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PETITIONS CONCERNING THE TRUST TERRITORY OF TOGOLAND UNDER BRITISH ADMINISTRATION

122nd Report of the Standing Committee on Petitions

Chairman: Mr. Michel de Camaret (France)

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1. At its 244th and 248th meetings on 26 May and 2 June 1955, the Standing Committee on Petitions, composed of the representatives of Australia, France, India, Syria, the Union of Soviet Socialist Republics, and the United States of America, examined the petitions concerning the Trust Territory of Togoland under British Administration which are listed in the preceding table of contents.
2. Mr. B.O.B. Gidden participated in the examination as the 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 the resolutions covered by this report.

I. Petition from the Togoland Cocoa Farmers' Committee (T/PET.6/338/Add.1)

1. The petitioners sent identical petitions to the United Nations and to the Secretary of State for the Colonies in London. (Their petition to the United Nations was circulated as document T/PET.6/338.) Their petition to the Secretary of State for the Colonies was returned to them with the request that their attention should be drawn to the correct channels of communication in accordance with the United Kingdom Colonial Regulations.
2. The petitioners claim that this reference is an official communication to the Colonial Regulations and implies that the Administering Authority regards the Territory as a colony - i.e., that it does not recognize the special status in international law of the Trust Territory.
3. The gist of the observations of the Administering Authority (T/OBS.6/11/Add.2) is that the application to the Trust Territory of the Colonial Regulations in no way derogates from the special status of the Territory. The Colonial Regulations cover the procedures to be followed in various administrative matters in all Trust and Non-Self-Governing Territories administered by the United Kingdom. The fact that they are entitled "Colonial" Regulations does not imply that all the territories in which they are applicable are "colonies".
4. The Administering Authority adds that the application of Colonial Regulation 10 to a Trust Territory is significant only in so far as it ensures that an inhabitant of a Trust Territory under United Kingdom Administration shall not, because of the special status of his Territory, be denied any right which he would enjoy were he resident in any other territory under United Kingdom Administration. It does not affect his special additional right of access to the United Nations in any way whatsoever.
5. The petition was examined and discussed at the 244th and 248th meetings of the Standing Committee (documents T/C.2/SR.244 and 248).
6. At its 248th meeting, the Committee adopted by 3 votes to none with 3 abstentions draft resolution I, annexed to the present report, which it recommends that the Council adopt.

II. Petition from the Togoland National Farmers Union (T/PET.6/341)

1. The petitioner states that on 14 November 1954 the Chief Farmer of Jasikan, Mr. Yawo Bani, whose farm is divided by the international boundary, was bagging his cocoa on the British side of the frontier when six Preventive Policemen arrested him and his 14-year old son, took them to the Kadjebi Preventive Station and placed them in leg-irons.
2. On 20 November, the man was tried and fined £150. Twenty-five bags of cocoa belonging to the farmer and valued at £87:10/- were confiscated.
3. The petitioner requests that the Administering Authority be enjoined to return the fine and the cocoa to the farmer.
4. In its observations (T/OBS.6/13), the Administering Authority states that Mr. Yawo Bani was seen by a customs preventive patrol to be bagging his cocoa into new unmarked bags on his farm, near, but not on the frontier. Since all cocoa in Togoland under British Administration must be bagged in Cocoa Marketing Board bags and marked as such, the patrol's suspicions were aroused. Mr. Bani claimed to have obtained the bags from one of the Board's buying agents in Jasikan. A letter found on his person, however, showed the bags to have come from French territory with a view to the cocoa being sold there. Mr. Bani admitted his guilt and although he was given the opportunity for the case to be tried in court he elected to have it disposed of out of court, after investigation by the Collector of Customs, who imposed a penalty of £150 and demanded the forfeiture of the cocoa.
5. The Administering Authority adds that Mr. Bani's son was not handcuffed and that neither Mr. Bani nor his son were placed in leg-irons. Mr. Bani was handcuffed for a short while, while resisting search.
6. The representative of the Administering Authority explained that the farm belonging to Mr. Bani does not extend across the frontier as indicated by the petitioner, but lies entirely within the Trust Territory of Togoland under British Administration.
7. The petition was examined and discussed at the 244th and 248th meetings of the Standing Committee (documents T/C.2/SR.244 and 248).

3. At its 248th meeting, the Committee adopted by 4 votes to none with 2 abstentions draft resolution II, annexed to the present report, which it recommends that the Council adopt.

Annex: Draft resolutions proposed by the Committee

I. Petition from the Togoland Cocoa Farmers' Committee (T/PET.6/338/Add.1)

The Trusteeship Council,

Having examined the petition from the Togoland Cocoa Farmers' Committee concerning Togoland under British Administration in consultation with the United Kingdom as the Administering Authority concerned (T/PET.6/338/Add.1, T/OBS.6/11/Add.1, T/L.575),

Draws the attention of the petitioner to the observations of the Administering Authority.

II. Petition from the Togoland National Farmers Union (T/PET.6/341)

The Trusteeship Council,

Having examined the petition from the Togoland National Farmers Union concerning Togoland under British Administration in consultation with the United Kingdom as the Administering Authority concerned (T/PET.6/341, T/OBS.6/13, T/L.575),

Draws the attention of the petitioner to the observations of the Administering Authority.
