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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE SIXTY-EIGHTH MEETING

Held at Headquarters, New York,  
on Friday, 12 June 1953, at 10.45 a.m.

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Administration (T/C.2/L.30/Add.1) (continued)

PRESENT:

Chairman:

Mr. YANG

China

Members:

Mr. CASSIERS

Belgium

Mr. QUIROS

El Salvador

Mr. ZONOV

Union of Soviet Socialist  
Republics

Mr. MCKAY

United States of America

Also present:

Mr. APEDO-AMAH )

Mr. HURE )

France

Secretariat:

Mr. RANKIN

Secretary of the Committee

Mr. BERENDSEN

Assistant Secretary of the  
Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION  
(T/C.2/L.30/Add.1) (continued)

Petition from Mr. Akouete A. Aglebey (T/PET.7/345)

Mr. APEDO-AMAH (France) pointed to various contradictions and anomalies in the petition. The petitioner claimed that he should succeed his father as village chief, whereas his father had been only chef de quartier. Moreover, he alleged that he had been deprived of the chieftainship in 1941 because he was a member of the Unité togolaise, which had not come into existence in 1941. Lastly, the succession to the previous chief, who had been in office since 1906, had been open in 1941 and the petitioner had not presented his claim until eleven years later.

The Administration had investigated the assertion that the small boys of the petitioner's family had paid the head tax before reaching the statutory age and had found it to be baseless. The tax was not payable until the age of eighteen; students and apprentices were exempt.

Mr. CASSIERS (Belgium) proposed that the Committee should take note of the Administration's observations and decide that the petition was groundless.

Petition from Mr. Chogan Toudeka (T/PET.7/347)

Mr. APEDO-AMAH (France) read the Administering Authority's observations.

If the petitioner's family had ever held the chieftainship, it was so long ago that it would be impossible to ascertain the facts. Agbossou-Mondé, the petitioner's rival, had been appointed chief in 1936 in succession to his father, who had been chief since 1900. In 1944 Agbossou-Mondé had shown so obvious an unwillingness to provide the palm-trees needed for the war effort that he had been summoned before the court at Aného and, on 11 September 1944, sentenced to six months' imprisonment under the article of the native criminal code that had then been in force. Since the village could not be left without a chief, the Administration had appointed Toudeka.

That appointment had given rise to difficulties. Of the 1,136 taxpayers in the village only 164 had voted for Toudeka. Many protests against the appointment had been sent to the chief of the Territory, and they had not been unfounded, for, despite the Administration's support, Toudeka had had to be suspended from his office on 6 September 1949 for wrongful collection of taxes. Some time later, however, he had been reinstated.

After the war, on 16 August 1946, the Administration had declared an amnesty. Agbossou-Mondé had asked that it should apply to him.

The Administration, both for reasons of prudence and out of respect for custom and for the rule of democracy, which required that a chief should not be imposed on the people but chosen by it, had granted an amnesty only after the customary court had declared that "According to custom Agbossou-Mondé alone was entitled to exercise the functions of chief of the village of Akoumpé-Assiko". Furthermore, at a meeting held on 26 June 1951, of which a record had been kept, the people of the village had voted for the return of Agbossou-Mondé. Only after the court had pronounced judgment and the people of the village had been consulted had Agbossou-Mondé been reinstalled as chief, on 29 June 1951.

He stated emphatically that Toudeka had not been deposed for political reasons.

In reply to Mr. CASSIERS (Belgium), Mr. APEDO-AMAH (France) confirmed that a claimant to a chieftainship usually had to belong to the village in question, although that was not essential.

After the present chief had been granted an amnesty, the Conseil coutumier of the village had asked for his return and the people had voted for him almost unanimously.

Mr. ZONOV (Union of Soviet Socialist Republics) observed that the petitioner had submitted his case to the Visiting Mission. He asked whether the Mission had taken any steps in that connexion.

Mr. QUIROS (El Salvador) pointed out that the Visiting Mission had stayed only a few days - sometimes a few hours - in the main centres; that was just long enough to visit the schools, hospitals and other public buildings. It had therefore been unable to investigate the dozens of petitions that had been submitted at each place; it had simply accepted them and examined only the most important.

The CHAIRMAN was under the impression that the Mission had not examined the petition under discussion.

In reply to Mr. CASSIERS (Belgium), Mr. APEDO-AMAH (France) said that no chief would be deposed without good cause, such as a sentence involving loss of civil rights.

Mr. McKAY (United States of America) asked what offence the petitioner had committed in connexion with the collection of taxes, and whether there was an opposition political party in the area which disliked the chief.

Mr. APEDO-AMAH (France) replied that the petitioner, when village chief, had asked the taxpayers for more than they owed the Treasury and had pocketed the difference. The question had nothing to do with politics.

Mr. McKAY (United States of America) considered that, that being so, the Committee should take note of the Administering Authority's observations and should state that no further action was required.

Mr. QUIROS (El Salvador) asked the French representative whether the petitioner had been the chairman of the local branch of the Comité de l'Unité togolaise when he was deposed.

Mr. APEDO-AMAH (France) replied in the affirmative. The petitioner had been deposed because he had been sentenced to a penalty involving loss of civil rights.

Mr. QUIROS (El Salvador), while not challenging the court's decision, could not help thinking that the matter had political implications. In view of the fact that the Committee was not in a position to ascertain all the facts, he would abstain in the vote on any draft resolutions relating to the petition.

Mr. CASSIERS (Belgium) wondered whether the Comité de l'Unité togolaise had endorsed the petitioner's complaint or had approached the Administration on the subject.

Mr. APEDO-AMAH (France) said that the petition under consideration was the only one that had been sent to the Administration.

Mr. CASSIERS (Belgium) remarked that, if Mr. Toudeka had been deposed for purely political reasons, the Comité de l'Unité togolaise would undoubtedly have sent a petition to the United Nations. The Committee should therefore accept the judgment of the court and abstain from taking any action on the petition.

Mr. McKAY (United States of America) agreed. He was not sure, however, that rule 81 of the rules of procedure applied to the case. The court had found that there had been an offence against the fiscal law, but it appeared that the chief had been deposed not by a court but by an administrative organ.

Mr. APEDO-AMAH (France) said that, although the chief's deposition had not been decided by the court, it had been the logical result of the sentence.

The CHAIRMAN asked the Secretary to take note of the proposal made by the Belgian and United States representatives and the observations of the representative of El Salvador.

Mr. BERENDSEN (Assistant Secretary of the Committee) pointed out that, when summarizing the petitions, the Secretariat had not had the Administering Authority's written observations.

Mr. RANKIN (Secretary of the Committee) explained that the Administering Authority's written observations often helped to make the meaning of petitions clearer.

Mr. CASSIERS (Belgium) considered the Secretariat's summaries admirable and was quite satisfied with the present method of work.

Mr. McKAY (United States of America) recognized that the sending of written observations might raise administrative problems for the Administering Authority, but felt that it would be useful to have written observations on each petition.

Mr. HURE (France) replied that Mr. Apedo-Amah had come especially from Togoland to give the Committee the required information. Moreover, the petitions still awaiting examination were relatively unimportant and gave rise to few difficult problems.

Petition from Mr. Sépédon Dotche (T/PET.7/340)

Petition from Mr. Aglago Lolo and Douaya Amegno (T/PET.7/341)

Petition from Mr. Kodjo Gbédaké Soljro (T/PET.7/342)

Mr. APEDO-AMAH (France) explained that the three petitions in question concerned the same chieftainship, the ruling chief of which was Mr. Michel Ayassou. The village of Kouvé consisted of several quartiers, including Kouvé-Logotomé and Kouvé-Dafor. The quartiers were former villages which had been grouped together for ease of administration. They still had their own chiefs, but such chefs de quartier were plainly subordinate to the village chief.

Examining in detail the complaints set forth in each of the three petitions, he explained that Mr. Sépédon-Dotche's ancestor had been merely a head of a family, and not a chief of a village. There was no proof of his claim to a chieftainship.

Mr. Michel Ayassou owned some land on which he had planted coffee shrubs and oil palms. After working the land, he had enclosed it, in accordance with the usual procedure.

The Administration had not been informed of any violent disturbance. On 12 August 1952, the date referred to by the petitioner, the Comité de l'Unité togolaise had organized a meeting in the village. Its opponents had tried to prevent it from doing so and the gendarmerie had merely intervened to ensure respect for the right of assembly.

As regards the alleged exodus of the population, he pointed out that, as the region in question was densely populated, a seasonal migration took place on a fairly large scale.

Mr. QUIROS (El Salvador) referred to Mr. Sedjro's complaint that he had been removed from office by the Administration and replaced by Mr. Michel Ayassou, and asked how the latter had been appointed chief of the village.

Mr. APEDO-AMAH (France) replied that Mr. Michel Ayassou had been elected chief in accordance with custom and by popular vote. So far as he knew, the people of the village of Kouvé had not complained to the Administration against Mr. Ayassou's election.

Mr. CASSIERS (Belgium) asked what was the normal procedure open to the inhabitants of a village wishing to have an unpopular chief replaced.

Mr. APEDO-AMAH (France) explained that the Conseil coutumier decided whether a chief had lost the people's confidence. In such cases, the Conseil called the people together in the market place. The people expressed their wishes by acclamation and the Administration, after being informed of their choice, confirmed it and made it official.

Mr. CASSIERS (Belgium) asked whether the Conseil coutumier had approached the Administration to challenge Mr. Michel Ayassou's title.



Mr. APEDO-AMAH (France) said that he had not been informed of any such approach. Mr. Michel Ayassou had been chief of the village of Kouvé since 1936.

Mr. CASSIERS (Belgium) considered that it was difficult for the Committee to interfere in such disputes between chiefs, in view of the procedure for electing or removing a chief in the Territory.

The Committee could note the Administering Authority's statements and decide that the three petitions required no action by the Council.

The CHAIRMAN asked the Secretariat to prepare draft resolutions on the lines indicated by the Belgian representative.

The meeting rose at 1 p.m.