts have been audited the Board shall send to the Governor a copy of the statement of account and report thereon by the auditor referred to in Sub-section (2) of this Section.

Annual Report: 16. (1) So soon as may be after the 30th day of September in every year the Board shall prepare a report of their operations during the year, and such report shall be published in such manner as the Governor may direct.

Advisory Committees: (2) For the purpose of assisting the Board in executing their powers and duties the Board may appoint an Advisory Committee or Committees.

(3) An Advisory Committee shall advise the Board with respect to all matters and questions submitted to them by the Board in relation to any powers or duties of the Board and may make recommendations to the Board on other matters relating to the powers and duties of the Board.

Regulations: 17. (1) The Governor may make regulations generally for the better carrying out of the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing, such regulations may provide -

- (a) for the licensing of buying agents and the fees to be paid in connection therewith;
- (b) for the duties, functions and responsibilities of licensed buying agents;
- (c) for the keeping of books and accounts by licensed buying agents;

/(d) for the

- (d) for the appointment and duties of inspectors to examine such books and accounts;
- (e) for the submission of returns by agents and agents and other persons;
- (f) for the qualifications and manner of appointment of members of an Advisory Committee and for the remuneration out of the funds of the Board and for the holding and conduct of meeting of such Committee.

(3) Penalties may be prescribed by regulations made under this Section for offences against such regulations to a limit of a fine of one hundred pounds or imprisonment for a term of six months, or to both such fine and imprisonment for a second or subsequent offence.

OBJECT AND REASONS OF THE PROPOSED ORDINANCE

As the representative of His Majesty's Government of the United Kingdom, the Governor of the Gold Coast is the person who has jurisdiction and responsibility for the administration of the affairs of Togoland. He is also charged with the responsibility for promoting the economic interests and advancement of the inhabitants of the Trust Territory of Togoland and their progressive development towards self-government or independence.

In the past, however no statutory organization has been established to protect the economic interests of the people of Togoland and to promote the progressive development of the economy of the country as a separate national entity in compliance with the solemn international obligations which the His Majesty's Government have assumed in Togoland. The Gold Coast Cocoa Marketing Board cannot be said to have jurisdiction over Toland, nor is it capable of serving the best interests of the producers of exportable produce in Togoland.

It is the unanimous and expressed desire of the people of the Trust Territory of Togoland that there should be a Produce Marketing Board, which is separate and independent of the Gold Coast Cocoa Marketing Board. However, in this case, it is intended to revive interest in local industries besides cocoa and also to fulfil the expressed desire of the people to grow various other crops for export, which hitherto are not grown on a large scale, and to guarantee their sale for the producers.

The Togoland Produce Marketing Board, when established, will protect the interests of producers of exportable produce in Togoland, and will ensure the progressive development of the economy of Togoland as a separate national entity as envisaged by the International Trusteeship System and the obligations assumed by His Majesty's Government under the Trusteeship Agreement signed with the United Nations on the 13th day of December 1946.

DELEGATION OF TOGOLAND CONGRESS,
C/O THE AUSCO PRESS,
ACCRA.

1st OCTOBER, 1951.

HIS EXCELLENCY THE GOVERNOR,
GOVERNMENT HOUSE,
ACCRA.

Your Excellency,

ESTABLISHMENT OF THE TOGOLAND
PRODUCE MARKETING BOARD.

- We write to acknowledge receipt of your letter No. G/4800 dated September 27, 1951.
2. In paragraph 2 of your letter, you stated that His Excellency the Governor regretted that he was unable to discuss with us, on the basis of the representations made in our previous letter, the subject of the establishment of a Togoland Produce Marketing Board. However, you invited us to put forward our proposals in writing, which Your Excellency would direct to the appropriate Ministry of the Gold Coast Government for examination and subsequent reply.
 3. Our Delegation have considered carefully the various points you mentioned in your letter and we have come to the conclusion that Your Excellency probably misunderstood the purpose of the interview that we seek with you and the real intendment of the proposed Togoland Produce Marketing Board, which we have been authorised to discuss with you.
 4. As Your Excellency is already aware, it is the Governor alone who has responsibility for the enactment of Legislation for that part of Togoland which is under United Kingdom Trusteeship. Under Article 2 of the Trusteeship Agreement signed by His Majesty's Government in the United Kingdom with the United Nations on the 13th December, 1946, His Majesty the King was designated as the Administering Authority for the Trust Territory of Togoland "the responsibility for the administration of which will be undertaken by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland".
 5. Article 5 of the same Trusteeship Agreement, stipulates that, in addition to the other powers therein stated, the Administering Authority "shall have full

/powers of

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 such modification as may be required by local conditions and subject to the provisions of the United Nations Charter and of this Agreement".

6. It is clear from Article 2 and Article 5(a) of the Trusteeship Agreement that it is the Governor alone who can exercise jurisdiction and responsibility over the Administration of affairs of Togoland, as he is the only representative of His Majesty's Government in the United Kingdom and His Majesty, the Administering Authority. This responsibility of the Governor as the representative of the Administering Authority, cannot be transferred by His Excellency the Governor to the Government of the Gold Coast, nor could it be exercised by any Minister or organ of the Government of the Gold Coast.

7. In the past, the Governor alone has always legislated for the Trust Territory of Togoland. The people of Togoland therefore assume that the legal and constitutional position remain the same since they are not aware, nor have they been informed, of any change in the primary responsibility and obligations of the Administering Authority as laid down in the Trusteeship Agreement. Your Excellency will therefore agree with us that, besides the Governor himself, there can be no Ministry nor Department of the Gold Coast Government that can be properly described as the "appropriate" organ of State to deal with the legislative affairs of Togoland Under United Kingdom Trusteeship.

8. The subject matter of our proposed interview with Your Excellency is purely an economic and legislative matter affecting the progressive economic development of Togoland. It is a matter in which the people of Togoland Under United Kingdom Trusteeship, and their Traditional Rulers, through their accredited Delegation, seek an opportunity to discuss with the Governor their unanimous and expressed desire to have established in Togoland a Produce Marketing Board to protect the interests of the producers in Togoland. If after our discussion with His Excellency, the Governor, in his discretion, decides to take an action in the matter, it is within his competence to pass the necessary legislation, with regard to Togoland, without seeking the advice or consent of any Ministers in the Gold Coast Government.

9. Perhaps Your Excellency would be kind and gracious enough to reconsider the matter of your request for an interview with you to discuss a purely economic matter which affects the well-being of the people of Togoland. The people of Togoland believe that, having regard to their special relationship with His Majesty's Government in the United Kingdom, and the solemn obligations implied in the Trusteeship Agreement, they have the right to make their expressed desires known to the Governor as the representative of the Administering Authority.

10. To serve as a basis for the interview that we seek with you, we forward to you herewith the draft Legislation, with object and reasons, of the proposed Togoland Produce Marketing Board, which it is the unanimous and expressed desire of the people of Togoland and their Traditional Rulers that the Governor be gracious enough to establish in order to protect the interests of the producers and promote the progressive development of the economy of Togoland as a national entity.

11. We shall be very much obliged for Your Excellency's early attention in this matter and for an opportunity for an interview at Your Excellency's earliest convenience.

We are,

Your Good Friends,

1. (Sgd.) (illegible) LEADER OF DELEGATION, TRADITIONAL RULER OF LIKPE-AGBOSOME, MEMBER SOUTHERN TOGOLAND COUNCIL, MEMBER OF ATANDO NATIVE AUTHORITY.
2. (Sgd.) (illegible) MEMBER OF DELEGATION. PARAMOUNT CHIEF OF FODOME, AKPINI STATE, MEMBER OF AKPINI STATE COUNCIL, MEMBER OF AKPINI NATIVE AUTHORITY.
3. (Sgd.) (illegible) MEMBER OF DELEGATION. PARAMOUNT CHIEF OF KPOETA DIVISION, AWATIME STATE. MEMBER AWATIME STATE COUNCIL. MEMBER AWATIME NATIVE AUTHORITY.
4. (Sgd.) (Salomon Adjei (his mark) MEMBER OF DELEGATION. CHIEF FARMER OF TOGOLAND.
5. (Sgd.) (illegible) MEMBER AND LINGUIST OF DELEGATION. REP. SENIOR LINGUIST BUEM STATE, BORADA.
6. (Sgd.) (illegible) MEMBER OF DELEGATION. CHIEF FARMER OF KPOETA DIVISION, AWATIME STATE.
7. (Sgd.) (illegible) MEMBER OF DELEGATION. VICE-PRESIDENT, TOGO YOUTH ASSOCIATION, JASIKAN.
8. (Sgd.) (illegible) MEMBER OF DELEGATION. ASAFOATSE, FCDOME DIVISION, AKPINI STATE.

/9. (Sgd.) (illegible)

9. (Sgd.) (illegible) MEMBER OF DELEGATION. AG.
SEC.-GEN. TOGOLAND UNION.
 10. (Sgd.) S.G. Antor MEMBER OF DELEGATION.
SECRETARY TO DELEGATION & W/SIGS.-MKS.
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