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Committee on Administrative Unions

DRAFT QUESTIONS ON THE EAST AFRICA INTER-TERRITORIAL
ORGANIZATION TO BE ADDRESSED TO THE UNITED KINGDOM
GOVERNMENT AS THE ADMINISTERING AUTHORITY OF
TANGANYIKA UNDER BRITISH ADMINISTRATION

After an examination of the various documents relating to the East Africa Inter-Territorial Organization the Committee on Administrative Unions decided to address to the United Kingdom Government as the Administering Authority of the Trust Territory of Tanganyika a list of questions which appears in the final draft to be approved by the Committee, as follows:

I. Organic laws applied for the East Africa Inter-Territorial Organization

1. With reference to Section 5 of the East Africa (High Commission) Order in Council, 1947, concerning the status of the Governors in the High Commission, the Tanganyika African Association had raised the point that the Chairmanship should be in rotation.

(1) Does the Administering Authority envisage a procedure of rotation for the Chairmanship or will it maintain its present position according to which the Governor of Kenya will remain Chairman?

(2) Why was the Governor of Kenya and not the Governor of Tanganyika chosen as Chairman of the High Commission?

2. (1) What is the method of arriving at agreement or at decision in the High Commission?

(2) Is it by mutual consent through internal deliberation or is it by vote?

(3) If it is by majority vote, does the Governor of Tanganyika have some overriding power (or veto) when conditions in Tanganyika Territory are affected?

(4) Does each Governor have the right of veto?

3. To what degree and how is the power of the High Commission, stated in paragraph 2 of Section 4 of the East Africa (High Commission) Order in Council, 1947, to purchase property and to sell movable and immovable property limited and how is it executed in connection with lands?

/4. According

4. According to Section 12 of the East Africa (High Commission) Order in Council, 1947, the High Commission appoints a number of high officers and a number of other officers with powers, duties and functions assigned to them by the High Commission.

(1) What are these officers and what are the powers and functions assigned to them? How are those powers exercised?

(2) Where are such officers drawn from?

(3) Are there natives among the higher or senior officers or other members of the staff of the High Commission? If there are, how many are there at each level?

(4) Does there exist any rule proscribing that among the employees there must be a certain percentage of persons indigenous to Tanganyika?

5. Section 9 (d) of the East Africa (High Commission) Order in Council, 1947, states that the High Commission shall have powers "to appoint such advisory and consultative bodies as it may think fit in respect of any matter which is subject to the control of the High Commission or is of common interest to the Territories".

(1) What are the consultative or advisory bodies already established? What are their basic instruments?

(2) What is their composition and how is their membership recruited? Does the membership of advisory and consultative bodies include residents of Tanganyika and to what degree?

(3) What are the powers and functions of these bodies?

(4) What development and evolution is contemplated for these or any other bodies to be established in the future?

(5) What is meant by "common interest" and who decides what is "common interest"?

(6) Is it intended to include among matters of "common interest" any other matters which are not included in the three schedules?

6. Have there been cases where the East Africa Central Legislative Assembly's opinion was contrary to that of the High Commission and where the Secretary of State for Colonies sustained the East Africa Central Legislative Assembly, over-ruling the High Commission?

7. To whom are the representatives of the Tanganyika Legislative Assembly responsible for the decisions taken in the East Africa Central Legislative Assembly? Do they have the opportunity to consult the Tanganyika Legislative Assembly concerning such decisions?

8. Are the representatives of the Tanganyika Legislative Assembly in the East Africa Central Legislative Assembly free to abide with the decision
/of the

of the Tanganyika Legislative Assembly? What are the guarantees that these representatives act in accordance with the wishes of the Tanganyika Legislative Assembly?

9. (1) How is it anticipated that members of the East Africa Central Legislative Assembly and subsidiary bodies of the High Commission will be paid or supported?

(2) Do they depend on the High Commission, on measures taken by the territorial legislatures, or on other measures?

10. Part I, Section 3, of the East Africa (High Commission) Order in Council refers to the duration of Parts III and IV. Does the Section mean that, in the event the East Africa Central Legislative Assembly should cease to operate after four years the High Commission would continue to function?

11. Part IV, Section 45, of the East Africa Order in Council contains a provision regarding additions to lists of scheduled services. What is the precise meaning of the expression "substantial opposition" in that section?

12. What is the basic reason of the United Kingdom Government for setting up the East Africa Inter-Territorial Organization? Why is it that the United Kingdom Government deemed it necessary to set it up at this particular moment?

13. In the event that the East Africa Legislative Assembly or the local Legislative Assembly of Tanganyika are opposed to certain legislation, what steps does the Administering Authority propose to take in order that such legislation should not be put into force without the previous consent of the Colonial Secretary?

II. Characteristics of administrative and political union in general

14. The Administering Authority has stated time and again, in the annual report and in verbal statements of its Special Representative, as well as to the Visiting Mission, that inter-territorial organization is neither inter-governmental fusion nor closer political union.

Would the representative of the Administering Authority kindly explain these terms?

15. Section 28 (1a) of the East Africa (High Commission) Order in Council, 1947, states that "it shall be lawful for the High Commission with the advice and consent of the Assembly to make laws for the peace, order and good government of the Territories, in respect of the matters specified in the Third Schedule to this Order".

Is it to be understood that such laws which the High Commission is authorized to make and put into effect may, in addition to their administrative implications, have strictly political implications?

/III. Data

III. Data pertaining to the compatibility of the East Africa Inter-Territorial Organization with the provisions of the Charter and with the Trusteeship Agreement

16. It is stated in Section 3, paragraph 6 of the Instructions to the East Africa High Commission that "the Commission shall not, without having previously obtained instructions through a Secretary of State, assent to any Bill....the provisions of which shall appear to the High Commission to be inconsistent with the obligations imposed on us by Treaty".

Does the Administering Authority consider that the Trusteeship Agreement is included among such Treaties?

17. How would the Inter-Territorial Organization in the opinion of the Administering Authority affect the development of free political institutions suited to Tanganyika referred to in Article 6 of the Trusteeship Agreement and the progressively increasing participation of the inhabitants in advisory and legislative bodies and in the government of the territory both central and local?

18. How would the provisions of Article 5 (c) of the Trusteeship Agreement relative to the maintenance of peace and security and authorizing the Administering Authority to make use only of volunteer forces, facilities and assistance from Tanganyika, be affected by the Inter-Territorial Organization? (See Item 4 of the Third Schedule and Item 18 of the First Schedule of the East Africa (High Commission) Order in Council, 1947).

19. How will the provisions of the Charter and of the Trusteeship Agreement relating to the respect for human rights and the fundamental freedoms for all without distinction as to race, sex, language or religion, be affected by the Inter-Territorial Organization (with special reference to Article 76 (c) of the Charter and Articles 12 and 13 of the Trusteeship Agreement)?

20. How can the principle of equal treatment in social, economic and commercial matters, as well as in the administration of justice for all Members of the United Nations and their nationals, as stated in Article 76 (d) of the Charter and Articles 9, 10 and 11 of the Trusteeship Agreement, be fully preserved in practice within the union?

IV. Effect of the East Africa Inter-Territorial Organization on the exercise of functions of supervision by the United Nations

21. Does the High Commission and the organs thereunder function in accordance with principles and objectives contained in Chapter XII of the Charter and in the Trusteeship Agreement in so far as matters relating the Trust Territory are concerned?

/Does

Does the constitutional position of the Governor of Tanganyika in the High Commission differ, in view of the provisions of the Charter and of the Trusteeship Agreement, from that of the Governors of Uganda and Kenya?

V. Effect of the East Africa Inter-Territorial Organization on the political and administrative organization of Tanganyika

22. Is there any provision or method whereby the territorial legislature can inform the East Africa Central Legislative Assembly of its views on a bill?

VI. Implementation of the common services of the East Africa Inter-Territorial Organization upon the development of Tanganyika

23. What benefits do the native inhabitants of Tanganyika derive from the East Africa Inter-Territorial Organization? What benefits do the Europeans in Tanganyika, Kenya and Uganda get from such an organization?

VII. Consultation of the indigenous population

24. The Administering Authority stated that the Inter-Territorial Organization is experimental in nature. The duration of Parts III and IV of the East Africa (High Commission) Order in Council, 1947 is limited to a period of four years. It has been admitted by the Secretary of State for Colonies that there has been strong opposition among the African inhabitants of Tanganyika against any form of closer union, especially with Kenya, which might lead to political union. (Report of the Visiting Mission to Tanganyika Territory, page 57).

(1) Will the indigenous inhabitants of Tanganyika be given an opportunity to express their opinion regarding the continuation of the East Africa Central Legislative Assembly, its composition, powers and functions?

(2) How will the indigenous inhabitants express their opinion?

(3) May it be assumed that if there is substantial opposition on the part of the indigenous inhabitants, that the whole scheme, i.e. including Parts II, V and VI of the Order in Council 1947, may be reorganized or abolished?

(4) The Tanganyika Legislative Council is composed of four African, three Asian and seven European unofficial members and of 15 official members. The Administering Authority has stated that the number of African and Asian representatives will be increased.

Will there be a great increase in the number of these representatives and, if so, will it take place by 1952?

(5) How will the provision of Section 45 of the East Africa (High
/Commission)

Commission) Order in Council 1947 enabling the High Commission to add other services to the list of common services he applied?

VIII. Economic

A. Effect of the economic policy under the East Africa Inter-Territorial Organization on the development of Tanganyika

25. Does the Legislative Assembly of Tanganyika have any power at all over the finance, management and projects of the self-contained services? If so, how is such power exercised?

26. Given that the opposition of certain sections of the population of Tanganyika seems due to fear of too great economic influence on the part of Kenya Colony on Inter-Territorial Organization, what measures does the Administering Authority contemplate taking to protect Tanganyika economic interests?

27. What economic advisory bodies of the High Commission are in existence? The East African Industrial Council serves as an advisory body. It has the power to decide what industries are to be established in each area. At the present time, its licensing power is limited to certain categories which may be later increased or decreased. A person who desires to manufacture for sale in Tanganyika must obtain a manufacturing licence not from the Government of Tanganyika but from the East African Industrial Council.

In what way does the Administering Authority intend to ensure that the implementation of the East African Industrial Council does not adversely affect the development of industries in Tanganyika?

At the same time, there are other advisory bodies, such as the East African Production and Supply Council dealing mainly with agriculture.

How do these bodies influence the policies affecting agricultural and industrial production in the three territories? What is the composition and recruitment and what are the precise functions of these various Councils?

28. It is apparent that with respect to certain services, for example, the Industrial Council, the Production and Supply Council, and the Railways and Harbours Administration, that the High Commission has powers of legislation that involve or touch upon economic policy. Would the Administering Authority give in concrete terms its opinion as to what economic advantages would accrue to Tanganyika through the placing of these policy decisions in the High Commission?

29. How will the amalgamation of services and the legislation common to the three territories, as envisaged in the Order of Council, affect the economic advancement of the inhabitants of the Trust Territory?

/30. According to

30. According to the report of the Visiting Mission to Tanganyika the amalgamation of the railways and ports services may divert the trade of Northern Tanganyika to Membassa at the expense of Dar-es-Salaam. Kindly explain the effect of the amalgamation upon the development of trade and communications of Tanganyika.

B. Effect of the East Africa Inter-Territorial Organization on the application of the equal treatment provision of Article 76 (d) of the Charter.

31. Since Kenya and Uganda are not bound by the equal treatment provisions of the Charter and the Trusteeship Agreement pertaining to Tanganyika, are special steps being taken by the Administering Authority to ensure the fulfillment of those provisions with respect to Tanganyika in any economic, commercial or social matters within the purview of the High Commission?

C. Effect of the East Africa Inter-Territorial Organization on the fiscal policy of Tanganyika

32. The conversion of certain services into "self-contained services", for example, the Railways and Harbours Administration and the Posts and Telegraphs Department would apparently deprive Tanganyika of considerable revenue and the power to expend such revenue, thereby directly affecting the fiscal policies of the Trust Territory and indirectly affecting social and educational policies. Would the Administering Authority comment upon this?

D. Effects of the common customs policy on Tanganyika

33. The Central Development Commission of Tanganyika has observed that the secondary industries in Tanganyika are not well developed and that the existence of customs agreements has tended to hinder the development of secondary industries in Tanganyika. In Kenya these are more developed. At the same time it has observed that because of existing customs unions Tanganyika has lost much revenue. It has also stated that economic union cannot exist without political union. Will the special representative clarify this and give figures concerning secondary industries in Kenya and Tanganyika in order to show that the customs union does or does not tend to discourage the development of secondary industries in Tanganyika? Are there measures the Government of Tanganyika itself may take for the protection of secondary industries in Tanganyika?

IX. Social

A. Application of international conventions in Tanganyika and other dependant territory(ies) forming the East Africa Inter-Territorial Organization

34. Will the establishment of the Administrative Union and the East Africa High Commission affect in any way the application of international conventions to Tanganyika?

/35. What will

35. What will be the effect of the union on the social advancement of the inhabitants of the territory (working conditions, hygiene, health, social insurance)?
36. Will the proposed union have a favourable effect on the educational advancement of the inhabitants? (See Articles 12 and 13 of the Trusteeship Agreement).
37. Given that the opposition of the indigenous population of Tanganyika seems due to fear of the unfavourable social influence on the part of the white settlers of Kenya, what measures does the Administering Authority contemplate to ensure the social advancement of Tanganyika under the Inter-Territorial Organization?

B. Comparison of social structure

38. What are the numerical data of the population of Kenya, Uganda and Tanganyika? What are the figures in each of the three territories of the indigenous inhabitants, the Europeans and the Asiatics?
39. Is it possible to have the figures showing the participation of the indigenous inhabitants, the Europeans and the Asiatics in the agricultural, industrial and commercial enterprises in each of the three territories?
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