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VERBATIM RECORD OF THE EIGHT HUNDRED AND NINETEENTH MEETING

Held at Headquarters, New York,  
on Wednesday, 19 June 1957, at 10.30 a.m.

President:

Mr. ALEMALES CATLAN (Vice-President)

(Guatemala)

Examination of conditions in the Trust Territory of Tanganyika:  
annual report on the administration of the Trust Territory of  
Tanganyika [43] (continued)

Note:

The Official Record of this meeting, i.e., the summary record, will appear in provisional mimeographed form under the symbol T/IV.819 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

EXAMINATION OF CONDITIONS IN THE TRUST TERRITORY OF TANGANYIKA: ANNUAL REPORT OF  
THE TRUST TERRITORY OF TANGANYIKA (T/1286, 1304, 1317, 1318; T/L.772)

[Agenda item 4a] (continued)

Hearing of Chief Maresalle II, Paramount Chief of the Wachagga, Member of the  
Executive Council, Tanganyika; and Mr. Julius Nyerere, President of the  
Tanganyika African National Union (continued)

At the invitation of the President, Mr. Fletcher-Cooke, special  
representative for the Trust Territory of Tanganyika under United Kingdom  
administration; Chief Maresalle II, Paramount Chief of the Wachagga, Member of  
the Executive Council, Tanganyika; and Mr. Julius Nyerere, President of the  
Tanganyika African National Union, took places at the Council table.

Mr. FLETCHER-COOKE (Special representative): I should like to make  
a few remarks at this stage which I think may help in the questioning of the  
petitioners, because there are one or two facts that I should like to bring to  
the notice of members of this Council.

I should like to take this opportunity to make a few observations on some  
of the remarks made by Mr. Nyerere during his address to the Council yesterday.  
I should like to deal first with his suggestion that the Government of  
Tanganyika has adopted, or proposes to adopt, a partisan attitude as regards the  
forthcoming elections.

Shortly before I left Dar es Salaam, after the elections bill had been  
passed into law, I broadcast to the people of Tanganyika and explained to them  
that, during the next few months, the Government would be publicizing the  
arrangements for the registration of voters and ultimately for the conduct of the  
elections themselves.

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Special representative)

On that occasion I took the opportunity to make it abundantly clear to all concerned that there was one thing that the Government would never do, namely, suggest to the electors for whom they should vote. I stressed that every Government servant, from the highest to the lowest, was specifically prohibited from attempting to influence the electorate, or any individual members of it, as to the way in which they should cast their votes. That is, of course, the policy of the Government of Tanganyika, and I can give this Council an assurance that it will be strictly observed. The Government is, of course, concerned to ensure that the arrangements for the elections are properly organized and that those who are eligible to register as voters, and those who ultimately vote, understand what they are doing. But the Government fully appreciates that it is no part of its task to influence the voters in their free choice of their representatives.

I was a little surprised to hear Mr. Nyerere take exception to some remarks which I made to the effect that the whole purpose of this exercise -- that is the whole purpose of introducing elections -- was to secure the best possible representative members in the Legislative Council. I feel certain that Mr. Nyerere is equally anxious to ensure that members of the Legislative Council in Tanganyika are responsible persons and that they will approach their problems with the long-term interests of the Territory as a whole in the forefront of their minds.

Mr. Nyerere has suggested that the United Tanganyika Party is the Government party in Tanganyika. There are no grounds whatever for this suggestion. And indeed anyone who is familiar with the activities, and more particularly the recent activities, of the United Tanganyika Party will be aware that it has criticized the Government quite severely in recent months. I can, therefore, state as clearly as I am able that the Government has not favoured, and never will favour, the United Tanganyika Party to the detriment of any other political party in Tanganyika; and, indeed, as I have been at pains to indicate during our previous discussions, the Government welcomed the formation of the Tanganyika African National Union in 1954 in the hope that it

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would develop into a strong political party dedicated to a programme of political advancement by constitutional means. That basic attitude remains unchanged, and it is only the Government's primary obligation to take all action necessary to avoid the danger of breaches of the peace that has led the Government to take the action that it has had to take.

As I have already informed members of the Council, the Government of Tanganyika is most anxious to promote the maximum political freedom throughout the Territory, but it cannot countenance activities which are likely to lead to a breach of the peace; and Mr. Nyerere himself fully agrees that the Government has an obligation in this matter. Perhaps I may quote his own words from his broadsheet, The Voice of TANU, its first issue:

"Let me say here that I do not challenge the right of the Government to take necessary action to preserve law and order. The preservation of law and order is certainly Government's first duty, for everything else Government does depends on this."

As I have already informed the Council, the Government of Tanganyika announced on 10 June that it was carefully considering whether, and if so, on what conditions, it could once more safely grant permits for open-air meetings to leaders of TANU.

I should now like to turn to one or two observations which Mr. Nyerere made about the Elections Bill itself.

In the first place, we had a very full debate on the second reading of this Bill and all members of the Legislative Council had the opportunity of expressing their opinions on any and every part of the Bill, and indeed a very large number of them did so; I seem to recall that almost all the African representative members spoke on that occasion. One feature -- perhaps the most prominent feature -- of the debate, as I have already indicated to members of this Council, was the unanimous view put forward by all the African members who spoke, to the effect that the idea of having elections in some constituencies in the first instance, followed by some considerable delay before elections were held for the remaining constituencies, did not appeal to them. But as



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regards the other parts of the Bill, I do not recall that any African, or indeed any other member, suggested the introduction of universal suffrage immediately. It is perfectly true that a number of African spokesmen, when commenting on the franchise proposals as contained in the Bill, indicated that they regarded these as an interim measure which would be subject to review in due course. In any event, having had every opportunity of expressing their views during the second reading, all the African members supported the enactment of this Ordinance.

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representative)

I turn now to a particular point to which Mr. Nyerere referred, namely the property qualification. It is perfectly true that when the Government presented its original proposals for the consideration of the Franchise Committee, the Government suggested, as a possible qualification, proven ownership of property, moveable or immoveable, of not less than £500 in value. I might interpolate here that perhaps Mr. Nyerere may inadvertently have left the Council with the impression that the Government's suggestion of a property qualification related to property of a value of £150. This is, of course, not the case and as I have just indicated, the figure proposed was £500.

Although this is not specifically referred to in the Committee's report, it is my understanding that the Committee decided to omit the property qualification in its recommendations to the Government, partly because it believed, and I think rightly, that it would give rise to considerable administrative problems if a potential voter had to satisfy the proper authorities that he possessed property, both moveable and immoveable, to a value of not less than £500, and partly because the Committee believed that having reduced the income qualification from £200 a year to £150 a year, a separate property qualification at that level would be superfluous as being unlikely to embrace any appreciable larger number of voters.

I might draw the attention of the Council to the comment made on this point in the Governor's dispatch to the Secretary of State. He said:

"The residential qualification is raised from one year to three years" -- a point to which I have already drawn attention -- "and the property qualification, having regard to the lowering of the income qualification and to the intractable difficulties in Tanganyika of determining and valuing property, is dispensed with altogether."

In commenting unfavourably on the Committee's recommendation to the Government that the property qualification of £500 should be omitted, Mr. Nyerere made the statement that the Committee's report had in fact decreased rather than increased the number of potential African electors. This is, I can assure the Council, quite untrue, because although, for the reasons which I have indicated, the Committee decided not to recommend the property qualification, it did recommend the following substantial changes in the Government's original proposals: first,

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that the age limit for voters should be reduced from twenty-five to twenty-one, perhaps the greatest increase in the African electorate proposed by the Committee. Secondly, the lowering of the educational standard from XII to VIII, which obviously increased substantially the number of potential African voters. Furthermore, the Committee reduced the income qualification from £250 to £150 a year, which also broadened the African electorate. Finally, the Committee caused to be very considerably expanded the original office-holder qualification, and the Committee's recommendations themselves have been further expanded by the Government since the Committee's recommendations were received.

These substantial changes in the matters of age, education and income of voters, together with the expanded office-holder qualifications, have most certainly increased the number of African voters above the number which would have been qualified to vote in the Government's original proposals. In particular, the inclusion in the Committee's recommendations of clan and kindred group heads as office holders has added to the African electorate a number of African voters which I believe will run into several tens of thousands. Mr. Nyerere appeared to dismiss this as being of no great significance.

Mr. Nyerere suggested that the educational income and office-holder qualifications will largely overlap. To a certain extent he is perfectly correct, as most of those who have achieved standard VIII are capable of entering employment carrying a salary scale of up to or even exceeding £150 a year, and similarly those members and former members of the major bodies included in the office-holder qualifications are likely to be qualified by virtue of their educational standard or income. But it remains a fact that the office-holder qualification, particularly as regards membership of the minor bodies referred to herein and more especially the provision covering clan and kindred group heads, will bring in many thousands of Africans who will not otherwise have qualified for the vote, and Government regards the inclusion of these additional voters, many of whom have not had any formal education, as an important broadening of the electorate without impairment of its quality.

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representative)

I do not propose to enter into any discussion with Mr. Nyerere about the events which occurred subsequent to the delivery of his speech in Dar es Salaam. I must repeat the point that Government was perfectly satisfied from all the evidence available to it -- and the speech was heard by a number of senior and responsible Government officers -- that there would have been a great risk of a breach of the peace if more speeches similar in content and tone to those delivered in Dar es Salaam and Moshi had been permitted elsewhere in the Territory.

I should only like to add one further point. Mr. Nyerere made a great deal of play yesterday with the contention that he offered to make a transcript of the tape recording of his Dar es Salaam speech available to Government on condition that -- and I repeat, on condition that -- Government gave him in writing the remarks which he was supposed to have made but which he claims he did not make during his Dar es Salaam speech. Perhaps I may quote his own words on this point from the fifth issue of his broad sheet, The Voice of TANU:

"Later" -- and of course Mr. Nyerere is therefore referring to the period after his interview with the Chief Secretary -- "a senior officer from the secretariat accompanied me to listen to a tape record of the Dar es Salaam speech. I offered to hand over my recorded speech to Government to tape-record it themselves for further study. But I also said that I would like to have in writing the things which I am supposed to have said and which it is clear now I had not said."

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representative)

There is no condition mentioned here, and I was not aware that any condition was ever involved until I heard it from Mr. Nyerere yesterday. The fact is that the tape recording has never been given by Mr. Nyerere to Government. I mention this merely because I believe that it would be profitless to pursue here a discussion of these matters which are clearly matters of fact which can only be established in Tanganyika.

I would like, if I may, to take this opportunity before the general debate starts to give some facts and figures in response to requests made by members during our earlier discussions.

The representative of India, I think it was, asked whether I could give him a breakdown by races of those who pay personal tax and income tax. But as I indicated to him at the time -- and I have since had this confirmed by the Government of Tanganyika -- tax receipts from both personal tax and income tax are not classified according to the racial origins of the taxpayers. I very much regret, therefore, that it is impossible to give any breakdown of the figures.

I think it was the representative of China who asked whether any societies other than the TANU branches to which we referred earlier in the discussion had been refused registration. I find that there are two such societies. One was a small society which was refused registration because it had less than ten members. And the other one, a Shamba supported by the Citizens Union Lushoto, was refused registration because of its very close association with TANU in Lushoto. The Council will recall that the Lushoto branch, for the reasons which were set out in the paper which I previously circulated, was one of the TANU branches which was refused registration.

I believe again it was the representative of India who asked whether I could give him any estimate of the membership of United Tanganyika Party. I am informed that the estimated membership is 10,000, of whom 60 per cent are Africans, 30 per cent are Asians and 10 per cent are Europeans.

The representative of India also asked me how many Africans had passed standard 8. This examination was first instituted in 1950. Since that date some 22,000 boys and girls have completed standard 8 and prior to that date -- that is, between 1945 and 1950 -- some 2,000 students reached a level which was equivalent to the standard 8 level.

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The representative of India also asked whether I could give him any indication of the number of Africans with an income of £100 a year and the number of Africans with an income of £200 a year. Once again I must inform the Council that those who pay personal tax on the basis of these incomes are not recorded according to their racial origin. It is therefore impossible to distinguish which of the taxpayers who pay at these two levels are in fact Africans. I can, however, give the total figures in which the representative of India may be interested. At the £100 a year level, the total figure is 37,263, and at the £200 a year level, it is 37,280. I must, however, make this particular point clear -- namely, that these figures include only those who actually pay their personal tax. They do not include all those who should pay their personal tax.

The representative of India also asked for a breakdown of the population figures by provinces. These I have had prepared and circulated for his information and for the information of the other members of the Council.

My last point relates to a question by the representative of Syria about assistance from the International Bank to Tanganyika. In the first place, no assistance has been sought from or granted by the International Bank specifically for Tanganyika. But there is one case, and it is the only one, of assistance received from the Bank which concerns Tanganyika in the sense that this loan of \$24 million was made by the Bank in 1955 to the East Africa High Commissioner for Railways and Harbour Administration. The loan was granted towards a £37 million project for rail, harbour and road transport development in Kenya, Uganda and Tanganyika, which was carried out during the four years 1954-57. The funds provided were applied to the purchase of new locomotives, rolling stock, of a value of approximately \$6 million in Tanganyika, and the balance, of course, was spent in Kenya and Uganda. The repayment of this loan is guaranteed jointly by the three East African Governments as well as by Her Majesty's Government.



U PAW HTIN (Burma): The statements made by the two petitioners were indeed invaluable. Each petitioner in his own right presented an authoritative opinion of a large section of the advanced African population. Each of them, I find, speaks with authority. We are therefore grateful indeed to both of them for the information they have been able to provide to the Council during its examination of the conditions in this Territory.

I would like to put a few questions to each of them in turn. First I would like to address my questions to Mr. Nyerere, the President of TANU. The petitioner, Mr. Nyerere, in his statement which he made yesterday, indicated that the Government of Tanganyika treats his organization as a revolutionary party which has stirred up racial feelings and bitterness in the Territory. However, Mr. Nyerere refutes such an idea and explains to us that, on the contrary, his organization believes in gradualness and is serving the cause of racial understanding. I would be grateful if the petitioner would give me a general idea of the organization of his party, its aims and aspirations, the principles for which it stands and especially the line it intends to pursue during the coming elections. In this answer I would particularly wish to have him tell us whether there has been any change in the policies pursued by his organization since last year.

Mr. NYERERE: The aims and objects of my organization are stated in our Constitution. We are constituted as a democratic organization and our main purpose, as stated in this pamphlet, is to work for a democratically self-governed State in Tanganyika. We believe in democracy; it is our aim to achieve a democratic, self-governing State in Tanganyika and we intend to reach this objective through constitutional means.

It has been suggested that since the beginning of our organization we have departed from this objective of pursuing our aim by constitutional means. I think it is up to the people who make this claim to prove conclusively that we have departed from this objective, because we have not in fact departed from it. We have been more critical of the Government and this has never pleased the Government, but we are determined to pursue our aim to achieve self-government by constitutional methods. I hope I have answered that question.

U PAW HTIN (Burma): I would like to know more of the party set-up with regard to its affiliated branches in the districts.

Mr. NYERERE: Our organization is centrally controlled by a body called the National Executive which consists of two groups of members: first, the ex officio members who are the provincial chairmen of our provincial organizations. These are elected by our provincial members themselves at an annual provincial meeting. As soon as a member has become provincial chairman he automatically becomes an ex officio member of the National Executive. The other section of members of our National Executive is elected by all the delegates, who meet annually at Dar es Salaam; they elect the other half of our National Executive.

The National Executive has a working committee which we call the Central Committee in Dar es Salaam. This working committee of nine members is appointed by the President, who is elected by all the representatives at the annual meeting. The Central Committee carries out the day-to-day work of the organization. We have provincial committees which are elected by our provincial delegates from the branches. We have district branches which have district committees which are, in turn, elected by the members of the different districts. We have sub-branches

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within the districts and we have generally organized all our branches according to the administrative division of the country, that is, on the basis of district to province to Territory. Lower still in the district we have sub-branches which have sub-branch committees elected by the members themselves.

U PAW HTIN (Burma): I would like to ask the petitioner the approximate number of the membership in his party.

Mr. NYERERE: Our organization now has a membership which we estimate -- I must emphasize the word "estimate" -- to be between 150,000 and 200,000 members.

U PAW HTIN (Burma): I would like to ask the petitioner whether he thinks his party is gaining in membership. I ask this question because I have the other party, the UTP, in mind and we are told that this party is growing in membership at the rate of 500 members per month and I would like to know how this figure compares with his own party's membership.

Mr. NYERERE: Our membership is still growing and is growing very rapidly. When I spoke to the Fourth Committee last year our estimate of membership was 100,000. When I returned home I realized that I had made a very great under-estimate of our membership. As I have said, our membership now is roughly between 150,000 and 200,000. This membership is continually and very rapidly growing and we are certain that nothing can happen to stop this growth in membership. I would not like to make any comparison with the UTP because I do not believe that it has a future in Tanganyika.

U PAW HTIN (Burma): I would like to know from the President of TANU his party's relationship with the Asian Association.

Mr. NYERERE: We have no formalized relationship with the Asian Association. The Asian Association, as its name implies, is an association of Asians and it is a separate organization from TANU. But there is something

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remarkable and perhaps unique in Tanganyika and that is that this organization, which is a racial organization in membership, like our own organization, stands virtually for the same principles as we stand for. It would like to see introduced into Tanganyika universal adult franchise immediately. It would like to see fears removed about our country becoming in future a democratic state. So that in the sense that the Asian Association and TANU believe in the same principles of democracy and in the same principles of removing fears about the future of our country, we have a closeness which I think is unique.

Perhaps it is also significant that when Government -- particularly in answer to the statement that I made to the Fourth Committee last year -- refers to this organization in a manner which would belittle what the Asian Association means in Tanganyika, it must be emphasized that this organization is the only political organization of the Asian in Tanganyika apart from very small ones which are largely communal in character. This one, although it is true its membership may be largely from the Hindu community, has members of the Ismaili community although in smaller numbers. I think it is important and speaks well for the future of Tanganyika that this organization which is racial in membership, has so much in common with my own organization.

Sir Andrew CORN (United Kingdom): While I appreciate the point that the petitioner has been making, I think he would agree with me that in point of fact there would be many sections of the Asian community which would not regard this particular organization as representing them at all, although I quite appreciate the point he has just made about the views of the Asian Association.

U PAW HTIN (Burma): I understand that a large section of the Asian Association is opposed to the UTP but, paradoxically, we learn that there are more Asians in the UTP than in the Asian Association -- this is claimed by the UTP. I wonder if Mr. Nyerere can explain this unusual situation.

Mr. NYERERE: I cannot explain it because it is a matter for the Asian Association itself to explain. In fact, we did not know until now that the United Tanganyika Party claims about 10,000 members in the country and that 30 per cent of these are supposed to come from the Asian group. I do not know whether this 30 per cent of the 10,000 members, that is 3,000 members of the UTP, are more than the membership of the Asian Association. That is something which I cannot say. The only thing that I can say is that, as an organization it is truly a small organization in membership, but it is the one organization which has a cross section; it has members of the Hindu community and a few of the Ismaili community.

U PAW HTIN (Burma): Mr. Nyerere expressed his intention to participate in the forthcoming elections. However, at the same time he expressed the feeling that the elections would not take place on a free and fair basis. That is what I understood from his statement. Among other things, he gave us to understand that this was because of the fact that the Tanganyika Government has regarded the United Tanganyika Party as its favorite. I should like to know what justification he has for making such a statement.

Mr. NYERERE: If I may, I would like to thank the representative of Burma for asking me that question, because it allows me to comment on what the special representative has said about some of the points of the statement which I made yesterday. I said that the Tanganyika Government has taken a partisan attitude towards the two political organizations in the country, and I do not withdraw that statement. In appointing members to the Franchise Committee, the Tanganyika Government appointed five members of the UTP, a member of my organization, it is true, and two others who are not members of the UTP. In the answer which Government prepared to my statement in the Fourth Committee, it is clear that its reference to the UTP was almost a defence of that organization.

In Tanganyika today there are these two parties and propaganda is carried out in the country to the effect that TANU consists of irresponsible and selfish people who are threatening the Native Authority, threatening peace and order, and all of that. We have reached the point in Tanganyika where the United Tanganyika Party, a small party, can claim that it has several chiefs -- chief so-and-so,



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chief so-and-so and chief so-and-so -- whereas TANU -- at least this appears on the surface -- dare not even claim that it has chiefs in the organization. Although the UTP has no fears about declaring its chiefs, and I think chiefs in Tanganyika can freely join the UTP and perhaps expect an MBE and an OMOBE, a chief has to be extremely careful about declaring his membership in TANU, because he knows that this would not be looked at with favour by the Government.

For example, before leaving Tanganyika a person travelled hundreds of miles to see me. He had been sent to me by two chiefs who had been discovered by the district officer of the area to be members of TANU. These chiefs were harassed by the district officer. This man was sent to Dar es Salaam to bring this fact to my notice. They gave him their membership cards which I have here with me.

I am saying that through the attitude which Government has taken in closing my branches -- they have so far closed ten branches since we started -- in banning me from making public speeches, in propagandizing in a way that chiefs can freely join the UTP and fear joining TANU because they might be victimized, Government has taken a partisan attitude towards our political problems. It was in this respect that I quoted Mr. Fletcher-Cooke's statement that voters should vote for responsible people, which, in itself, is an innocuous statement; but when in fact Government has taken an attitude which is clear to the people on which party consists of responsible people and which party consists of irresponsible people, when a Government servant or a Government officer makes that statement he is in fact telling the people how to vote.

U PAW HTIN (Burma): In his statement yesterday, Mr. Nyerere indicated that there is something peculiar in Tanganyika in that there seems to be a trinity of common interests among the press, the Tanganyika Government and the UTP. Could he tell me exactly what this means? What does he mean by "a trinity of common interests"? If there are any, what are they and what is the common feature about these interests?



Mr. NYERERE: I said this because I was banned from making public speeches. I saw the Chief Secretary because I wanted to find out from him the things that I had said which were inflammatory. I did not expect the Chief Secretary to include as one of these things my criticism of the press, because that had nothing to do with Government. I was criticizing the press, and the press ought to have been annoyed and not the Government.

I was also surprised to find yesterday that this has again been repeated in listing the things which I had said in my speech which annoyed the Government of Tanganyika and which were inflammatory.

When we criticize the Tanganyika Government for taking measures against us or for not carrying out the reforms which we think are desirable for the peaceful development of our country, the Government is defended by the press. The press always defends the Tanganyika Government, and the press always defends the UTP against TANU. The UTP, as a matter of fact, is a party which says that it supports Government policy. It is true that recently they have begun to criticize Government because letters appeared in the press from people who asked what was the use of having a party in Tanganyika if all that it was going to do was to support the Government -- the Government can certainly support itself. Recently the UTP felt that they must change and must begin to criticize the Government. But they have this common interest, the common interest in the feeling that TANU is a threat not merely to colonialism as such but to the interests of the non-Africans in Tanganyika.

U PAW HTIN (Burma): Although I said that this was to be my last question, I am tempted to ask another: Is there any community of interests between his Party and the UTP?

Mr. NYERERE: If there is any community of interests between the UTP and my Party, it lies only in this, that I believe that the leaders of the UTP are quite sincere in believing that they represent the interests of Tanganyika; we have that belief in common. We are all sincere about what we are trying to do. On the other hand, I feel that the UTP is doing things that may not be in the interests of the country. For instance, we are suggesting a change in the Constitution and our opponents say that this change would mean the domination of the non-Africans by the Africans and that this would be undemocratic. The UTP wants to see the Constitution maintained, I do not say indefinitely but certainly for a long time. They claim that they have 80 per cent or 60 per cent of African membership, but on the other hand I doubt whether they are democratically minded enough to give the vote to every African member of their organization. I believe they have a policy which is self-contradictory; they would like to go out into the country and recruit perhaps as many members as we have in TANU, perhaps half a million members, but they would not be prepared to give all those members the vote, although they are prepared to boost themselves through this membership and to make themselves into an important organization in the country. To that extent, I feel that we approach our problems from different points of view. We base our approach to our problems on trust in the masses, we believe that the masses should be given the trust and confidence they deserve and that leadership should come from the people. The people who claim to be leaders should not start by being suspicious or afraid of the masses, which is the attitude the UTP has in Tanganyika.

U PAW HTIN (Burma): I thank the representative of TANU for his replies, and I should now like to address a question to the Paramount Chief. My delegation wishes to welcome the Paramount Chief and we are grateful for the brilliant statement he made to the Council two days ago. I should like to ask him what he thinks about the new constitutional developments, particularly in regard to the parity principle in the Legislative Council, and I would like to know from him what he thinks of this principle and whether it should be introduced in the local councils.

Chief MAREALLE II: In reply to the question of the representative of Burma, I should like to say that we fully realize that the constitutional proposals put forward by the Tanganyika Government are merely temporary and, as such, they are acceptable to us. The principle of parity again is accepted, but African feeling is centered around the belief that Africans should get additional seats and that their votes should be equal to the combined votes of the non-indigenous communities. That is a point which I think is still under consideration and has not so far been accepted.

U PAW HTEIN (Burma): The Paramount Chief did not answer the second part of my question. I wanted to know what he thinks of the parity principle in relation to the local councils -- I am referring principally to the District Councils.

Chief MAREALLE II: In some parts of Tanganyika non-African members have been invited to serve on local councils and there has been a lot of discussion about the establishment of county councils in places where that kind of system would be likely to succeed. In my own area, I have had discussions with the area and divisional chiefs and I have had discussions with the councils at all levels to try to find out what the Chagga people think about inviting members of the non-indigenous communities to serve on our councils. Their reaction has been that while they have no objection to the introduction of such a system they would like to make quite sure that they will be in a majority in any such council and that the members of other races who may be invited to the councils, although entitled to full membership and the right to vote, should never in any circumstances be equal to or exceed the numbers of the indigenous members. Another point of interest also is this. In one or two places where a County Council has been set up the chairmanship has remained with the local District Commissioner, but my people are quite emphatic that when they reach the time when they want to establish a county council they will not entertain the prospect of having a District Commissioner as chairman of the meeting. They wish to have an assurance that their Paramount Chief will continue to be the chairman of such a council.

Mr. FLETCHER-COOKE (Special representative): I should like to intervene to say that it is no part of the policy of the Government of Tanganyika to have parity on these local government bodies. I think Chief Mwaere has made it quite clear that the Government is anxious that if and when the African members of Native Authorities, for example, wish to have representatives of other communities in their area associated with them, either informally as many of them are at present or formally as we hope many of them will be in future, that that will occur, but it is no part of the policy of the Government to insist on, or even propound, the principle of parity. It is expected that in these local government bodies the Africans, where they are in a majority -- as is almost always the case -- will have the substantial majority representation.

U PAW HTIN (Burma): Even if this principle has been applied in the Legislative Council and has been accepted, it is possibly too early to introduce it in the Local Council.

My last question concerns economic development and is in regard to the statement made by Chief Masealle II. In his statement he mentioned that a proposition had been put forward by the local Dutch firm of Van Egan and stated that this scheme would be a limited company in which the Africans could fully participate. He said that he had high hopes regarding this scheme. I should like to know more about this project as it appears to be rather interesting.

Chief MASEALLE II: I can only reply very briefly to the question put by the representative of Burma because, as I said, this proposition is very much in the elementary stages and had gone no further, at the time I left Tanganyika, than a mere mention of the fact that this firm of Van Egan, which is a very reputable firm established in Dar es Salaam, was interested in carrying through such a scheme by providing a large share of the funds required, leaving, however, a large part of the capital to be subscribed by Africans in Tanganyika. I said that the firm was anxious to have the blessing of the Government on the venture. When that has been obtained -- and I think it will readily be given -- the firm of Van Egan will then be given an opportunity of informing the people regarding the details of subscriptions by way of shares. I think that we shall then be given an opportunity of informing the people throughout the country of the part which they can play in the scheme. However, I am quite sure that I shall hear more about it when I return to Tanganyika.

U PAW HTIN (Burma): Does the Paramount Chief know of any foreign firm or corporation interested in this type of project?

Chief MASEALLE II: That is a rather difficult question. I do not know whether the representative of Burma is referring to capitalists within Tanganyika, or outside. If he means capitalists inside Tanganyika, at the moment they have on their hands as much as they can cope with and, therefore, any additional capital for major undertakings will have to be obtained from the outside. I have not really been through much of the United States or spoken

to people who might be interested in Tanganyika, and so I am not in a position to inform the Council with regard to anyone, except those whom I already know in Tanganyika, who might raise the capital required or feel any interest in some of the projects which we have in mind.

U PAW HTIN (Burma): In asking my question, I had in mind foreign firms.

Mr. LOBANOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet Union delegation has listened with great interest to the statements made by the petitioners, Chief Marelle II and the President of TANU. We have noted the similarity of their views on a number of important questions of principle affecting the development of the Territory. I should like to ask the petitioners how much support these views have among the people of Tanganyika. In this connexion, I should like to have the opinions of both petitioners.

Chief MARELLE II: It is not possible to make a sweeping statement in answer to the question by the representative of the Soviet Union on the particular point which he has raised. I should like to say, however, that there is a great deal of enlightenment in Tanganyika as a result of the education that is now being provided and the knowledge disseminated by Local Councils and other organizations. Although I should not like to say that there are millions of Africans who understand all that is involved, I cannot fail to stress the point that, at this juncture, there are quite a number of Africans in Tanganyika who share the hopes and aspirations which I expressed in my statement to this Council.

Mr. NYERERE: If I understand the representative of the Soviet Union, what he would like to know does not refer to the support which the people of Tanganyika may give to the detailed points which we have raised, but to the matters of principle on which, as he said, the Paramount Chief and I agree. If my understanding is correct, I should like to say that we do agree on the principle of democracy and on the principle of an African majority, when the time comes, after the end of the trusteeship period. On these matters, of course,



one way of gauging the amount of support of these principles is by observing the popularity or unpopularity of those who, in Tanganyika, have put forward these views and, in that connexion, I believe that we have proved, through our popularity, that a large section of the people in our country do accept these principles. This is, of course, sometimes doubted, as the Government said, I believe, in its reply to my speech in the Fourth Committee; there is no accurate way of finding out whether the majority of the people in Tanganyika sympathize with these views.

I may mention, however, that we are to have elections next year, and perhaps one accurate means of finding out whether the majority of the people in Tanganyika support these views is, first of all, to grant universal adult franchise, because, after all, the views of the majority of the people would not be reflected unless elections were held on the basis of universal adult franchise. Let us have the franchise and the elections, and then find out whether the majority accept or do not accept these views. My claim is that the majority do accept them.

Mr. LOBANOV (Union of Soviet Socialist Republics) (interpretation from Russian): I am extremely grateful to the petitioners for the very valuable and clear explanations which I have heard from them. May I now ask some questions of Mr. Nyerere. Mr. Nyerere said that more than ten sections or branches of TANU had been prohibited by the Administration. I would like to know whether or not that prohibition remains in force at the present time as well, or has it been withdrawn?

Mr. NYERERE: Since the inauguration of our movement, ten of our branches have been closed down either by a refusal to grant registration under the Registration Societies Ordinance or by the withdrawal of recognition after the branches had been registered, and this still remains in respect of all the ten branches.

Mr. FLETCHER-COOKE (Special representative): In order to set the record straight, I should like to place it on record that at the time that I left Tanganyika, which was approximately three weeks ago -- and I have no reason to suppose that there has been any change -- three branches had been closed and two had been refused registration. The details of those were given in the paper which I circulated to members of this Council. My information is -- and the President may have different figures -- that there are, in addition, 48 branches of TANU in existence today.

Mr. LOBANOV (Union of Soviet Socialist Republics) (interpretation from Russian): It has been reported in the British press that the Administration withdrew its prohibition as regards Mr. Nyerere speaking in public, on the basis of certain conditions. I would like to ask Mr. Nyerere whether he has been informed of that officially by the Administration. Secondly, what were the conditions proposed by the Administration in order to lift this ban on his making public speeches?

Mr. NYERERE: There are, I think two things here which I hope will not be confused. When the original ban was made, I thought the ban meant that I could not address any meetings at all in the country. That is how the ban was also understood by members of Parliament in the United Kingdom. When a question was asked in Parliament, I might say that it was for the first time that we saw that there was a distinction, that I was free to address meetings of members of TANU in closed premises. From that time on I began addressing meetings of members of TANU. But I cannot get a permit to address a public meeting in the open. Of course it is going to be attended by the public and members of TANU. In fact, I also discovered during my travels, that even if there are meetings of members of TANU, I must hold them in closed premises, because in one place I could not even hold them in a football stadium.

As to the conditions, I do not know about them, because, as I say, it was after I read through the record of the statement of the special representative here that I discovered that the Tanganyika Government was considering under what conditions the ban should be lifted in the future to allow me and members of TANU to address public meetings. Therefore, I do not know what conditions the Government is contemplating and, as I said, I do not know whether these conditions are going to affect the tone and delivery of our speeches.

Mr. LOBANOV: (Union of Soviet Socialist Republics) (interpretation from Russian): My next question perhaps results from some misunderstanding or is connected with translation difficulties. But I would like to ask the following question of the petitioner. In his statement yesterday the President of TANU referred to some approval of a list of voters by an anthropologist. If I did not misunderstand what was said, I should like to ask for clarification as to what he has in mind.

Mr. NYERERE: I hope that I did not make a statement which implied that the list of voters would have to be approved by the social anthropologist. But there was this unique addition to the office-holders of clan heads or kindred leaders, or something of the kind, and I wondered where I would find this out.

(Mr. Nyerere)

The Government would have to ask the social anthropologist to indicate what were the true clans in the country and how many there were, before we accepted these people as true leaders of their clans. That is all I said. I did not imply that it may be necessary for the social anthropologist to approve. But to find out how many clans there are in the country, to get the significance of this addition, we might have to ask the social anthropologist to tell us how many clans there are in the country.

May I take this opportunity to refer to the question which was previously asked by the representative of the USSR with regard to the branches which have been closed in Tanganyika. I have the names of the branches and I would like to read them out in order to clear up any misunderstanding, because it seems to me that there may be a misunderstanding.. Originally, the first branches which were closed were: Mwanza, Malampaka, Nera, Nassa in the Lake Province; and later, the branches which have already been mentioned by the special representative: Lushoto, Korogwe Handeni, Pangani -- that is in the Tanga Province -- and Kondoa-Irangi in the Central Province, and recently -- and that happened before the special representative left Tanganyika -- Shinyanga. Some were refused registration and others had their registration cancelled.

Mr. LOBANOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation has no more questions to put to the petitioners. It would like to thank them once again for their extremely clear and exhaustive replies.

Mr. JAIPAL (India): My first question is addressed to Mr. Nyerere, the President of TANU. It has been said for quite some time that this particular political association has excluded members of other races. We know, of course, the historical reasons for the development in three different directions of political associations in this Territory. But we would like to know from Mr. Nyerere what the prospects are of throwing open the door of TANU to members from other racial groups.

Mr. NYERERE: I thank the representative of India for asking this question because I think it has been implied, or even stated, that my organization is not merely racial in composition but racist in policy, and the reason being the fact that we do not have members of other races within our organization.

The fact is that when we started this organization, there was already in the country the Tanganyika European Council and the Asian Association. These were out and out political organizations. There was also the Tanyika African Association, which was semi-social and a semi-political association. We decided to start an out and out political association, because, after all, we have the example of the other races. We had to start a truly African association.

We have never complained that the Asian Association has no Africans in it. In fact, we have never complained that the Tanganyika European Council had no Africans in it. The fact was that these organizations were being organized on a racial basis with a racial membership. It is remarkable that long before the UTP cropped up, my organization, at an annual conference, discussed the question of whether we should open our organization to members of other races -- and I emphasize that that was long before there was any mention of the UTP. But it was difficult in the first instance because of this historical beginning.

The representative of India would like to know what the prospects are in Tanganyika of opening the doors of TANU to members of other races. I think the prospects can be very good, provided the fears of the Africans in the country are removed. What are those fears? The minorities are now in a privileged position in the country. The Africans are fighting against this privileged position of the minorities in Tanganyika. The Government of Tanganyika seems to be the advocate of the minorities. We believe that the best opportunity we can get is for the Government to promise us this thing that we have been asking, so that the African has no longer any need to feel that the minorities are in a privileged position. I feel when this happens, our position would be so contradictory and there would be so little reason for this contradiction in our holding to the principles of democracy and keeping our organization racialistic, that we should open it to members of other races. At present, as things are, opening our organization to members of other races can mean in fact very little.

In fact, the people who throw this to us as a criticism, if we threw it open, would not join it, because they are opposed to the ideas which we stand for and they are not within it not because we bar them from it but simply because they do not accept it. Usually this is thrown to us as an argument, but I do not really believe that if we threw it open the leaders of the UTP for instance would join TANU or the leaders of TANU join the UTP, because they are opposed to the things we stand for, that is, democracy for Tanganyika.



Mr. JAIPAL (India): I am very much obliged to Mr. Nyerere for providing this clarification. I would like to explain to him why I put this question to him. The name of his association is the Tanganyika African National Union and because of the presence of the word "national" there, one gets the impression that this is a nationalist movement dedicated to building nationhood for Tanganyika; and in an association of that kind, with such aims, we would ordinarily expect that association to have among its members all sections of the Tanganyika community.

I quite realize the fears which the African community has in regard to possible domination by the minority community, but at the same time perhaps it is relevant to point out that these minorities may well require some reassurance and it occurs to me that perhaps one way of reassuring these minorities might be to open the door of TANU to other races. However, I am not formulating this as a question for further comment from Mr. Nyerere.

My second question relates to the closure during the last year of two branches of TANU and the cancellation of the registration of three other branches of TANU. The special representative has provided us with a document which sets out the reasons for taking such action. I would like Mr. Nyerere to comment on this document, if he has seen it. It seems to us that serious charges have been levelled against these branches, some of which are in the nature of usurpation of authority.

Mr. NYERERE: I have this document here which gives the detailed reasons for the closure of my branches in Tanga Province and Kondoia Irangi in the Central Province. What I would like to emphasize about this one is the fact that I do not countenance, and my organization does not countenance, any breaking of the laws of the country and we are not prepared to support the idea of our branches participating in or encouraging the breaking of the laws.

On the other hand, we would like Government to make quite certain before they take serious measures to close our branches that we have not, as an organization, participated in the breaking or the encouragement of the breaking of laws. Here, for instance, we have the reasons for the closing of our

Pangani branch, which appear on page 2. In October 1956, the Chairman of the TANU branch was prosecuted before the local court for holding a public meeting without informing the Native Authority -- "informing" is the word. The case was dismissed, but there were grounds for suspecting that the witnesses had been tampered with. It may appear that this is a small thing. Here is a person charged not with holding a meeting without seeking permission -- if permission is required -- but because he did not inform the Native Authority that he was going to hold this meeting. It may be the same thing; I do not know. One would have thought that if this man was not in the habit of doing this, the crime of not informing the Native Authority could have been dealt with by warning this man that in future he should inform the Native Authority that he was going to hold meetings. However, Government thought it necessary to prosecute the person, which it did. It prosecuted the person and there was no evidence that he had held the meeting. The case was dismissed and one would have thought that was enough, but it appears here as one of the reasons why that branch was closed. In a court of law I am not sure that this would have been one of the reasons why our branch should be closed and yet this would have been the strongest case, because this man was the Chairman of our branch.

In section (b), three members of TANU were convicted of usurping the judicial powers, having attempted to set up an illegal court. These were three members of TANU. Were they officers of TANU? No, ordinary members of TANU. What did they do in fact? We are not told. I took the trouble to find out what was happening in Pangani and I was told by our provincial Chairman that these three members of TANU had actually been -- before they were members of TANU -- assessors or advisers to the local man. Before they were members of TANU they used to sit with the judge in the court. When they became members of TANU they were not told that they were no longer allowed to participate as assessors and, according to our Chairman, they heard the cases in the absence of the judge and they prosecuted in a legal manner. I am told that this is

what these men were doing. However, they were prosecuted. Being members of TANU they were prosecuted because they had committed a crime. Does Government have support for the allegation that we were supporting this view, that we were encouraging our members in this period, all over the country, to hold illegal courts? No, on the contrary.

(Mr. Nyerere)

Allegations had been made the previous year that we had started an illegal court in Morogoro. I took this very seriously because I considered it as a serious crime. I went to Morogoro and I saw the District Commissioner, the man who had claimed that TANU had started an illegal court, was trying people, was charging fines and that some of these fines were actually going into the funds of TANU. This was a serious matter. I went immediately and saw the District Commissioner. What happened? I went immediately and saw members of the press about it. I wrote to the Government about this, and inquiries were made. It was learned that this was not true. This was a malicious allegation against my organization. Later I received a letter from the Chief Secretary stating that this was not true.

It was clear that my organization was taking the trouble to find out whether it was really true that any of our branches was encouraging illegality in Tanganyika. We proved that it was not.

Was there any evidence in this district that this was not a crime of three individuals who had hoped to be members of TANU or that we were encouraging this, especially when I had taken the trouble during the first allegation to find out whether we had any part in it, and it had been proved that we had no part in it.

Suppose that I were convicted of a crime. I am the leader of TANU. Would that mean that our branches would have to be closed all over Tanganyika because I had committed a crime in Tanganyika?

Let us note what it states under paragraph (c):

"On 16th March 1957, a sub-branch secretary refused to accept the jurisdiction of the District Native Appeal Court and was convicted and fined for contempt of court."

Suppose I were convicted of contempt of court, would the Tanganyika Government close all our branches unless they had reason to believe that this was the policy of TANU? Here is a member of a sub-branch who was convicted as an individual for contempt of court. This is given here as a serious reason for closing my branch.

I do not encourage illegality in the country. It is remarkable when we hold meetings of 40,000 and 50,000 members how orderly they are, because we have been encouraging orderliness in everything. But when an individual member of TANU

(Mr. Nyerere)

commits a crime, the whole organization has to suffer for it. I hope that in the future Government will give much more serious reasons for closing our branches. We do not encourage our members to participate in lawlessness in the country.

Mr. FLETCHER-COOKE (Special representative): Mr. Nyerere has not, of course, turned over the page of this particular document. He will see there that Government has stated that "in the cases of the Pangani District Branch" -- which is the one we have been discussing -- "... cancellation of registration was decided upon not so much because of the individual instances quoted" -- though they were quoted because the Government of Tanganyika is anxious to supply this Council with as many facts as possible -- "but because careful investigation into the situation in each district by the member for Local Government" -- who is, of course, a senior officer and member of the Executive Council -- "had made it clear that the cases were symptomatic of a widespread contempt for law and order and for the lawful Native Authorities, which had been deliberately fostered by the TANU branches and their officials".

I draw attention to that, though that was not the purpose for which I asked to speak. I asked to speak because I conceive it as my function as special representative to lay before this Council either spontaneously or in reply to questions from members all possible facts. I may disagree personally with the opinions expressed here, I may disagree with some of Mr. Nyerere's opinions, but I do not wish that there should be any difference of opinion in the matter of facts.

Mr. Nyerere has just indicated that there are ten branches of TANU which he contends were either closed or were refused registration. Members of the Council will appreciate that the paper which I circulated refers to the position on 20 May 1957, which is referred to in the very first paragraph. Mr. Nyerere has informed me -- and I can assure him and this Council that I was certainly not aware of it before I left Tanganyika, otherwise I would certainly have brought it to the notice of this Council, nor until Mr. Nyerere referred to it this morning had I become aware of it since I left Tanganyika -- that the Shinyanga branch has been closed. That may well be a fact; as I say, I have no official knowledge of it.

(Mr. Nyerere)

There remain four branches in the Lake Province to which he referred in his list. Although it may perhaps be unusual for a special representative to ask a question, I wonder whether I could ask Mr. Nyerere, with the President's permission, whether those four branches are in fact the four others referred to in the second sentence of this paper, which I indicated in my account had applied for registration. In other words, are the four which Mr. Nyerere referred to the same as the four outstanding applications which were outstanding on 20 May and which possibly since that time, although I have no official knowledge of it, have in fact been refused registration?

The PRESIDENT (interpretation from Spanish): I shall take the statement made by the special representative as an expression of doubt which calls for some clarification. I shall therefore call upon the petitioner to reply to it.

Mr. NYERERE: I should like to answer in this way, sir. The four branches which I mentioned, Mwanza, Malampaha, Nera and Nassa are not likely to be the four which he referred to in his statement, because Mwanza and Malampaha were refused registration in November 1954, and Nera and Nassa were refused registration in 1955, and Shinyanga was refused registration in April or May of this year. These were the very first four -- Mwanza, Malampaha, Nera and Nassa -- that were refused registration in the early part of our organization.

Mr. JAIPAL (India): Mr. Nyerere made a most impressive statement yesterday in the course of which he alluded to certain fears which are felt by members of his organization and by Africans in general. I quote the following sentence from his statement:

"There is nothing that points to the hope that one day our country may become a democratic State, and we feel that a statement to that effect is important in order that we may remove our fears that our country may be dominated in future, as other plural societies have been, by an immigrant minority."

(T/PV.818, p. 3)



(Mr. Jaipal, India)

This is a very interesting statement. I should like to have some clarification from Mr. Nyerere as to the need for any statement to the effect that Tanganyika should become a democratic State. In my opinion, such a statement seems somewhat unnecessary because there are guarantees written into the United Nations Charter and the Trusteeship Agreement to the effect that Tanganyika shall be developed to become fully self-governing or independent in accordance with the freely expressed wishes of the people of Tanganyika. These consultations will be on the basis of universal adult suffrage.

(Mr. Jaipal, India)

I can not therefore imagine that the General Assembly will terminate the Trusteeship Agreement for Tanganyika on any basis other than that Tanganyika eventually becomes a democratic State in which all citizens enjoy the same rights on the basis of complete equality. I am therefore somewhat mystified as to the need for such a statement from anybody. The Trusteeship Agreement, as you know, is a bilateral agreement between the General Assembly on the one hand and the United Kingdom on the other, and as far as we know the United Kingdom Government, as the Administering Authority, has been fulfilling the requirements of the Trusteeship Agreement. Regardless of whatever fears may be present in the minds of the people of Tanganyika, I should like to know specifically what Mr. Nyerere thinks about the statement I have made. Does he think that his party or his people would require any further statement or assurances, apart from those that have already been written into the Charter and the Trusteeship Agreement?

Mr. NYERERE: I am obliged to the representative of India for his question. Why do we need the statement? For several reasons. One, which I have given several times, is the fact that there is emphasis in Tanganyika that, being a plural society, our Government must be multi-racial, which means that our Government is not likely to be like the Government of Ghana or the future Government of Uganda. It is being emphasized in Tanganyika all the time that there is some incompatibility between a democratic government and a multi-racial Government which is the policy of the Government in Tanganyika. We do not believe there is a difference; we believe that since the Asians and the Europeans have settled in Tanganyika, democracy is as much a matter of guarantees to them as to us and that we could all go ahead and demand democracy without feeling that we were doing so to the detriment of the interests of the Asians and Europeans. Another reason, and again I have stated it several times, is the fact that in all the plural societies in Africa which are or have been under British control the tendency is towards domination by a minority. What is actually happening in Tanganyika? It is true we have the Trusteeship Agreement, but in Tanganyika what is staring us in the face at present is domination by a minority. If we combine this with the historical facts we are frightened. There will be no harm in giving a statement that our country is going to be democratic if that is the intention of

(Mr. Nyerere)

the British, but another thing that makes us suspicious is the silence of the Administering Authority on this issue. For three years we have been demanding this and the Administering Authority has been silent on this issue which, according to the representative of India and I hope he is right, should be taken for granted. I should like to take it for granted. The Trusteeship Agreement is the text on which, taking conditions as they are, we are basing our hopes.

Probably the Mangi Mkuu will remember what I am talking about, but recently the theory has been profounded which I think was written in the Kenya Weekly News by a Kenya settler from Tanganyika who at one time was a member of the Government of Tanganyika to the effect that the African Nationalists did not seem to realize that until the end of the first World War Tanganyika was being developed to become a primarily African State, but that then came into being the Trusteeship Agreement which made it obligatory to take account of the interests of all the inhabitants of Tanganyika. Thus began the idea of a multi-racial government. According to this theory there is something contradictory in the Trusteeship Agreement which we ourselves wish to believe is a safeguard. This theory has been put forward not by an ignorant person but by a person who was at one time a member of the Tanganyika Government and it is widely believed that the idea of a primarily African State has been replaced by the idea of a multi-racial government in Tanganyika as a result of the signing of the Trusteeship Agreement. Does not this increase our doubts? Does not this make it necessary for the Administering Authority to make it quite clear where our country is going and that it is going to become a democracy?

Sir Andrew COHEN (United Kingdom): I can not refrain from asking Mr. Nyerere for one clarification. I think I have understood the point in the very interesting things he has just said, but there was one thing in his remarks which surprised me. I understood him to say that there was actual domination, or fear of domination by a minority. I think he was probably referring to domination by a European minority. This seems to me so remote from the facts as they are in Tanganyika that I should like to ask him for a clarification of what he meant by that statement, if he really meant it.

Mr. NYERERE: I said that what is staring us in the face in Tanganyika is domination by a minority. This is what I meant. In Tanganyika the symbol of what is going to happen, the symbol of where we are going, is the representative side of the Legislative Council. That is the thing which we think should symbolize where we are going, not the official side, because the representative side includes representatives of the people. What happens in fact? In giving the people of Tanganyika representation, the Government of Tangayika views us not as 8 million people among whom there are 100,000 immigrants but as three groups, Asians, Europeans and Africans and gives us representation on that basis -- not on the basis that we are all Tanganyikans but that we are three groups. In that Council, then, on that side which as I have said is more symbolic of the future because it represents or ought to represent the people of the country, we have ten representatives while the non-Africans put together have twenty. That is symbolic not of democracy but of domination by a minority.

Mr. JAIPAL (India): I have listened with a great deal of care to Mr. Nyerere's reply. As far as I can see, there is at the moment no multi-racial government as such in Tanganyika; there is a Government of the Administering Authority. I doubt myself whether there ever will be such a multi-racial Government now that a common roll will be established very shortly. Speaking for myself, I have never understood what is meant by multi-racialism; I think it is a somewhat dangerous ideology for the next step might well be multi-tribalism.

That takes me to my next question. In the course of his statement yesterday, Mr. Nyerere explained to us that his Party had been asking that 50 per cent of the seats on the non-official side of the Legislative Council should be allocated to the Africans and the other 50 per cent distributed among the Europeans and the Asians. The present composition of the non-offical side is on the basis of Party, 10-10-10. It seems to me that the demand of TANU for a 50 per cent allocation of the seats is just as arbitrary as the Party principle. I should like to ask Mr. Nyerere whether it would not be better to abandon the racial basis for representation altogether and to establish constituencies on an entirely different and more realistic basis.

Mr. NYERERE: I do agree with the representative of India that it would have been much better for us to forget this racial representation either by adopting the principle of one-one-one, or by this parity which we are suggesting ourselves, or by some other racial representation formula; have constituencies in the country, fight the elections, and let the people determine who is to be on the Council. I wish that could happen. It would have been the best way, but we cannot, in Tanganyika, just demand what we think is the better thing. If we had asked for this, it would have been more frightening to the minorities and, I suppose, to the Tanganyika Government, than the present proposals which we are making because if we were to have thirty constituencies in the country and then say, let us fight the elections for these thirty seats, without reservation of seats for the minorities, the minorities might be afraid. We have had the feeling all the time that the minorities might fear that the results would be that there would not be one single Asian or European elected. Therefore, we were compelled to think about the safeguards which the minorities needed. On the other hand, we did not want, at this stage, to suggest representation, which tends, we believe, towards democratic representation where the majority have a majority. We did not want to frighten the minorities by demanding that we should have a majority representation on the Council. It is arbitrary, I do believe, but, on the other hand, since we could not suggest what, as the representative of India rightly said, was the better thing, we had to move towards a form of representation which moved in the direction in which the majority were represented by more people, and so we made this, I admit, arbitrary suggestion. If, however, the Tanganyika Government were willing to adopt the suggestion which the representative of India made, we should be only too happy to accept it.

Mr. JAIPAL (India): I sincerely hope that the Tanganyika Government will accept my suggestion. I think it is inevitable; it is only a matter of time before it will have to accept it.

My next question will be addressed to the Paramount Chief. In the course of his extremely interesting statement, presented in a very masterly manner, Chief Maresalle II said:



(Mr. Jaipal, India)

"In my view -- all other things being equal, namely, a realistic partnership basis, sound economic planning and political stability -- Tanganyika could be self-governing in ten or fifteen years."

(T/PV.817, pages 73-75)

I should like some clarification of this statement. I realize, of course, that the statement is conditional, or rather, that the attainment of self-government in Tanganyika in ten or fifteen years is conditional on three things -- or perhaps more than three things -- one of which is a realistic partnership basis. I wonder if Chief MAREALLE II could throw some additional light on what he meant by this partnership basis for attaining self-government in ten or fifteen years. Does he think, for instance, that, at the present rate of progress, this will be possible? If not, has he any concrete suggestions to put forward?

Chief MAREALLE II: I think that what I said in my paper the day before yesterday with regard to the political time-table, the period which it might possibly take to reach our goal, was quite an involved statement, and I am glad that the representative of India understood me as well as he did.

What I really meant by a realistic partnership basis was, perhaps, a fuller, a deeper understanding between the races and a removal of the fears and doubts which surround us today. A great deal has been said about capital not coming into Tanganyika because of political fears and doubts, and I think that we have, perhaps, been paying too much attention to that opinion, or giving it more importance than it deserves, because I feel that if it could be declared, without any misgivings or any doubts, that Tanganyika would be governed democratically in the future, and if the position of the three races were clearly defined in a future form of Government in Tanganyika, perhaps those who wish to bring the capital which we need so badly for our development would not have the doubts which they now entertain.

A realistic partnership basis means, in effect, that the Europeans and Asians have got to accept a minority position in Tanganyika; but if they do not, then anyone who wishes to come in may fear that there will be no political stability, since the Africans will not accept any other formula of a future Government.



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Again, the period within which we could attain self-government is, as the special representative said, conditional upon economy and planning. I am not decrying the fact that the Government has been doing everything it can and that, within limits, it has been planning for our future, but the point is that there are a few things which must be done in order to make possible the development which we require. As I said in my statement, the United Kingdom Government has been doing all it can to develop the country, but it is also true that, with its world-wide commitments, it cannot meet all the immediate needs which confront us in the country today, and I believe that it is high time the United Kingdom Government turned to its friends and neighbours to seek, on our behalf, the sort of economic aid which we need for the development of the country and which cannot wait until the United Kingdom is able to raise the capital and supply all the skill that is required.

I hope that I have answered the question.

Mr. JAIPAL (India): Yes, the answer given by Mr. Marealle does help me a great deal. Later on, in the course of his statement, he made a very interesting observation:

"A common loyalty cannot emerge amongst people living in three totally different camps, mentally, socially and politically."

He made this statement in the context of the educational situation in the Territory. I would like to know from Mr. Marealle whether he can think of any special measures, apart from the establishment of inter-racial schools which are being implemented, which would bring about a closer degree of closer association between the three races. We have heard of various measures and various difficulties in regard to this, mainly from representatives of the Administering Authority. What I would like to know now is what an African Chief feels with regard to this particular matter.

CHIEF MAREALLE II: I think that the answer to the question raised by the representative of India can really be put down as being mainly psychological. That is why I appealed to the members of the non-indigenous races to try and change their outlook and attitude towards the African people. I was particularly addressing those remarks to the Europeans and Asians who are in Tanganyika to stay permanently. As I said, apart from opening racial schools to members or children of all races, there are other things such as institutions and clubs which perhaps could be opened to guests on certain occasions.

As I said, the hotels were exclusive. They are now open to members of all other races. I forgot to mention that the hospitals were also exclusive and they are now open to members of all races. Integration must really go on in all fields of human society in order to make it possible for as many people of the different races as possible to meet on common ground. I do not personally believe in law perhaps as an instrument of bringing people together, because you soon get tired of meeting people you are forced to meet. But if members of the other races meet on common ground voluntarily -- and this is an idea which has begun very seriously and is being inspired by Government and all responsible individuals and organizations -- if more and more members of the races in

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Tanganyika are encouraged to meet together, we might thereby formulate ideas which will bring us to our common goal. That is why the field of the possibilities of getting the races to see alike and act alike is so limited, because it is affected so much by the human factor.

Mr. JAIPAL (India): We heard from Mr. Marealle the other day that a Territorial Chiefs Convention met for the first time in May of last year and that Mr. Marealle himself was elected deputy chairman. He said:

"The purpose of that convention was to provide the lead which would justify the expectations of those who repose their confidence in us."

I am quite sure that this gathering of Chiefs and Chieftainesses must have been a most stimulating experience. I would like to know from Mr. Marealle what he thinks of the positive role of the Chiefs in the future political development of this Territory. I have in mind also the role which the enlightened Chiefs can play in the democratization of their own Councils. When I say this, I am aware of the fact that the Chagga Councils are mainly elected bodies, and that is why I would like to know from Mr. Marealle what he thinks of the possibility of using the Chagga experiment as an example for the development of other tribal institutions along democratic lines and by the application of the elective principle.

CHIEF MAREALLE II: I would like to reply to this question by saying that the local authorities throughout Tanganyika are aimed at having their councillors elected at all levels. Others, as in our case are mainly or almost all elected councillors, but also co-opted in nominating members. For instance, in my own district we have in the Chagga Council a membership of about forty-nine. These are members who are elected from the seventeen area Chieftains and from the three divisional councils. But there are also people who live in towns, such as the manager of the coffee co-operative society and other leaders, who do not live in the country and who would not normally be elected in the country because the people there do not know enough about them.

But then the fully elected council usually runs through the names of people who are recommended as being suitable for nomination from the town and they are co-opted or nominated. Those are very few indeed. The majority of the council is elected. I think this has been followed elsewhere in Tanganyika. That is why I think that the provincial and territorial council-in-chiefs will be of very great use in bringing out ideas which exist in various parts of Tanganyika but which do not exist in some other areas, and be unified at a provincial or territorial level.

The purpose really of having a provincial and territorial Chiefs conference was so that improvements or developments in the Territory could be unified through discussions at the provincial or territorial level, with regard to all our problems at these conferences.

The representative of India asked me what role the Chiefs were likely to play in a future Tanganyika government at the provincial or territorial level. My reply to that question is perhaps that it is very difficult to foretell what role can be developed in a future government, but we have an example in Ghana where the Chiefs have formed an Upper House. That possibility has been discussed in Tanganyika at the Chiefs Conference and it is likely to be adopted in the future.

As far as I can foresee the Chiefs will have a very important part to play, as they have had in all of the past and which they have at present, and no future government can very well ignore them. I think that in an Upper House in Tanganyika, as in Ghana, they could perform a very useful function.

Mr. JAIPAL (India): I am most grateful to Mr. Marealle for his reply and I should like to thank the two petitioners for their collaboration with our work and specifically for their replies which have helped us to understand the problems of Tanganyika rather better than before.

In closing, I would say that we are acutely aware of the nature of African fears which have been eloquently referred to by both the petitioners. We hope that the combined wisdom of this Council will be able to find suitable measures for the establishment of a better climate in this Territory. I have no more questions.

Mr. KESTLER (Guatemala) (interpretation from Spanish): We have read with very close attention the statements made here by the two petitioners. As is natural, we are desirous of having as complete and accurate a picture as possible with regard to the political evolution of the Territory. Since it is quite late, may I say that many of the points which came to our mind and many of the doubts which we have had have already been disposed of as a result of the replies given by the petitioners to questions put to them. I shall therefore confine myself to a few points.

Mr. Nyerere mentioned the advisability of setting up universal suffrage in the Territory. On the other hand, during the questioning period, we were informed by the special representative that such an objective or such a measure seemed somewhat unrealistic, namely, establishing universal suffrage. I should like to add the views of the two petitioners as to the factors which might prevent the establishment of universal suffrage in the Territory.

Mr. NYERERE: I must say that this is one of the issues on which we do not agree with Government. The Government states the reasons why they think it is not advisable at this stage to introduce universal franchise in Tanganyika. We are not convinced that these reasons are true. We refer to countries which are not particularly much more advanced than in Tanganyika, where universal adult suffrage has been applied, and the fact that universal adult suffrage was introduced later is not necessarily relevant. The fact is that large numbers of people who are not much more advanced than the people of Tanganyika at present are voting in countries like Ghana, the Sudan and other countries, and we do not see why this should not also be applied in Tanganyika.

So we, on our side, do not see any grounds for not introducing universal adult suffrage in Tanganyika, even at this stage.

Chief MAREALLE II: I would like to say that the question of adult franchise in Tanganyika is difficult mainly for administrative reasons. At least I think that is the way the Government looks at it. But the difficulty is not completely insurmountable. It is a matter of training the people in understanding the principles and fundamentals of the right to vote. I admit that there would be a great deal of difficulty in some places in explaining the value of the vote to the people.

But, as Mr. Nyerere has just said, there are places like the Sudan and parts of West Africa where it has been possible to enfranchise an illiterate mass. Exactly how this has been done I have no idea but, as I say, I fully realize the difficulties, but they are not insurmountable. Over a period of time, if it is intended, the people can be acquainted with the principles of voting and it may be possible to enfranchise a very large number of them.

Mr. KESTLER (Guatemala)(interpretation from Spanish): I am very grateful to the petitioners for their reply to my questions. I feel that if anyone is qualified to speak of the degree of political consciousness attained by people it is certainly the leaders of the people and I felt that any information which might be provided by the petitioners on this score would be invaluable.

I come to another question. It seems that the Government is contemplating the possibility of Mr. Nyerere taking part in political activity in the Territory and holding meetings under conditions which Mr. Nyerere considers to be unacceptable. Naturally this would create a rather difficult and awkward situation. I would like to ask Mr. Nyerere what is the reaction of public opinion in Tanganyika on this subject. Has the political consciousness so evolved that the people evaluate the matter of freedom of expression in the Territory?



Mr. NYERERE: First I must make this clear. It is true that I have heard, after reading what the special representative said here, that Government is now considering the conditions under which they might allow me to hold public meetings in the country. I do not know what those conditions are going to be and, in view of the accusations which I made and the things which I am supposed to have said, it is going to be difficult for me to accept those conditions if, for instance, I am going to be asked in future to promise that my speeches will be better and less inflammatory and if, for instance, I am asked not to criticize the Press or to criticize it in better tones. It seems to me that it is going to be difficult. Up to this time I have not got from that Government exactly what my crime is so that I can sit down and consider it and see that really I was wrong and in future I must try and be much more careful.

It seems really what is worrying the Government is the fact of the huge crowds that attend our meetings. I think it would be purposeless for me to seek permission from the Government to hold public meetings and then agree that I am going to limit the size of those meetings, because people who want to come to them should come. It is a fact that in a place like Dar es Salaam we can attract anything up to 40,000 people. Now Government is worried about this. The reasons why they are worried I do not know, because there has never been any indication of breach of the peace at any of our meetings. But Government is worried, so that is another very difficult condition I could not fulfil -- the condition of the size of our meetings.

Are the people worried by the fact that I am not now holding public meetings? They are, to the extent that they would like to hear what TANU has to say, and not merely TANU because I think if a party like the UTP was deprived of freedom of speech the people in Tanganyika would object to this. They are very desirous of having freedom of speech and desire that this freedom should be extended to everybody, unless of course Government has strong reasons for the public good, to deprive the people of this freedom. I hope I have answered your question.

Mr. KESTLER (Guatemala) (interpretation from Spanish): The petitioner has indeed replied to my question. I was naturally interested in having some view of the reaction of public opinion on this subject because, perhaps due to our following other legislative systems, we may have been surprised by the fact that there is no legal appeal against the discretionary decision taken by the Government which might prevent this situation from becoming protracted. In our system there is a judicial recourse which can be used to compel the Government to provide favourable conditions to a person so that he may exercise his rights. I wonder what the petitioner might have to say on this question.

Mr. NYERERE: We have sought legal advice on this question. According to the legal advice that we have received, there is no way in which we can appeal in this case where the Government has issued a ban which, as the special representative emphasized here, is a veiled ban -- the words are mine and not his -- no order has been given.

On the other hand, it is agreed that if permission is sought for the meeting, this permission will not be granted. Now the police have powers under the law to refuse granting permission if they fear that there may be a breach of the peace. Recently in Dar es Salaam, for example, we applied for a meeting and a condition was stated which I accepted, namely, that I was not going to speak and that our secretary was going to speak. But permission was refused because the police said that they were not satisfied that this meeting was unlikely to lead to a breach of the peace. According to the lawyers, this is enough for them. They can give this opinion and that is the end. We cannot sue them. They have the power under the law to state that if, in their opinion, this meeting is likely to lead to a breach of the peace, or, to put it negatively, they are not satisfied that this meeting is unlikely to lead to a breach of the peace, then they can take an action which is actually legal under the law, and there is no way in which we can do anything.

According to the lawyers, the only way that we can take this to court is in fact to hold a meeting without Government permission, and then we will be tried. In this case, according to the lawyers, we actually break an order of the police, because the police have refused to grant permission and have legal rights to refuse permission. This is, therefore, a valid order which we break in order to

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get this taken into a court of law, and, in fact, according to the lawyers we are in the wrong because we have committed a crime against a valid order. We are therefore on the horns of a dilemma.

Mr. KESTLER (Guatemala) (interpretation from Spanish): I think that we were told that one of the most important charges levelled against the party of Mr. Nyerere is that this party endeavours to foment anarchy and that, to some degree, it has shown systematic opposition to the constitutional changes that have taken place or which are about to take place in the Territory.

Could the petitioner tell me whether his party has submitted any concrete programme with regard to these constitutional reforms, apart from the one which he has already mentioned and which relates to 50 per cent representation for Africans and 50 per cent representation for non-Africans in the Legislative Council. I ask this question in order to obtain a reply to the charge that the party is negative in its approach.

Mr. NYERERE: It is true that we have been accused of being negative in our approach. I do not think that Government has gone so far as to say that we preach anarchy -- that is not the word that is used. They say that in some of our branches we have been encouraging lawlessness, which perhaps may be the same thing.

As I indicated in answering one of the questions, many of the examples that are given by the Government are not satisfactory to us. When we felt that there might be some justification, as I stated in relation to the case of Morogoro, we were disturbed and we tried to find out the truth. In the case mentioned by the special representative, when I heard about the things which members were supposed to have done, I went to the area myself, and, as the special representative has said, I made it perfectly clear in public that our organization would not countenance things like those which were supposed to have been done.

In these cases I feel, with all my desire to maintain peace and order, that Government has been extending this rather beyond the point where it removes doubts.

To the extent that Government has not seen fit to discuss things with us and to discuss problems with TANU, to the extent that Government has made it almost taboo to consider that TANU may have some reasonable things to put forward, to that extent our programme may have seemed negative in the sense that we have criticized

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Government more than we have sat with Government and discussed problems of our country with them. Government had taken a negative attitude towards TANU and this is the negative reaction from our side.

We have other proposals; we are helping the organization of the trade movement in the country. In fact, before it started we had an officer of our own organization to help the organization of the trade union movement. We no longer have an officer in the trade union movement because the trade unions have now taken over themselves. We are helping in the organization of a marketing co-operative movement in the country, and we have helped many co-operatives to be set up. We have helped in setting up a co-operative farming scheme in one area which is doing quite well.

To the extent of our approach to the people who can respond to suggestions which we make, we are positive; to the extent to which there is nothing that we can discuss with Government at present until a change of attitude, we can be said to be negative.

Mr. FLETCHER-COOKE (Special representative): I should not like the Council to draw the conclusion from anything that I may have said that the view of the Government is that TANU has adopted a destructive policy towards the constitutional proposals. I am not aware that I ever said any such thing and certainly that is not the case. As I indicated earlier, recent constitutional developments cover both the elections and the appointment of assistant ministers, and it is my recollection that since the announcement of those two steps forward, although the organization of which Mr. Nyerere is the President has, as he has repeated in this Council, criticized some of the provisions -- let us say in the Elections Bill -- they have not embarked upon a negative campaign of attacking these constitutional proposals root and branch, and I would like that to be clearly understood.

Mr. KESTLER (Guatemala) (interpretation from Spanish): I have no further questions and wish to thank the petitioners for the way in which they have co-operated in helping us to clarify these problems. I should like to explain that I have never in any way meant to give the impression that the Administering Authority directly accused Mr. Nyerere's party of fomenting anarchy. I said that it appeared to us, that it was our impression, that the activities of that party were of a negative character and that it did not co-operate constructively in the formulation of new constitutional proposals. However, in view of the clarification given by Mr. Nyerere our doubts are now dispelled.

The meeting rose at 1.10 p.m.