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PART III

OBSERVATIONS OF INDIVIDUAL MEMBERS OF THE COUNCIL.

I. GENERAL

General Advancement

The representative of the Philippines paid tribute to the Administering Authority for the progress which, though limited, had been achieved in some fields of the Administration. He felt however that the success of Trusteeship in Tanganyika would be gauged by the degree to which the people of the Territory had advanced towards self-government or independence.

The representative of China noted with interest the measure of progress, which though limited and slow, had been achieved by the Administering Authority in all aspects of the Administration during the year under review.

The representative of Iraq was pleased to note that there were promising signs of achievement in the Territory. He hoped that the Administering Authority would wholeheartedly co-operate with the Trusteeship Council and take into consideration its recommendations which would aid Tanganyika to achieve self-government and independence.

Implementation of recommendations of the Council

The representative of China pointed out that a large number of the recommendations adopted by the Council at its third session after the examination of the annual report for 1947 had not been implemented by the Administering Authority. His delegation believed that these recommendations should be

reaffirmed by the Council and the Administering Authority urged to accelerate the implementation of the recommendations in question.

II. POLITICAL ADVANCEMENT

General Observations

The representative of China noted with interest the measures and plans of the Administering Authority in respect to political advancement. He felt, however, that the rate of progress was too slow and that the Administering Authority should accelerate its efforts in this direction.

The representative of Iraq, noting with interest the encouragement given to political development, stated that the Administering Authority should take additional measures to promote political progress in the Territory.

The special representative noted the appreciative comments of members of the Council regarding the progress being made in the territory and stressed that at this stage the most important consideration was not speed but thoroughness and good workmanship in laying the foundation for future development.

Inter-Territorial Organization

The representative of China, while noting the repeated assurances of the Administering Authority that the present status and identity of the Trust Territory would be firmly maintained, felt that the Inter-Territorial Organization was more than a purely administrative union and tended towards political union. He believed that in certain respects the establishment of services common to Tanganyika, Kenya and Uganda operated to the distinct disadvantage of the Trust Territory, as, for example, certain aspects of the customs union and the Industrial Licensing Ordinance. He endorsed the hope of the Visiting Mission that the Administering Authority would take steps to remove the disturbing effects of the Industrial Licensing Ordinance and the customs union on the development of industries in Tanganyika. While noting that certain aspects of the Inter-Territorial Organization would be reviewed at the end of a four year period, it was to be doubted whether the handful of unofficial African members, which were a minority in the Legislative Council, would be able to wield much influence on the deliberations on this question. He therefore felt that the present form of the Inter-Territorial Organization was not in accord with Article 5 (b) of the Trusteeship Agreement and that the Council should request the Administering

Authority to adopt measures which would bring the existing administrative union into full accord with the relevant provisions of the Charter and the Trusteeship Agreement.

The representative of China stated also that the Administering Authority before putting into effect any measures which would change, or would be likely to change the status of Tanganyika as a Trust Territory, should consult the Trusteeship Council.

The special representative stated that the Administering Authority must repeat again the categorical assertion that the present inter-territorial organization was strictly within the terms of the Trusteeship Agreement and that it had not the slightest doubt on that score.

The representative of France pointed out that the Visiting Mission stated clearly that the Inter-Territorial Organization was not only permissible but advantageous as far as the technical and scientific services were concerned. He believed furthermore that economically and industrially Tanganyika could suffer no ill consequences from being economically linked with Kenya and Uganda. He felt it was premature to attempt to deduce what the attitude of the inhabitants of the Territory might eventually be towards the administrative union, but in the meantime the Territory should be allowed to profit from the advantages of belonging to this union with the neighbouring Territories.

The representative of the Philippines noted the opposition of the non-official members of the Kenya Legislature to a Bill providing for a railway loan and for the development of railways and harbours in Tanganyika. This opposition, though unsuccessful, appeared to support the fears expressed to the Visiting Mission by Africans and Asians that Kenya influence in the Inter-Territorial Organization was inimical to the independent development of Tanganyika.

The special representative, referring to the attitude of certain unofficial members of the Kenya legislature with regard to the loan for railway development in East Africa, stated that the members in question were doubtless doing what they conceived to be their duty in safeguarding the interests of their own Territory. They had expressed doubts regarding future economic development in Tanganyika and whether it would be such as to enable the Territory to shoulder the responsibility for its share in the loan liability if such a question were to

arise.

The special representative stated that it appeared evident that members of the Council held varying views on the subject of the Inter-Territorial Organization. As far as co-laboration in the economic and scientific fields was concerned there had been no serious objections put forward. Differences of opinion had, however, been stated concerning the political aspects of the present arrangements. He felt confident, nevertheless, that all members would accept the assurances of the Administering Authority in this regard, despite the fears which had been expressed. He stressed that it could not be assumed that inevitably the inhabitants of the Territory would choose the conception of national and political status envisaged for them by the Trusteeship Council. They must eventually make their own decision. However, in the meantime it was the duty of the Administering Authority to make sure that the inhabitants were not deprived of the benefit resulting from inter-territorial co-operation in the scientific, economic and cultural fields.

Constitutional Development Committee

The representative of the Philippines referred to the backward state of political advancement of the indigenous inhabitants of the Territory. He suggested that the Council should note with interest the establishment of the Constitutional Development Committee and should recommend to the Administering Authority that the Committee, in its deliberations, should devote careful and particular attention to the suggestions and recommendations on political advancement made by the Visiting Mission to East Africa and by the Trusteeship Council. He felt that the composition of the Committee should be broadened to include a majority of African members and that African trade unions, political associations and tribal councils should be fully consulted. It was hoped that by this action the Administering Authority would appreciably accelerate the advancement of the inhabitants of the Territory towards self-government or independence.

The special representative remarked that while some criticism had been expressed on the rate of political progress in the Territory all members appreciated the significance of the establishment of the Constitutional Development Committee. He pointed out that this Committee was charged with the consideration of all aspects of constitutional development and that the

question of the introduction of an electoral system to which several members had referred would receive special consideration. At the same time he drew attention to the nature of the problem to be faced in the introduction of electoral systems among the African population at the present stage of their development.

Executive Organs.

The representatives of China and Iraq stated that the Council should recommend that the Constitutional Development Committee should consider the possibility of widening African representation in the executive organs of the Territory.

Legislative Council

The representatives of China and Iraq noted that according to present plans it would be some years before there would be eight unofficial African members on the Legislative Council and that even at that date, the African members would be in a minority. The Council should recommend that the Administering Authority urge the Constitutional Development Committee to consider and adopt measures which would widen African representation on the Legislative Council.

The special representative pointed out that the question of the reconstitution of the Legislative Council and of increased African representation on the Council was a matter which would be considered by the Constitutional Development Committee. Whether or not it was decided to await the final recommendations of the Committee before adding to the present number of African members of the Council, it was the aim to bring the newly constituted Council into being at the earliest possible date, and there was no justification for the remark that according to present plans it would be some years before there were eight African unofficial members on the Council.

Provincial Councils

The representative of Iraq was gratified to note that the first of the Provincial Councils had been established and hoped that similar Councils would be established within the next few years in the other provinces of the Territory.

The representative of France felt that a contradiction existed between

the attitude of some of the detribalised Africans who tended to think in terms of a government embracing the whole of the Territory, and the tribal or village groups who thought in terms of a restricted area. In order to avoid severe political complications the Administering Authority had necessarily to ensure that these two groups found active political expression. The development of tribal institutions was proceeding well. With regard to the development of political representation on a wider basis, the policy of establishing Provincial Councils, though not too well developed at present, was a sound one since it made possible the grouping together of representatives of tribal interests and representatives of those detached from tribal circles. The Council should recommend that the Administering Authority develop the system of Provincial Councils so that they might constitute a link between the local government and the government of the Territory as a whole.

The special representative noted that members of the Council had commented approvingly on the establishment of Provincial Councils. He remarked, without disrespect to the Visiting Mission, that proposals for the setting up of such Councils were under consideration long before the Mission visited Tanganyika. The future constitution of these councils was an important question which would be considered by the Constitutional Development Committee.

Corporal Punishment

The representative of the Philippines commented that the Annual Report did not refer to the number of cases in which corporal punishment had been administered by Native Courts.

The special representative stated that full records of the cases tried in native courts were published. The information contained in the present report appeared to be what was asked for in the relevant question of the provisional questionnaire.

Suffrage

The representative of Iraq felt that a liberal electoral law should be introduced into the Territory.

The special representative pointed out that the introduction of electoral systems was a matter receiving particular attention.

Citizenship

The representative of Belgium considered that some provision was necessary for children born in the Territory of non-indigenous parents to be granted Tanganyika citizenship.

National Consciousness

The representative of the Philippines believed that the Council should state that the full development of national consciousness through a sense of unity and common identity was essential in the evolution of the Trust Territory into a distinct political entity, and should recommend that the Administering Authority foster this development by all possible means such as the intensification of education and the encouragement of common political activities in the Territory.

The representative of Iraq believed that education should be made an effective agency for promoting national consciousness and national loyalty to replace tribal and regional loyalties.

III. ECONOMIC ADVANCEMENT.

General

The representative of Iraq reminded the Council of the serious concern expressed by many delegations during the last session of the General Assembly concerning economic policies followed in certain territories in Africa, some of which seemed to be designed more for the production of raw materials for metropolitan industries than for the economic development of the Territory itself and the raising of the standard of living of its inhabitants.

Participation of Indigenous Inhabitants

The representative of Iraq believed that the Trusteeship Council should study, as a fundamental principle for economic policy to be followed in Tanganyika, the need for a greater participation of the indigenous inhabitants in the management of public and private enterprises engaged in the exploitation of minerals and other natural resources and in the production of basic raw materials, consumer goods, etc. He pointed out that the principle of the paramountcy of the interests of the indigenous inhabitants had already been set out by the General Assembly and was in full accordance with the Charter.

Groundnut Scheme

The representative of the Philippines noted that the high hopes held out for the quick success of the Groundnut Scheme and the great benefits that were to accrue to the inhabitants of the Territory from the operation of the project should be sharply revised in view of the disappointing results obtained so far. These poor results might account for the fact that wages and other labour conditions in the scheme did not appear to have reached a level which would serve as a model for other employers of labour. In these circumstances the Council should maintain its previous resolution requesting information on the progress of the scheme and its effect upon the political, economic, social and educational advancement of the inhabitants of the Territory. It was hoped that this information would be given in the next Annual Report in greater detail than in the 1948 Annual Report.

Land Alienation

The representative of China felt that the Council should squarely face the grave political, economic and social disabilities suffered by Africans as a consequence of extensive land alienation to non-indigenous peoples. It was a matter of record that a group of European settlers in the north of Tanganyika, with the active encouragement of Kenya European settlers, had joined forces with other groups of European settlers throughout Tanganyika to form one European association, advocating a policy of European leadership for Tanganyika. Though the Council had several statements on land policy from the Administering Authority and certain information from the Visiting Mission, the Council had not yet carefully examined the basic issues, economic, political and social, involved in the question of land alienation. He strongly urged therefore that the Council should emphasize the importance of this question and request the Administering Authority to include in its next Annual Report a special section giving in detail an extended discussion on the question of land, including land tenure, extent and nature of alienation and realienation, the period for which such land had been alienated, and to whom, the basis for such decision, relation to the growing needs of the African

population, the manner in which such lands eventually would be returned to the indigenous population, and a discussion of the political, social and other problems involved. With this information, the Council might at its next session consider this basic problem more thoroughly and make whatever recommendations appeared feasible.

The special representative, in reference to the remarks made by the representative of China concerning grave political, economic and social disadvantages suffered by Africans as a result of extensive land alienation to non-indigenous peoples, declared that, as the Annual Report showed, this was a very exaggerated statement. There were a few areas where a land shortage had been aggravated by excessive alienation under the German Administration, but this problem was being dealt with, partly by the reversion of alienated land to tribal use and partly by the opening up of new lands. Referring to the regret expressed by the representative of China that certain Europeans should have formed an association for Tanganyika, he replied that the Territory had long had its Indian, Arab and African associations, and the fact that there was now a European association seemed no more than a natural development. There was no reason why the interests of any other section of the community should be damaged by it. As to the reference to European leadership, he stated that such leadership did and must play a vital part in territorial development, but it was regrettable that reference should have been made in this connection to an isolated statement by one person. Every effort had been made to provide all the information on land policy sought by the Council; if the Council required further information, its request would be met to the fullest extent possible.

Ex-Enemy Estates

The representative of China noted the conclusion of the Visiting Mission that as a general policy all former enemy land should come under African ownership, preferably on a cooperative basis. He felt that the rejection by the Administering Authority of this line of action was not compatible with the increase of the African population and their growing land needs. There appeared to be no insurmountable obstacles to placing these lands under a development corporation as was done by the Administering Authority in the

Cameroons, for the benefit of the inhabitants until such time as they themselves were capable of taking them over. The representative further noted that a small proportion of the ex-enemy lands was being returned to the Tanganyika Africans and that certain areas now unfit for cultivation would be rehabilitated for African occupation and use, but that much of the choicest land proven to be productive would be reallocated to Europeans.

The representative of Iraq felt that the Administering Authority might reconsider the conclusion of the Visiting Mission that, as a general policy, former enemy lands should come under African ownership.

The representative of the Philippines stated that it was a matter of regret that the Administering Authority had not implemented the conclusions and recommendations formulated by the Visiting Mission to East Africa concerning land questions. The observations of the Administering Authority on this part of the Mission's report, were not altogether convincing or persuasive, particularly in respect of the reallocation of many of the ex-German estates to non-indigenous persons. He felt that the problem of population pressure and the needs of the increasing indigenous population had not been fully taken into account by the Administering Authority. He suggested therefore that the Council should take note of the importance of the problem of land usage and land alienation and should request the Administering Authority to submit, in its Annual Reports, full and detailed information and statistics on the disposal of the ex-German land, on other forms of land alienation and any other information which might facilitate the consideration by the Council of this critical question.

The special representative, replying to the suggestion that all former enemy-owned lands should be transferred to African ownership, preferably on a cooperative basis, declared that the Administering Authority, in its observations on the Visiting Mission's Report, had explained that the suggestion was not practical since the Africans did not yet sufficiently understand cooperative principles and practice to apply them to estate management, and that such a procedure would be "economically disastrous." Certain estates, he stated, were being handed over to African occupation but these would be divided up into individual holdings in accordance with the tribal system of land

tenure. The Africans themselves had no intention of running these estates as co-operative enterprises. The reasons for not applying the system adopted in the Cameroons to Tanganyika had already been explained in reply to a written question submitted by the representative of the Philippines.

Mines

The representative of the Philippines stated that in view of the importance, both actual and potential, of mining activities in the Territory it was necessary that the Council should know as precisely as possible the amount of revenue derived from such activities. He felt that the Council should endorse the conclusion of the Visiting Mission that the Administering Authority should be requested to transmit to the Council exact details and precise statistics of revenue from all sources accruing to the Territory's budget from mining operations, together with a statement of the value of mining production and an overall estimate of the mining companies' expenditure and profits.

The special representative noted the requests for information concerning the amount of revenue derived from mining operations. He stated that in answer to a similar suggestion from the Visiting Mission the Administering Authority had drawn attention to the difficulties of assessing the amount of indirect revenue, though information on the amount of direct revenue derived from mining royalties presented no problem. Regarding details of the expenditure incurred and the profits made on mining operations such information was available from the reports and balance sheets of companies which published them, but small private companies and individuals operating on their own account did not publish such documents.

IV. SOCIAL ADVANCEMENT

General Observations

The representative of the Philippines noted with interest that the whole problem of social welfare and development had recently been reviewed and that a special committee had made certain recommendations in this field. The report of this committee and its recommendations would be studied with great interest by the Council.

Labour

The representative of Belgium considered that the Council should note with satisfaction that legislation had been enforced regarding the recruitment of labour and that only 8 per cent of the total number of workers in paid manual employment were recruited during the year under review.

The representative of the Philippines felt convinced that as stated by the Visiting Mission to East Africa and by the Council on previous occasions the wage level in Tanganyika was very low. His delegation felt that the Council should recommend that wage rates should be established at a level which would not only enable workers to meet the expenses of everyday living but would also raise progressively their standard of living.

The Special Representative, referring to the opinion expressed that the wage level was very low, admitted that this was true if judged by certain standards, but that there had been a definite upward trend in recent years, and the desirability of further improvement was fully appreciated. At the present time employers of African labour did not consider such labour "cheap." The African worker would be able to command higher wages as his efficiency and productivity increased with better health and education standards.

The representative of the Philippines stated that it should be noted that the reservation to the application of the Penal Sanctions (Indigenous Workers) Convention concerning the use of abusive or insulting language against an employer by an employee had been withdrawn and was not dealt with under section 89 of the Penal Code which was applicable to all categories of employees without discrimination. He pointed out that no clear answer had been given as to whether this altered the situation in actual fact.

The representative of Iraq suggested that the Council recommend that the Administering Authority abolish all penal sanctions for breaches of labour contracts.

The special representative stated that, in regard to the reference made to the continued retention of the penal sanction for desertion, the possibility of abolishing this one remaining sanction was kept constantly in mind. However, this sanction was retained not merely to protect the employers' interests but

with the idea of inculcating in the African workers' minds a proper appreciation of the responsibilities of a party to a voluntary agreement. There were still some who entered such agreements and accepted free issues with no real intention of fulfilling their part of the contract; action could be taken against such persons for breach of contract in the civil courts of some countries, but such a course would be considered inappropriate and ineffective in Tanganyika at present. He further stated that, as regards the abolition of the penal sanction for the use of abusive and insulting language to an employer by an employee, the action taken to withdraw this penal sanction from the labour legislation did materially affect the situation since the applicability of the section of the Penal Code under which offences of the type in question now fall is not confined to native servants and also there must be action likely to cause a breach of the peace in order to constitute an offence.

The representatives of the Philippines noted the importance of the problem of child labour and the lack of precise information on this subject in the annual report, particularly in relation to actual wage rates paid to child labour.

The representative of Belgium suggested that it might be possible to legally require employers of large labour forces to provide medical doctors for their employees.

Co-operative Unions

The representative of Belgium stated that the fact that the Kilimanjaro Native Co-operative Union had carried out operations to the value of £500,000 during the year under review was a good sign of co-operation.

Freedom of Press

The representative of the Philippines noted that an African-owned press, was all but non-existent in the Territory.

The Special Representative stated that there was complete freedom of the press and no local press censorship. Although there was very little of an independent African press at present, he believed that it would develop in due course.

Racial Discrimination

The representative of China noted the complaints of racial discrimination

made to the Visiting Mission in certain instances by the African population. He considered that the Council should give special attention to this matter.

The representative of Iraq, noting that the General Assembly had recommended the abolition of all discriminatory laws and practices, hoped that the Administering Authority would take steps to eliminate such laws and practices, if any.

The special representative stated that it was the aim of the Administering Authority and the local Administration to take all possible steps to end any form of racial discrimination. In respect to complaints made to the Visiting Mission concerning alleged discrimination in prisons, to which the representative of China had particularly referred, prison conditions were so fully reported on that there was no need for a special enquiry into this question.

The representative of the Philippines noted the inadequate medical facilities and the shortage of medical personnel in the Territory. It was of interest that the Chief Medical Officer of the Colonial Office had recently visited Tanganyika and had made a full report on the medical and health services which would serve as the basis of a complete review of medical policy in the Territory. He pointed out that the recent census had revealed that the indigenous population of the Territory numbered over 7,000,000 and not 5,500,000 as previously estimated. The existing medical facilities should be reviewed in the light of this factor. Furthermore, the cost of equipment and the wage level of medical personnel had risen so that the budgetary increase noted in the 1948 annual report, while worthy of note, might not be as significant as might be considered on first glance. In view of these factors his delegation considered that the Council, whilst noting the review of medical policy undertaken by the Administering Authority, should express its continuing interest in obtaining the fullest details of the policy and its implementation, at the same time maintaining its previous resolution on this subject, as well as the recommendations of the Visiting Mission. It was hoped that a great expansion and development of these services would follow in the near future.

V. EDUCATIONAL ADVANCEMENT

The representative of Iraq expressed his appreciation for what had been done in the field of education. He believed that education formed the foundation for all development in Trust Territories and asked for greater emphasis to be given to education in all its aspects. He suggested that a study should be made of the lasting effects of a four-year primary education and the question of whether it should be increased to a five-year period. He hoped that it would be possible to increase the number of secondary schools which offered a full secondary course, that higher education, particularly the sending of students overseas, would receive greater consideration, and that special encouragement should be given to the education of females. He thought that the segregation of Europeans, Asians and Africans in different schools might perpetuate feelings of racial discrimination and superiority; and he hoped that it would be possible to have racially mixed schools. He stressed the need for educational experimentation and commented that the Administering Authority might profit from the research carried out by UNESCO.

The representative of the Philippines noted the inadequacy of educational facilities in the Territory. He pointed out that taking into account the recent census it would appear that there were many more school-age children in Tanganyika than previously thought. The increase in the educational budget, though notable, should be carefully examined to ascertain what it meant in terms of more and better educational facilities. Attention was also drawn to the very small number of indigenous students receiving full secondary and higher education. With due consideration of the statement of the Administering Authority regarding the dangers of increasing the budgetary allocation beyond the capacity of the Territory to support such an increase from its own revenues, he hoped that education would be viewed as a form of investment which would bring high returns. Furthermore, education was one of the cornerstones of political and economic stability and progress. With the rapid spread of education in Tanganyika, the people would accelerate their advance towards self-government or independence. The problem of educational "wastage" deserved the gravest and most serious attention of the Administering Authority. His

delegation felt that the Council should maintain its previous resolution on education, endorse the recommendations of the Visiting Mission to East Africa and urge the Administering Authority to consider and adopt more vigorous measures to expand primary and secondary education as well as institutions of higher learning in the Territory.

The representative of China hoped that in view of the unquestioned importance of educational advancement as a prerequisite to advancement in all other fields, the Administering Authority would endeavour to overcome as quickly as possible all the difficulties confronting it and take the necessary steps to accelerate the all-round development of primary, secondary and higher education.

The special representative assured the Council that the Administering Authority appreciated the value of education, and how much remained to be done in this field, and that it intended to make every effort to speed up the development programme, particularly in the provision of more schools and in teacher training. He stated that apart from the question of differing standards and cultures, it was difficult to establish inter-racial schools at the present time because primary education was given in the language of each racial group, and only when a greater proportion of the inhabitants of all races could use English as the medium of instruction would there be a prospect of inter-racial education.

Provision of Information concerning the United Nations

The representative of China noted the action the Administering Authorities were called upon to take in order to diffuse information on the aims and purposes of the United Nations and the International Trusteeship System and the existence of its resolution 36 (III) and the General Assembly Resolution 324 (IV). He pointed out that the Council should take the necessary steps to implement the General Assembly Resolution in the case of Tanganyika.

The representative of Iraq hoped that the aims and ideals of the United Nations would receive an appropriate place in all school curricula.

VI. MISCELLANEOUS

Form of the Report.

The representative of China congratulated the Administering Authority on the excellent form of its annual report.