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Item 5 of the agenda

EXAMINATION OF PETITIONS

SEVENTH REPORT OF THE AD HOC
COMMITTEE ON PETITIONS

Chairman: Mr. Melchor P. AQUINO (Philippines)

1. The Ad Hoc Committee on Petitions, established by the Trusteeship Council at the fourth meeting of its seventh session, and composed of the representatives of Belgium, China, the Dominican Republic, New Zealand, the Philippines and the United States of America, examined during its ninth, eleventh and twelfth meetings on 8, 14 and 18 July 1950 the following petitions concerning Togoland under British administration and/or Togoland under French administration referred to it by the Council:

- (1) Petitions from the Conference of Farmers of Togoland under United Kingdom Trusteeship (T/PET.6/15 and T/PET.6/15/Add.1);
- (2) Petition from the Convention Peoples' Party (T/PET.6/115);
- (3) Petition from the Togoland United Nations Association (T/PET.6/119);
- (4) Petition from the Convention Peoples' Party, Regional Conference, Hohoe (T/PET.6/145);
- (5) Petition from the Nkonya State Council (T/PET.6/147);
- (6) Petition from the Buem Native Authority (T/PET.6/116-7/107);
- (7) Petition from the Economic and Social Commission of Togoland Association of the United Nations (T/PET.6/81-7/79);
- (8) Petition from Nana Yao Buakah IV (T/PET.6/86-7/52);
- (9) Petition from Mr. W. K. E. Tettey (T/PET.6/113-7/111);
- (10) Petition from the Krachi Native Authority (T/PET.6/14 and T/PET.6/14/Add.1);
- (11) Petition from the headmen of Nawuli (T/PET.6/69);
- (12) Petition from Nana Kojo Kuma of Nanjoro (T/PET.6/70);

/(13) Petition
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- (13) Petition from Mamprusi Local Authority (T/PET.6/66);
- (14) Petition from the Ya-Na, elders and people of Dagomba (T/PET.6/67);
- (15) Petition from the Gonja Native Authority (T/PET.6/68);
- (16) Petition from the Na of Bimbilla (T/PET.6/71 and T/PET.6/71/Add.1);
- (17) Petition from Chief Tabi Nambiema (T/PET.6/65-7/74);
- (18) Petition from Chief Gazari III (T/PET.6/87).

2. Petitions 1 to 17 were examined in so far as they related to the question of the Cocoa Marketing Board (petitions 1-9) or to questions of boundaries and territorial adjustment (petitions 10-17), the other questions raised by these petitions having already been covered by previously adopted resolutions. Petition 18 was dealt with separately.

3. Mr. D. A. Sutherland and Mr. Harrold in the case of the petitions concerning Togoland under British administration, and Mr. Cédile, in the case of the petitions concerning Togoland under French administration, participated in the examination as the representatives of the respective Administering Authorities.

4. The Ad Hoc Committee submits herewith to the Council its report on these petitions.

I. QUESTION OF THE GOLD COAST COCOA MARKETING BOARD

A. Summary of the complaints and requests

Nine petitions contain complaints and requests regarding the Gold Coast Marketing Board.

1. The Conference of Farmers at Togoland under United Kingdom Trusteeship (T/PET.6/15 and T/PET.6/15/Add.1) points out that the Mandated Togoland Farmers' Association is not represented on the Gold Coast Cocoa Marketing Board; that the relationship between Board and Farmers is not defined; that the assertion that the Board acts as "Trustee" is misleading; that the members of the Board are not appointed by the farmers; that the disbursements of the Board's funds are made by an order of the Governor; that the Board spends money at the expense of the farmer while the latter lives in abject poverty.
2. The Convention Peoples' Party (T/PET.6/115) complains of the Gold Coast Cocoa Marketing Board, which has no representative from Togoland but controls the profits accumulated from the sale of Togoland cocoa, and requests that such profits be returned to the farmers.
3. Commenting on the annual report on Togoland under British administration for the year 1948, the Togoland United Nations Association (T/PET.6/119) states that paragraph 16 on page 16 implies that the Gold Coast Cocoa Marketing Board organizes the purchase of Togoland cocoa also and points to the fact that Togoland is not represented on this Board.
4. Charging that the Gold Coast holds huge profits from the sale of Togoland cocoa, the C.P.P. Regional Conference, Hohoe (T/PET.6/145), requests that such profits be disbursed to the Togoland farmers.
5. It is stated by the Nkonya State Council (T/PET.6/147) that the farmers of Togoland are demanding control over the use of the money accumulated on their behalf by the Gold Coast Produce Control Board, the Gold Coast Cocoa Marketing Board and other agencies.
6. The Buem Native Authority (T/PET.6/116-7/107) points out that although Togoland produces at least one-third of the total tonnage of the Gold Coast cocoa, Togoland is not admitted on the Cocoa Marketing Board. It is asked "that this constitution now may include two or three members of Togoland on this board to represent the people of Togoland".

7. Mr. W. K. E. Tettey (T/PET.6/133-7/111) states that the Cocoa Marketing Board is not known to the cocoa farmer of Togoland who is without representation on it, but that "there is taxation". The cocoa profits should be used for educating students abroad in agricultural technique. It is further stated that ignorant farmers are deceived by brokers' middlemen and cocoa agents and that the roads to the big centres are deplorable and adversely affect the marketing of cocoa.

8. The Economic and Social Commission of the Togoland Association at the United Nations (T/PET.6/81-7/79) requests full participation of Togoland natives in the control of the marketing of their products, and the formation of a separate board of agriculture similar to the Gold Coast Marketing Board and affiliated with corresponding organizations in the Gold Coast. It is further requested that Togoland cocoa be marketed and sold separately from that of the Gold Coast.

9. Nana Yao Buakah IV, (T/PET.6/86-7/52) states that a good and standard price for cocoa is wanted.

10. Mr. Lawrence K. B. Ameh (T/PET.6/131) claims that very low prices are paid to the people by the Government for their coffee and cocoa and requests that his charges be considered.

B. Previous action by the Council

During its fifth session, at its twenty-eighth meeting, on 22 July 1949, the Council adopted resolution 94 (V), requesting the Visiting Mission to West Africa to investigate the petition from the Conference of Farmers of Togoland under United Kingdom Trusteeship (T/PET.6/15).

C. Summary of the written observations of the Administering Authority (United Kingdom)

The written observations of the Administering Authority are contained in documents T/358, T/656, T/666, T/679, T/683, T/689, T/690, T/706, T/709.

Reference is made to paragraph 73 and appendix VII of the 1948 annual report of the Territory, to the report of the Visiting Mission, and to the observations of the Administering Authority on it.

The Administering Authority states that Togoland is now represented on the Cocoa Marketing Board by a divisional chief of Buem. All grade I and II cocoa is at present purchased by the Board at the same price irrespective

/of grade;

of grade; sub-grade cocoa is not purchased since there is no demand for it in overseas markets.

With regard to the disposition of funds derived from cocoa marketing the Administering Authority states that in its opinion the funds are being spent in the interests of all the inhabitants of the Territory, and in the absence of any constructive suggestions, no changes in the cocoa-marketing organization are contemplated.

It is further stated that a full understanding and appreciation of the policy of the Board is a matter of slow growth among many farmers, although every effort is made to instruct them.

The Administering Authority refers to the conclusions of the Visiting Mission on the fixing of the cocoa price and quotes its statement that "the present stabilized marketing policy is sound in principle".

D. Observations of the Visiting Mission

The observations of the Visiting Mission are contained in document T/465, pages 34-42. It is stated therein, in particular on page 41, that "the present stabilised marketing policy is sound in principle" and "basically in the interests of the producers" and that "the Togoland farmers' desire to see concrete benefit brought to the Trust Territory from the surplus benefits is worthy of consideration".

E. Oral hearings of the petitioners and statements by the Administering Authority (United Kingdom)

At its twenty-second meeting, on 7 July 1950, the Council granted the representatives of the Conference of Farmers of Togoland under United Kingdom Administration, their request for an oral statement in support of their written petition, on the cocoa question.

At its twenty-third meeting, on 10 July 1950, the Council heard statements by Messrs. Antor and Asare and questions were put to them. The petitioners restated their requests for a separate cocoa marketing board for Togoland, and separate cocoa co-operative society; they protested against the representation of Togoland on the present Cocoa Marketing Board, stating that the chief selected by the Southern Togoland Council did not adequately represent the cocoa farmers of Togoland and was not in any way responsible to them.

The special representative of the Administering Authority stated that, as regards the representative nature of the "Farmers' Association" it had

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been possible to trace only 1,500 tons of cocoa as having been marketed through the Association during the last three years; that the Gold Coast Cocoa Marketing Board Ordinance, which had been publicized in draft form before its enactment, had met with no disapproval from Togoland cocoa farmers; that only five small cases of swollen shoot disease had occurred in the Territory and had been effectively dealt with by the Agricultural Department at the request of the farmers concerned, who would be eligible for rehabilitation grants; and that a survey of Togoland cocoa farms was in continuous process by a senior Agricultural Department officer and staff permanently stationed in the Territory.

He stated further that the electoral body for the Marketing Board was the Southern Togoland Council; that this body consisted of three representatives elected by each of five Native Authorities, the principal members of which were the Natural Rulers whom M. Antor represented; he added that the Southern Togoland Council was responsible for nominating the representatives and did so in its own democratic manner, and that there was no question of any intervention by the Government.

On 14 July, at the eleventh meeting of the Ad Hoc Committee on Petitions to which this matter was referred, further statements were made by Messrs. Antor and Asare and by the special representative.

F. Action taken by the Ad Hoc Committee

The question of the Cocoa Marketing Board was examined and discussed at the eleventh and twelfth meetings of the Ad Hoc Committee on 14 and 18 July 1950. The relevant discussion is contained in documents T/AC.24/SR.11 and T/AC.24/SR.12.

At its twelfth meeting, the Committee adopted the draft resolution which is reproduced below as resolution 1.

II. QUESTIONS OF BOUNDARIES AND TERRITORIAL ADJUSTMENTS

A. Summary of the complaints and requests

Eight petitions raise the question of territorial adjustments.

1. The State Council of the Krachi Native Authority (T/PET.6/14) transmits a resolution adopted at a meeting held in Krachikrom, Kete Krachi, on 7 March 1949. In this resolution, the petitioners request that all ordinances and laws of the Gold Coast applicable in Togoland under British administration be repealed and that by 1 April 1949 Krachi and Southern Togoland be unified as one entity.
2. The headmen of Nawuli (T/PET.6/69) state that after 16 years under the rule of the Gonjas, who are British subjects in the Gold Coast (Northern Territories), a strange ruler is not wanted in the area again; desire is expressed to be placed again under the rule of Omanhene of Krachi and under the rule of Southern Togoland under United Kingdom Trusteeship.
3. Nana Kojo Kuma of Nanjoro (T/PET.6/70) whose people were placed in 1935 under the head chief of the Gonjas in the Northern Territories of the Gold Coast, expresses the wish that his people and land be restored to the Krachi Division, that they become, as before the German period, subjects of the Omanhene of Krachi, and that they be included in the Southern Section of Togoland under United Kingdom Trusteeship.
4. Abdulai Nayire, for the Mamprusi Local Authority (T/PET.6/66) claims that before the division of Togoland, by the European powers, a number of towns were part of the Mamprusi state, and that no boundaries separated them from their "brothers", and they request that consideration be given to their claim.
5. The Ya-Na, chiefs, elders and people Dagomba (T/PET.6/67) state that, contrary to the wishes of its people, Dagomba was divided in 1896 between Germany and the United Kingdom, that their cultural, social, racial and linguistic unity has suffered ever since, and that continuance of this division will eventually hinder their progress. They request that the boundaries dividing their State be abolished and that the part of Dagomba which is now in Togoland under British administration be juridically a part of the Northern Territories of the Gold Coast.
6. The Gonja Native Authority (T/PET.6/68) presents a brief history of the area and protests against the frontier dividing the Gonja State between the Northern Territories Protectorate of the Gold Coast and the Northern Section of the Trust Territory of Togoland under British administration. The petitioners

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request the unification of the State and its inclusion as a whole in the Northern Territories Protectorate of the Gold Coast.

7. The Na of Binbilla, Paramount Chief of the Nanumbas, his sub-chiefs and people of Nanumba State (T/PET.6/71 and T/PET.6/71/Add.1) referring to the requests submitted by the Dagumbas and the Gonjas to be incorporated into the Northern Territories of the Gold Coast, state that the people of Nanumba State also wish to be incorporated into the Northern Territories of the Gold Coast, since all their interests lie in the North rather than in Southern Togoland under British administration.

8. Chief Tabi Nambiema and other chiefs on behalf of the population of Mango (T/PET.6/65-7/74) state that the Tchocossi tribe was divided as a result of the partition of Togoland after the 1914-1918 war; that between British and French administrations the state of affairs has done considerable harm to the tribe, especially with regard to family and tribal relations; and that they have protested on several occasions against such a partition, which is prejudicial to the interests of the Tchocossi tribe.

In view of the above considerations, the petitioners request the visiting mission to propose the regrouping of the Tchocossi tribe under a single administration.

B. Previous action taken by the Trusteeship Council

As regards the first petition from the State Council of the Krachi Native Authority (T/PET.6/14), the Trusteeship Council at its twenty-eighth meeting of its fifth session, adopted resolution 93 (V) requesting the Visiting Mission to West Africa to investigate the petition.

C. Observations of the Visiting Mission

The observations of the Visiting Mission on the petition from Krachi Native Authority are contained in document T/465, pages 27-29.

D. Summary of the observations of the Administering Authority

The written observations of the United Kingdom on the petition from the Krachi Native Authority are contained in document T/365. It is stated that the transfer of the Krachi district from the Northern to the Southern Section of Togoland could not be made immediately. The Administering Authority questioned whether the petition really represented the wishes of the persons involved and was conducting a survey to determine the opinion of the inhabitants of the area. In any event, such a transfer would take time to effect.

/On the

On the other petition, the United Kingdom merely listed them in document T/703 (Observations of the Administering Authority, on petitions dealing with political questions affecting the Trust Territory), showing that the questions which are raised in these petitions would come for consideration before the enlarged Standing Consultative Commission, and that in the circumstances the Administering Authority would not regard it as appropriate to comment on those matters raised in the petitions which would be considered by the Standing Consultative Commission.

At the ninth meeting of the Ad Hoc Committee on Petitions, on 8 July 1950, the special representative for Togoland under British administration made a statement to the same effect, adding that in most cases, the petitioners were merely stating their attitude and were not asking for any specific action. The special representative for Togoland under French administration gave additional information on the Tchocossi Tribe.

E. Action taken by the Ad Hoc Committee

These petitions were examined and discussed at the ninth and eleventh meetings of the Ad Hoc Committee on 8 and 14 July 1950. The relevant discussion is contained in document T/AC.24/SR.9 and T/AC.24/SR.11.

At its twelfth meeting, the Committee adopted the draft resolution which is reproduced below as resolution 2.

III. PETITION FROM CHIEF GAZARI III CONCERNING TOGOLAND
UNDER BRITISH ADMINISTRATION (T/PET.6/87)

A. Summary of the petition

Chief Gazari III of Aveme Gbohame, Head of Aveme and President of the Ewe Union, complains that the boundary line, the Volta River, which demarcated the former German and British possessions in the area has broken up the Ewe Community there and has created a number of land problems between the Ewes and the Twis. He advises the Visiting Mission to consult him "when transacting business along the River Volta with respect to boundaries between Ewe and Twi peoples".

B. Summary of the observations of the Administering Authority

The Administering Authority submitted its observations on this petition in the form of an oral statement by its representative to the Ad Hoc Committee on Petitions at its twelfth meeting on 18 July 1950. He pointed out that the question of proposed changes in the boundaries between Togoland and the Gold Coast did not fall within the competence of the Council and that the land disputes raised in the petition might be dealt with by the local courts.

C. Action taken by the Ad Hoc Committee

This petition was examined and discussed at the twelfth meeting of the Ad Hoc Committee on 18 July 1950. The relevant discussion is contained in document T/AC.24/SR.12.

At its twelfth meeting, the Committee adopted the draft resolution which is reproduced below as resolution 3.

RESOLUTION 1

QUESTION OF THE COCOA MARKETING BOARD AS RAISED
IN CERTAIN PETITIONS CONCERNING TOGOLAND
UNDER BRITISH ADMINISTRATION

Acting under Article 87 b of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its seventh session, in consultation with the United Kingdom of Great Britain and Northern Ireland as the Administering Authority concerned, which designated Mr. Sutherland as special representative, those parts of the following petitions which raise the question of the Cocoa Marketing Board:

- (1) Petitions from the Conference of Farmers of Togoland under United Kingdom Trusteeship (T/PET.6/15 and T/PET.6/15/Add.1)
- (2) Petition from the Convention Peoples' Party (T/PET.6/115);
- (3) Petition from the Togoland United Nations Association (T/PET.6/119);
- (4) Petition from the Convention Peoples' Party, Regional Conference, Hohoe (T/PET.6/145);
- (5) Petition from the Nkonya State Council (T/PET.6/147);
- (6) Petition from the Buem Native Authority (T/PET.6/116-7/107);
- (7) Petition from the Economic and Social Commission of Togoland Association of the United Nations (T/PET.6/81-7/79);
- (8) Petition from Nana Yao Buakah IV (T/PET.6/86-7/52);
- (9) Petition from Mr. W. K. E. Tettey (T/PET.6/113-7/111),

Having considered and granted the request for an oral presentation in support of their previously written petition by the Conference of Farmers of Togoland under United Kingdom Trusteeship, and consequently heard their representatives, Mr. Antor and Mr. Asare, at the twenty-third plenary meeting of the Trusteeship Council, on 10 July 1950, and at the eleventh meeting of the Ad Hoc Committee on Petitions on 14 July 1950,

Having taken note (1) of the report of the United Nations visiting mission to West Africa (T/465, part 2, chapter II, pages 34-42) and in particular the statements on page 41 that "the present stabilized marketing policy is sound in principle" and "basically in the interests of the producers" and that "the Togoland farmers' desire to see concrete benefit brought to the Trust Territory from the surplus benefits is worthy of consideration",

/(2) of the written

(2) of the written observations of the Administering Authority on these petitions (documents T/358, T/708, T/679, T/709, T/666, T/689, T/683 and T/690) and in particular the statement that a representative of Togoland has been freely nominated by the Southern Togoland Council to the Gold Coast Marketing Board,

(3) of the oral statements of the special representative that the Southern Togoland Council is a representative and constitutionally elected body, and that consequently the person elected to the Marketing Board is truly representative of the cocoa farmers of the Trust Territory; that the allocation of funds for development from the reserves of the Cocoa Marketing Board is initially a matter for decision by the Board who had the matter continuously under review; that should such allocations be made the interests of the cocoa areas of the Trust Territory would be taken fully into account by the Board; and that the establishment of a separate cocoa marketing Board for Togoland was impracticable,

(4) of the oral statements of the representatives of the Farmers Association that as a result of the method of election of the Togoland member to the Cocoa Marketing Board, the member elected does not adequately represent the cocoa farmers and is not in any way responsible to them,

(5) of the assurance of the representative of the Administering Authority that the Cocoa Marketing Board would be asked to provide the figures for the cocoa tonnage produced in Togoland for the current and future seasons;

The Trusteeship Council

Draws the attention of the petitioners to the following recommendation on Togoland under British Administration adopted by the Trusteeship Council at its seventh session in connexion with its examination of the 1948 Annual Report on the Administration of the Territory, the text of which reads as follows:

"The Council welcomes the appointment of a representative of the Togoland farmers to the Gold Coast Cocoa Marketing Board and expresses the hope that this appointment will prove to be a successful means whereby the farmers and people of the cocoa areas of Togoland will be brought into consultation with regard to the allocation for developments in the Trust Territory of funds from reserves of the Cocoa Marketing Board";

Expresses the hope that the Administering Authority will in accordance with its assurance, obtain from the Cocoa Marketing Board, separate figures on cocoa

tonnage produced in Togoland, and that such figures will be available when the next and subsequent annual reports on the administration of the Territory are examined;

Recommends that the Administering Authority urge the Cocoa Marketing Board to consider the possibility of setting aside a fair and adequate proportion of its surplus funds - over and above reasonable stabilization reserves - for developments in the Trust Territory or for other benefits for its inhabitants;

Recommends that the Administering Authority keep under constant review the representation of Togoland interests on the Cocoa Marketing Board continuing to bear in mind the principle that the Trust Territory be adequately represented;

Invites the Secretary-General to inform the Administering Authority and the petitioners of this resolution in accordance with rule 93 of the rules of procedure for the Trusteeship Council.

RESOLUTION 2

QUESTION OF BOUNDARIES AND TERRITORIAL ADJUSTMENTS AS RAISED IN CERTAIN PETITIONS CONCERNING TOGOLAND UNDER BRITISH ADMINISTRATION AND TOGOLAND UNDER FRENCH ADMINISTRATION

Acting under Article 87 b of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its seventh session, in consultation with France and the United Kingdom of Great Britain and Northern Ireland as the Administering Authorities concerned, which designated Mr. Cédile and Mr. D. A. Sutherland as special representatives, those parts of the following petitions which raise the question of boundaries and territorial adjustments:

- (1) Petition from the Krachi Native Authority (T/PET.6/14 and Add.1)
- (2) Petition from the headmen of Nawuli (T/PET.6/69)
- (3) Petition from Nana Kojo Kuma of Nanjoro (T/PET.6/70)
- (4) Petition from Mamprusi Local Authority (T/PET.6/66)
- (5) Petition from the Ya-Na, Elders and People of Dagomba (T/PET.6/67)
- (6) Petition from the Gonja Native Authority (T/PET.6/68)
- (7) Petition from the Na of Bimbilla (T/PET.6/71 and Add.1)
- (8) Petition from Chief Tabi Nambiema (T/PET.6/65-7/74)

Having taken note of the written observations submitted by the United Kingdom (T/365 and T/703) and of the oral statement made by the special representatives of the Administering Authorities concerned to the effect that the complaints and requests contained in these petitions were of a political nature and were related to other petitions concerning unification which would come for consideration before the enlarged Standing Consultative Commission,

Having taken note of the observations of the United Nations visiting mission to West Africa (T/465, part 2, chapter I, pages 27-29),

The Trusteeship Council

Takes note of the wishes expressed in these petitions;

Draws the attention of the petitioners to the statements of the Administering Authorities;

Requests the Administering Authorities to keep it informed on future developments regarding these matters;

/Decides

Decides to inform the petitioners that the questions raised in their petitions will be further examined by the Trusteeship Council in connexion with its examination of future annual reports of the Administering Authorities on the Administration of the Territories, it being understood that the question of altering the boundary between the Gold Coast and the Trust Territory is outside the competence of this Council;

Invites the Secretary-General to inform the Administering Authority and the petitioners of this resolution in accordance with rule 93 of the rules of procedure for the Trusteeship Council;

Further invites the Secretary-General to transmit to the petitioners, for their information a copy of the resolution adopted at its seventh session on the Ewe and related questions, which has a bearing on the enlarged Standing Consultative Commission, of which mention is made in this resolution.

RESOLUTION 3

PETITION FROM CHIEF GAZARI III CONCERNING
TOGOLAND UNDER BRITISH ADMINISTRATION

Acting under Article 87 b of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its seventh session the petition from Chief Gazari III (T/PET.6/87), in consultation with the United Kingdom of Great Britain and Northern Ireland as the Administering Authority concerned, which designated Mr. Sutherland as special representative,

Having taken note of the statement of the special representative of the Administering Authority concerned that the matter related to proposed changes in the boundaries between Togoland and the Gold Coast and to certain land disputes with which the courts have competence to deal,

The Trusteeship Council

Notes that in so far as the matter refers to proposed changes in boundaries, the petition does not fall within its competence, and that the land dispute set forth is pending before the courts;

Decides that under the circumstances no action can be taken by the Council on this petition;

Invites the Secretary-General to inform the Administering Authority and the petitioner of this resolution in accordance with rule 93 of the rules of procedure for the Trusteeship Council.
