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COMMUNICATION FROM MR. EDWARD LEVY
CONCERNING TANGANYIKA

(Circulated in accordance with rule 21 and supplementary rule F of the rules of procedure for the Trusteeship Council)

To

The United Nations office,
Petition Section.
Division of Trusteeship.

Edward Levy, farmer, Usa River,
Tanganyika Territory, East Africa,

2nd June 1954.

Sir,

I thank you for your letter dtd.16th of April 1954 enclosing the Observations of the U.K. Government as Administering Authority.

2) I will answer these observations below. Before doing so I hereby state that anything said in defence of my just claim and my injured interests is not intended to criticise or to slight the Administering Authority and should under no circumstances suggest that I could fail in my loyalty and respect to the administering Government.

3) The following facts have been either admitted or not disputed.

- a) The sum of £25.000 which amount represents a modest estimate of my loss.
- b) That during a period of 10 years I was deprived of my property.
- c) That during this period from 2nd September 1939 until the 5th November 1949, It was "vested" in the Custodian for enemy property.
- d) That within no time after vesting in the Custodian and after my and my family's removal; the farm had been stripped entirely and reverted to wasteland in which condition it was "revested" to me.
- e) That although wrongly considered an enemy alien "I was considered unlikely to engage in anti-allied or subversive activities."

4) There are however two legal questions which need some comment because of the rather contradictory statements of the Authority.

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It is admitted that I was a "naturalized German" only. It is not disputed that I was by birth either a stateless person or a Luxembourgian. Luxembourg certainly is my birth place and my home country. I refer to my petition in which all details have been given. A British naturalized person can be statutory deprived of British naturalisation and therefore nationality by naturalization and so can a "German naturalized" person. The fact that the German "Ausbürgerungs gesetzte" have not been recognized by the British Government and Jewish refugees stood for a long time before the dilemma of being required by British authorities to produce a valid German passport which they could not get, does not change anything on the fundamental rules of reciprocity. Whereas a born German could not rightfully be deprived of his German nationality, a naturalized German could in analogy at least to British Law. I therefore have been treated as an enemy alien unlawfully. At the time of my internment I had severed all connexions with Germany already for ten years. I had definitely settled in Tanganyika, a mandated territory under British administration.

The observation ends with a general comment on the method of confiscation of enemy property and it is suggested that "I am in error by thinking that the Custodian held the property of mine in trust". The English Law recognizes a variety of trusts which are if not created expressly, either implied i.e. inferred from the conduct of the parties and the circumstances of the transaction, or constructive trusts even against the intentions of the constructive trustee. The Custodian is, as far as I know, a statutory trustee, a custodian trustee appointed by the Custodian Ordinance. He is a public trustee and the Government is responsible for any loss due to his administration. My property has been "vested" in the Custodian and this legal term in itself, used only in the Law of Trust, should support my standpoint sufficiently. However the conduct of the Custodian throughout the vesting period was such that a relationship of trust must be inferred. I have only to refer to the observations of the Authority. It appears plain from "the history of the property until revestment". The "history", by using apparently every scrap of paper in my Custodian file, is very meagre for 1939 and 1940 and ends practically there because in 1941 my farm had as good as disappeared.

.... I attach here a clipping out of the East African Standard dtd. 28th of

November 1941^{1/} which came lately into my hands. It is of an unknown source and did little justice to my predicament. It is however an objective report of an interested party which could not take advantage of my situation.

What says the "history" as far as conduct of the parties is concerned. I am supposed to have told the Custodian that I was "satisfied with the administration". I was given "statements of accounts". I have been "paid a cheque" from my credit account with the Custodian. "I have been given permission to run the farm with my own personnel." "I received permission to remove my cattle". The Custodian arranged that "payment of my freehold fees was made". I am able to complete this picture of a trusteeship at any length but I am certain that the admissions of the Authority alone cannot leave any doubt that the relationship between me and the Custodian was that of a beneficiary and a trustee.

6) I trust I have convincingly and rightfully stated by now that I was neither an Enemy Alien nor that my property has been confiscated by the Government of Tanganyika. No such decision in whatever form has been made by the Government nor have I been informed of such decision. What has been done was some improvisation by force of which the proximate executors, who knew me well, were rather ashamed, but had not the civil courage to say so. Once caught by the executive machinery of the Government and locked up, I had helplessly to witness the waste and destruction of my property. I could not make any sense of the whole action and the only persons who had some advantage of it were those who participated in one or the other way in the liquidation of my property.

7) For the first time I now learned that I have been by end of July 1940 removed from my farm "for military reasons in protection of the Great North Road", which is about 20 km far from my farm. When I was removed from my farm at the outbreak of the war in September 1939 and my wife and children were left to look after my property, I was ready to understand this action for the sake of general security. It was just at the beginning of so many unknown things to come and most of the actions were in the hands of people for whom the situation was embarrassing

^{1/} Note by the Secretariat: The clipping referred to above is being retained in the Secretariat and is available to the Members of the Trusteeship Council on request.

and difficult to handle. From a burning house or a ship in danger of sinking are regularly the most trivial things saved first and at the outbreak of wars, since human memory, it is the stranger who provides the unfortunate outlet for energies which have no aim yet. All over the British empire a signal went "intern the lot". After a few weeks I was released from internment camp Dar es Salaam and happily I thanked the Custodian that my family has been left in charge and no major damage done to me. I was already then 64 years of age. I remember distinctly that no man of this age had been interned during the first world war, not even in Germany.

When I was warned at the beginning of July 1940 that I will be interned again, I thought, like everybody in Arusha, it will be just for a few weeks again. I did not dream of the possibility to be removed for 10 years. Now I know it was for the "security of the Great North Road." Anybody who has ever seen the "Great North Road" cannot help laughing at such an idea. I could just as well been suspected of being a danger to the Milky way or the Equator line which passes my farm just a couple of hundred miles away. The military authorities of Tanganyika did not waste one single man on the "protection" of the Great Road which has the quality of a third class country road and in its full length through Tanganyika and Kenya not one technical construction, like bridges, beyond the size of a culvert bridge. The funny thing is, that I have been placed already in 1941 on a farm directly situated on the Great North Road which runs through the farm. It never occurred to me that anybody could be considered a menace to the G.N. Road especially as from 1942 onward, Italian internees from Abyssinia in great numbers were brought to Arusha and worked in the Northern Province scheme and many other Government institutions on the G.N. Road and run daily in tractors etc. over the G.N. Road. There was some sort of military transport movement on the G.N. Road, but how on earth anybody could have engaged in any sort of hostile activities, is a complete riddle to me. The great military transports passed Tanganyika by ships and by air. The African military transports were negligible and mainly military labour units. I was on the Great North Road from 1942 onwards but could not go to my farm which is 20 km away from any next point of the G.N. Road for another 7 years.

8) If the Administering Authority maintains that "lack of money" to maintain my property was responsible for the entire destruction, I trust that no reasonable man can follow this argument. I dare saying that the Custodian would have

succeeded even one Million shillings spending on "administration" of my farm with the same final effect. I was considered one of the best situated farmers in the N. Province. The credit given by the bank was negligible. I could have got at any time any further credits. Left in possession of my farm I would have been to-day a very rich man like one of my next neighbours, a Rumanian Jew, who was never interned and paid by the Custodian to assist in what I may well call, the total destruction of my farm. Eventually my farmland became grazing land for my next neighbour against an annual rent of 400 odd shillings.

I think that from my petitions and the answer of the Administering power the matter can be reasonably assessed. In short, I have been interned unlawfully, I have been deprived of my property senselessly, The Public Trustee for whom the Government of Tanganyika is responsible has neglected its duties and instead to make proper arrangements for the expert management of the farm or to inform Government that he is unable to do so, has done everything towards the entire destruction of my farm land, machinery, outhouses and did not prevent the removal of all chattel, of everything movable from my house.

If in view of the intransigent and unjust attitude of the Administering Authority this petition could not be entertained, against my hope, I hereby submit that my petition is considered and dealt with as a complaint and action taken accordingly.

I am, Sir, yours faithfully

(Edward Levy)

Ref. No. Ms. 50/51/52

GOVERNMENT PRESS,
DAR ES SALAAM,
Tanganyika

19th December, 1952.

Sir,

In reply to your post card dated 15th December, I regret to inform you that the Enemy Property Order, 1939 (G.N.176/39) is now out of print.

I am, Sir,
Your obedient servant,

GOVERNMENT PRINTER.

FOUR GERMAN FARMS

To the Editor, "E.A. Standard"

Sir,- We believe there are four German farms in the Maji a Chai, Usa, area, which have been abandoned by the Custodian.

A member of the Committee visited two of these farms, which used to be known as "Levi's", and "Von Khlorenthis". In the case of the former farm, the store house and outbuildings are being looked after, but in the latter case, the house and out-buildings have been stripped of all tin, doors, and ruins only, left. We understand that the other two farms, which were not visited, have likewise been stripped.

On the two named farms, all the coffee has been up-rooted and the areas are now covered with grass and bush up to 12 ft. high.

Germans had lived on these farms for many years, and, presumably, made a living out of them. They were stocked with cattle and pigs, etc. and many thousands of pounds must have been sunk in them. They are now derelict !

The Custodian sold all the crops including 10 tons of coffee off Levi's farm. The pigs, when sold, fetched 3/- each. All machinery, pulpers, and every moveable asset were sold.

Doubtless, the Custodian thought he could not run the farms himself at a profit, but surely if he had advertised them as rent free, someone would have been willing to take them over and have thus kept them as going concerns, more especially as one of the resolutions passed at a meeting held by the Assistant Custodian of the Northern Province and Members of the Selection Board, appointed by Government, on the 15th February, 1940, was that the main principle to be borne in mind by the Custodian, was the maintenance of the agricultural assets of the Territory, rather than that he should regard such assets as a quick source of revenue to his Department.

Now, many more thousands of pounds will have to be spent if these farms are ever to be occupied again.

Tanganyika,
November 28, 1941.

Yours etc.
COMMITTEE OF SIX.
