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**Chairman: Mr. Enrique de MARCHENA**  
(Dominican Republic).

*In the absence of the Chairman, Miss Brooks (Liberia), Vice-Chairman, took the Chair.*

**AGENDA ITEM 13**

**Report of the Trusteeship Council (A/3170)**

**HEARING OF THE PRESIDENT OF THE TANGANYIKA  
AFRICAN NATIONAL UNION**

1. The CHAIRMAN reminded the Committee of the decision it had taken at its 552nd meeting to grant a hearing to the President of the Tanganyika African National Union.

*At the invitation of the Chairman, Mr. Julius K. Nyerere, President of the Tanganyika African National Union, took a place at the Committee table.*

2. Mr. NYERERE (Tanganyika African National Union) said that he would first outline some basic factors without which it might be difficult to appreciate his people's fears and hopes.

3. The German occupation of his country had begun in 1885. From then until 1900 his people had fought desperately with their primitive weapons to keep the Germans out. In 1905 they had risen in rebellion but the movement had been ruthlessly crushed and the Germans had slaughtered some 120,000 people. That struggle had proved to the people the futility of trying to drive out their masters by force and had left them without hope. Then had come the Mandate of the League of Nations. The ideals of the Mandates System could have given the people fresh hope, but the promises of the Mandate had not been explained to them and with one exception all the British governors had administered the country as if it were a colony and had exploited the fear instilled into the people by the Germans.

4. After the Second World War Tanganyika had been placed under the International Trusteeship System. Under the Mandates System it had been recognized that the interests of the indigenous inhabitants were paramount; but with the exception of article 8, which dealt with land rights, the Trusteeship Agreement was significantly silent about the paramountcy of indigenous interests.

5. In order to appreciate the problems of Tanganyika it was important to understand the racial character of the country. In Tanganyika there were 25,000 Europeans, only 3,000 of whom were permanent settlers, 70,000 Asians and 8 million Africans. It was therefore a plural or multi-racial society. The Constitution of Tanganyika was based on a multi-racial policy aimed at a balance of political power between the racial groups. The Executive Council consisted of fourteen members: eight officials, all Europeans, and six non-officials, two of whom were Africans, two Asians, and two Europeans. The Legislative Council was so arranged as to give an over-all majority not only to the Government but also to the Europeans, for of the sixty-one members thirty-one were Europeans. The Government side had thirty-one members: seventeen European officials and fourteen non-officials, of whom six were Asians, four Europeans and four Africans. The representative side had thirty members: ten Europeans, ten Asians and ten Africans. The racial composition of the non-officials on the Government side was left to the Governor's discretion; it was significant that in a legislature which had been described as the most liberal in the plural societies the African members were in the minority.

6. All the members of the Legislative Council were nominated by the Governor. The Government had now made proposals for an election in 1958, which included the maintenance of the present composition of the Legislative Council and the introduction of elections on the basis of a common roll, in a few selected constituencies, and a restricted franchise based on qualifications of residence, age and education or property, income or office.

7. The Tanganyika African National Union was opposed to the maintenance of the present form of parity of representation, to the continuation of nominations in any constituency and to a restricted franchise. It had therefore submitted the following proposals:

(1) That the Government should make a declaration that Tanganyika would be developed as a democratic State; since 98 per cent of the population were Africans, it would therefore be primarily an African State;

(2) That by 1958 the Government side of the Legislative Council should be so reformed that, while retaining the official majority with seventeen official members, there should be sixteen non-official members, with parity between Africans on the one hand and Asians and Europeans on the other, i.e., eight Africans and eight non-Africans;

(3) That the representative side of the Legislative Council should be so reformed as to give parity between Africans and non-Africans, the suggestion being that there should be sixteen Africans and sixteen non-Africans;

(4) That all the representative members should be elected on the basis of a common roll and universal adult franchise;

(5) That the Executive Council should be so reformed that, while retaining the official majority, there should be parity among the unofficial members between Africans and non-Africans, and that the ministerial system should be introduced with some portfolios allotted to non-official members.

8. The object of the proposals was democracy in conditions in which the race of an individual was irrelevant to his participation in political activity. They were based on the maintenance of the official majority in both the Executive and Legislative Councils, thus deliberately leaving the executive power in the hands of the Government. They also introduced a new form of parity as between the Africans and the non-Africans.

9. The Government's limited franchise proposal would give the vote to all European adults in the country, to about 80 per cent of the Asian adults and to only a tiny fraction of the Africans. The Union would not willingly accept that, nor could it agree that the Governor should continue to nominate most of the representative members. The people should learn to elect all their members before there was any demand for an elected majority on the Legislative Council.

10. The Union's proposals were extremely moderate and should enable the Government to demonstrate to the people that they could, through constitutional means, gradually realize their legitimate aspirations. The Union had shown the people the technique of gradual reform through constitutional means and they had responded with overwhelming enthusiasm. In two years the movement had become the strongest in East or Central Africa. When he returned to Tanganyika the entire adult population of Dar-es-Salaam would assemble to hear his message. All over the country he would address thousands of people eager to hear whether they could hope for a gradual development towards self-government.

11. The Government of Tanganyika did not seem prepared to give them that hope. In reply to the proposals the Union had submitted, the Governor had said that the United Kingdom Government was determined to go forward on the basis of qualitative democracy, while on the proposal to change parity he had said that parity had been a big step forward and was working astonishingly well and that it would be as premature to change it at that juncture as it would be to talk realistically about self-government. That was the basis on which the people of Tanganyika were asked to be patient and hope for the best.

12. Of the 3,000 European settlers in Tanganyika to whom he had referred, only a very small minority thought in terms of dominating the Africans. The Tanganyika European Council, which had aimed at establishing a Kenya settler policy in Tanganyika, had attracted no more than 400 members and had virtually died out for lack of membership. The present United Tanganyika Party, which aimed at the domination of the Africans by the Europeans with the help of the Asians, had attracted only a handful of Europeans and Asians. The Asian Association opposed the policy of the United Tanganyika Party on the ground that it would encourage racialism; it had recently submitted a memorandum demanding the immediate introduction of universal adult franchise, to which, as far as he knew, there had been no opposition by the Asians. Thus the majority of non-Africans in

Tanganyika did not want to stand in the way of African advancement. Instead, however, of seizing the opportunity to introduce progressive reforms, the Government of Tanganyika pursued its policy of multi-racialism, which must inevitably lead to racial antagonism. Such a policy was unfair to the Europeans and Asians in Tanganyika, whose only desire was to live in peace and co-operation with the Africans.

13. In 1952 Professor Mackenzie had recommended the setting up of local councils, county councils, and town councils; there had, however, been very little progress in the matter. Owing to the Government's insistence that the councils must be multi-racial, whether or not there were European settlers in the area, only two local councils and one county council had been set up. Some progress had been made with regard to town councils because there the condition of multi-racialism could be fulfilled. The councils would eventually include members of all races but there was no reason why that should be necessary for their establishment.

14. Turning to the question of education, he said that in Tanganyika there were separate schools for children of the different racial groups. All European children and all Asian children received primary education; only 40 per cent of the African children went to school. In 1954 the Tanganyika budget had set aside £600,000 to build two European schools. The best African schools cost about £70,000. Thus the money set aside to build two schools for the children of a tiny minority in the country would have been enough to build nine first-class secondary schools for African children.

15. In 1955 the Government had had £3,200,000 from the Custodian of Enemy Property Fund to spend on education. After setting aside £800,000 for the future university, the rest had been equally divided between the three racial groups: the 25,000 Europeans, the 70,000 Asians and the 8 million Africans had each received £800,000 to spend on education. That was what in Tanganyika was called racial equality.

16. According to the annual report for 1955<sup>1</sup> (para. 563), building and equipment grants, for African schools, were payable at a rate not exceeding 50 per cent of the capital expenditure on an approved work; for Asian schools, at a rate not exceeding two-thirds of the approved expenditure; and for European schools, at a rate not exceeding two-thirds of the capital expenditure on an approved school. Sixty per cent of African children attending school were in grant-aided schools, and the Africans expected that the Government should treat the African schools at least as generously as the non-African schools. Primary education lasted four years for African children, six years for Asian children and nine years for European children. Eighty per cent of the African children did not receive any further education; 80 per cent of those who did were weeded out after a four-year middle-school education and only 20 per cent went on to a secondary school. There were only four full

<sup>1</sup>Report by Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations on the Trust Territory of Tanganyika under United Kingdom Administration for the year 1955, London: Her Majesty's Stationery Office, 1956. (Transmitted to members of the Trusteeship Council by the Secretary-General under cover of document T/1286.)

secondary schools for Africans and six for the Asians. The European children went to Kenya or to the United Kingdom for their secondary education.

17. In a debate in the House of Commons in May 1956, the Secretary of State for the Colonies, asked why only fifty-nine of the 142 Tanganyika students who had passed the Cambridge School Certificate in 1955 were receiving higher education, had replied that the fifty-nine students were the only ones who had gained sufficient credits to qualify them for admission to East African institutions for higher education. He had added that the output from secondary schools was expanding considerably and should result in a marked increase in those who went on to higher education.

18. It was true that the output from the secondary schools had increased and would continue to do so, but that could be only to a very limited extent. Fourteen years previously only three schools in the country had been able to send students to Makerere College; the number remained the same today, with the addition of one school for girls. In 1949 and 1950 five African students, of whom he had been one, had received government scholarships to study in universities in the United Kingdom. Since then African students from Tanganyika had had no opportunities for university education save those provided at Makerere, where Tanganyika had fewer students than had either Kenya or Uganda. Even the tiny island of Zanzibar had more students studying in the United Kingdom than had Tanganyika.

19. The importance of higher education for a country like Tanganyika could not be over-emphasized; on it depended leadership and progress towards self-government. During the past five weeks he had been exploring the possibilities of obtaining scholarships in the United States for students from Tanganyika, and the Secretary of the Union had been doing the same thing in India. In that connexion he thanked those countries which had helped students from Tanganyika. He hoped they would be able to grant further facilities and that other countries, too, would find it possible to help.

20. In Africa the question of economic development was bound up with land. African lands were still being alienated to non-Africans. The process was in fact being speeded up: of all the land in Tanganyika which had been alienated since the time of the German occupation, about half had been alienated during the term of the present Governor. The Government was now proposing to alienate 70,000 acres in the Kilombero Valley to a South African company to grow sugar cane. The company wanted exclusive rights to a 99-year lease and a guaranteed price for twenty-five years. The Tanganyika African National Union had repeatedly told the Government that it would like to see more foreign investment in Tanganyika, but not at all costs. It was prepared to accept the proposed sugar scheme provided that Africans participated as partners and not merely as cheap labour. That could be worked out in three ways: the Government could buy some of the shares and hold them in trust for transfer to African investors in the future; African investors, either as individuals or through co-operative societies, or both, should be able to buy shares in the scheme; at least part of the sugar cane should be grown by Africans, either as individual tenant farmers or co-operative farming societies, or both. If those

conditions were not accepted, the Union would oppose the scheme with all the peaceful means at its disposal.

21. As the Union had said in its memorandum to the United Nations Visiting Mission to Trust Territories in East Africa, 1954,<sup>2</sup> the United Nations had accepted a moral responsibility in the general development of Tanganyika towards self-government. The private investor usually insisted on conditions which were not favourable to such development. Mr. Nyerere asked whether there was no way in which the United Nations could help the country's economic development without at the same time hindering its development towards self-government.

22. The people of Tanganyika were determined to move gradually towards the goal of self-government. They were determined that those Asians and Europeans who had chosen to live there permanently should enjoy the same political rights as everyone else. They would oppose discrimination on the ground of race, colour or creed, but they were not prepared to see any section of their own people treated as second-rate citizens in their own country. He therefore pleaded with the members of the Fourth Committee to prevail upon the Administering Authority to grant the things for which they asked.

*Mr. Julius K. Nyerere, President of the Tanganyika African National Union, withdrew.*

#### AGENDA ITEM 37

**Question of South West Africa: report of the Committee on South West Africa (A/3151 and Corr.1, A/C.4/338, A/C.4/L.442/Rev.1, A/C.4/443, A/C.4/L.444/Rev.1 A/C.4/L.445, A/C.4/L.446, A/C.4/L.447) (continued)**

CONSIDERATION OF DRAFT RESOLUTIONS (A/3151 and Corr.1, annexes VI and IX; A/C.4/L.442/Rev.1, A/C.4/L.443, A/C.4/L.444/Rev.1, A/C.4/L.445, A/C.4/L.446, A/C.4/L.447) (continued)

23. Mr. ESPINOSA Y PRIETO (Mexico) said he had already expressed his satisfaction at the suggestion made at the 575th meeting by the Liberian delegation, which was now put forward in the draft resolution in document A/C.4/L.445. That text and the draft resolution submitted by the Philippines (A/C.4/L.447) were similar in content, particularly now that both delegations had agreed to include the sensible changes proposed at the previous meeting, with admirable lucidity, by the representative of Thailand, Chairman of the Committee on South West Africa, and later submitted in document A/C.4/L.448. The only difference was that the Liberian draft resolution came first. Like the representative of Haiti, he himself had hoped that the two delegations, both equally anxious to find a solution to the difficult problem, would try to reach agreement on a joint text. He regretted that they had not done so, and hoped that it might still be possible. Otherwise he would have to vote against the Philippine draft resolution and in favour of the revised text of the Liberian draft, which, he had been told, was to be submitted. During the debate, the Committee had shown that it was reluctant to lay so heavy a responsibility on the Secretary-General or to jeopardize his chances of success. The two draft resolutions in their revised form coped with the situation. His delegation thought that the Com-

<sup>2</sup> See T/1142, paras. 389 to 396.

mittee must officially authorize the Secretary-General to report his findings fully. It had been glad to hear at the previous meeting that the Secretary-General might visit the Union of South Africa, and to note that, in their revised form, the Liberian and Philippine draft resolutions gave the Secretary-General a free hand in dealing with such tasks as might be entrusted to him by the General Assembly.

24. The Mexican delegation wished to go carefully into the possibilities of action provided by the Indian draft resolution (A/C.4/L.446); but it felt serious misgivings. The Committee had in fact already requested the opinion of the most eminent body of jurists in the world. Furthermore, the Sixth Committee was about to conclude its work, and as it was not familiar with all aspects of the question, it would need some time to reach a decision. It might perhaps be more appropriate to take the measures proposed in the other draft resolutions and to postpone the possibility of joint study by the Fourth and Sixth Committees to the following year, if the situation had not improved.

25. Mr. CARPIO (Philippines) noted that the revised texts of the Liberian draft resolution and the Philippine draft resolution were not yet before the Committee. It would be better to wait until the texts were circulated, when it would be easier to compare them.

26. Mr. BOZOVIC (Yugoslavia) said he would vote for the draft resolution in document A/C.4/L.442/Rev.1, out of a desire to be accommodating. But in his opinion the Territory of South West Africa should be placed under the Trusteeship System. There should be no question of administering it in accordance with obsolete principles and institutions.

27. He would also vote for the Liberian draft resolution in document A/C.4/L.443, although the second paragraph of the preamble was redundant. If, as his delegation hoped, a separate vote was taken, he would vote against that paragraph.

28. Turning to the draft resolutions in documents A/C.4/L.445 and A/C.4/L.447, respectively, he said he would favour giving the Secretary-General fairly wide terms of reference. The Philippine draft resolution simply repeated the Liberian draft on that point, but it had the drawback of limiting the Secretary-General's terms of reference by requiring that he should report to the twelfth session. It would be unwise to set such a time-limit because in that particular case, what mattered was not time but results.

29. He had some doubts as to the value of the Indian draft resolution (A/C.4/L.446). The question of South West Africa was no longer a legal question, but definitely a political one.

30. The draft resolution in document A/C.4/L.444/Rev.1 presented no problem, as it referred only to a question of procedure. His delegation would accordingly vote for that draft.

31. Mr. JASPER (United Kingdom) recalled that his delegation had always been in favour of draft resolutions which would be generally acceptable. The Indian draft resolution (A/C.4/L.446) was certainly interesting. But its sponsor, in presenting it at the previous meeting, had handled a series of technical points with an assurance which might have blinded representatives to the real nature of the problem. As

the Mexican representative had said, it was a little late to ask the Sixth Committee to study the question. Moreover, paragraph 1 of the operative part of the draft was not clear. If a legal question was put to a body of lawyers, it must be couched in legal terms. Furthermore, the paragraph prejudged the substance of the matter. Although his delegation had not said its last word on the subject, it would be unable to accept the text of the paragraph as it stood. As a whole, the Indian draft resolution did not appear sufficiently constructive.

32. On the other hand, he congratulated Liberia, the Philippines and Thailand, on their attempt to find a positive formula to which the Committee could subscribe, and he hoped to be able to vote for their proposals.

33. Mr. COHEN (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) said it was true that the Secretary-General had several times expressed his intention of visiting most of the Member States of the Organization, among them some in Africa, but had not yet made any definite plans. Several members had suggested that should he go to South Africa in the near future the Committee might request the Secretary-General to undertake a special study, in the course of which he might make constructive recommendations. But in view of the many pressing and onerous tasks now entrusted to him, the Secretary-General wished it to be known that, in existing circumstances, he felt that he would not be able to do full justice to such an important request.

34. Mr. JAIPAL (India) feared that the representative of the United Kingdom had misunderstood Mr. Menon's statement at the previous meeting, and urged him to refer to the text of that statement. The Indian delegation sincerely believed that its draft contained constructive measures which would make it possible to ascertain what legal remedies were open to the United Nations.

35. The CHAIRMAN said he would put to the vote first the draft resolution concerning the report of the Committee on South West Africa on conditions in the Territory of South West Africa, submitted by Burma, Liberia, Morocco and Tunisia (A/C.4/L.442/Rev.1).

36. Mr. JASPER (United Kingdom) asked for a separate vote on each paragraph and also for separate votes on the first part of paragraph 4, as far as the words "to those recommendations in respect of:", and on the second part of the paragraph (sub-paragraphs (a) to (h) inclusive).

*The preamble was adopted by 45 votes to 3, with 5 abstentions.*

*Operative paragraph 1 was adopted by 47 votes to none, with 6 abstentions.*

*Operative paragraph 2 was adopted by 45 votes to 3, with 5 abstentions.*

*Operative paragraph 3 was adopted by 36 votes to none, with 17 abstentions.*

*The first part of operative paragraph 4 was adopted by 42 votes to 3, with 6 abstentions.*

*The second part of operative paragraph 4 was adopted by 41 votes to none, with 12 abstentions.*

*Operative paragraph 4 as a whole was adopted by 44 votes to none, with 12 abstentions.*

*Operative paragraph 5 was adopted by 42 votes to none, with 12 abstentions.*

*The draft resolution as a whole was adopted by 43 votes to none, with 12 abstentions.*

*Mr. de Marchena (Dominican Republic) took the chair.*

37. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) made some reservations on the draft resolution just adopted by the Committee and on the draft resolutions upon which it was about to vote. He said that the USSR delegation could not accept the references to the advisory opinion given on 11 July 1950 by the International Court of Justice,<sup>3</sup> or to South West Africa as being a mandated territory.

38. The CHAIRMAN asked the Committee to vote next on the draft resolution concerning the status of the Territory of South West Africa, submitted by Liberia (A/C.4/L.443).

39. Mr. BOZOVIC (Yugoslavia) thought that the second paragraph of the draft resolution was not altogether appropriate there, and he hoped it might be possible to make it the first paragraph of the preamble to the draft resolution which the Committee had just adopted.

40. The CHAIRMAN pointed out that that procedure would cause considerable difficulty, as the Committee would have to re-examine the draft resolution it had already adopted. He suggested that the representative of Yugoslavia should bring up his proposal when the matter came up before the General Assembly.

41. Mr. RODRIGUEZ FABREGAT (Uruguay) objected to the use of the conditional form of the verb "*consistiria*" in operative paragraph 2 of the Spanish text. When a statement was reaffirmed, as was the case in that paragraph, it was logical to use the indicative, not the conditional. The word would then be "*consiste*". But he would vote for the draft resolution on the understanding that paragraph 2 implied that the normal way of modifying the international status of the Territory was to place it under the International Trusteeship System.

42. The CHAIRMAN pointed out that the words "would be", in the original English text were quoted from page 141 of the opinion given by the International Court of Justice in 1950. The Spanish text of

<sup>3</sup> *International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.* (Transmitted to Members of the General Assembly by the Secretary-General under cover of document A/1362.)

the draft resolution followed the English text in using the conditional, but it would obviously be better to use a form denoting affirmation, i.e., the present indicative, as used in the French text of the same passage of the Court's opinion, which read ". . . *le statut international du Territoire est de placer celui-ci sous le Régime de Tutelle*". He hoped the Secretariat would make the necessary corrections.

43. He would put the second paragraph of the preamble of the draft resolution (A/C.4/L.443) to the vote separately.

*The second paragraph of the preamble was adopted by 24 votes to 4, with 18 abstentions.*

*The draft resolution as a whole was adopted by 39 votes to none, with 12 abstentions.*

44. The CHAIRMAN asked the Committee to vote on the draft resolution concerning the hearing of petitioners on conditions in the Territory of South West Africa, submitted by Liberia (A/C.4/L.444/Rev.1).

*The draft resolution was adopted by 38 votes to 4, with 8 abstentions.*

45. The CHAIRMAN requested the Committee to pass on to the draft resolutions recommended to it for adoption by the Committee on South West Africa.

46. He put to the vote first the draft resolution on the petition and communication from Mr. Jacobus Beukes, Burger Secretary, Rehoboth Community (A/3151 and Corr.1, annex VI, section (c)).

47. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) requested that the first paragraph of the preamble to the draft resolution should be put to the vote separately.

*The first paragraph of the preamble was adopted by 46 votes to none, with 13 abstentions.*

*The draft resolution as a whole was adopted by 45 to 2, with 6 abstentions.*

48. The CHAIRMAN then put to the vote the draft resolution on the petition from the Ukuanyama Tribal Congress, Ovamboland (A/3151 and Corr.1, annex IX, section (b)).

49. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) asked for a separate vote on the first paragraph of the preamble to the draft resolution.

*The first paragraph of the preamble was adopted by 38 votes to none, with 14 abstentions.*

*The draft resolution as a whole was adopted by 40 votes to none, with 12 abstentions.*

The meeting rose at 1.5 p.m.