



TRUSTEESHIP COUNCIL

Twentieth Session

OFFICIAL RECORDS

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President: Mr. John D. L. HOOD (Australia).

Present:

The representatives of the following States: Australia, Belgium, Burma, China, France, Guatemala, Haiti, India, Italy, New Zealand, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of the following specialized agencies: International Labour Organisation, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, World Health Organization.

Examination of the annual report of the Administering Authority on the administration of the Trust Territory of Tanganyika for 1955 (T/1286, T/1304, T/1317, T/1318, T/L.772) (continued)

[Agenda item 4 (a)]

At the invitation of the President, Mr. Fletcher-Cooke, special representative of the Administering Authority for the Trust Territory of Tanganyika, took a place at the Council table.

QUESTIONS CONCERNING THE TRUST TERRITORY AND REPLIES OF THE REPRESENTATIVE AND SPECIAL REPRESENTATIVE OF THE ADMINISTERING AUTHORITY

Political advancement

1. Mr. DAVIN (New Zealand), referring to paragraph 33 of the annual report,¹ asked whether the term "alien" referred to African inhabitants of Tanganyika residing a part of the Territory where they did not normally reside or to Africans from outside the Trust Territory.

2. Mr. FLETCHER-COOKE (Special Representative) said that it applied to both categories; from the point of view of a Native Authority any African coming into the district was regarded as an alien.

3. He emphasized that the system of registration was purely voluntary; it was a convenience for an African who wished to leave the area where he normally lived

¹ 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 1956 (London, Her Majesty's Stationery Office, 1956). Transmitted to members of the Trusteeship Council by the Secretary-General under cover of document T/1286.

to have a document comparable to a passport which indicated his identity, place of origin and so on.

4. Mr. DAVIN (New Zealand), referring to paragraph 61 of the annual report, asked whether a favourable reply had been received to the application for the number of geologists sent out by the United Nations Technical Assistance Administration to be increased from three to four during the next two-year period.

5. Mr. FLETCHER-COOKE (Special Representative) had no information on that point, but hoped that the application would be successful.

6. Mr. DAVIN (New Zealand) asked how the eight posts of nominated unofficial members of the Legislative Council were distributed among the three races and what procedure was followed in nominating or selecting those members.

7. Mr. FLETCHER-COOKE (Special Representative) replied that there was no fixed proportion among the official and unofficial nominated members of the Legislative Council. The races were represented in roughly equal proportions, with special provision for two Arab members in addition. If a member were ill, or left the Territory, he might be replaced temporarily by a nominated member of another race.

8. Mr. DAVIN (New Zealand) asked how the thirty representative members were selected.

9. Mr. FLETCHER-COOKE (Special Representative) pointed out that the present Legislative Council in Tanganyika was the first council to include thirty representative members, ten of each race. The Governor had consulted representatives of each community in each province before the representative of that race was nominated. There had been a great deal of consultation, both directly with representative groups and indirectly through the provincial commissioners and others, and as a result the representatives who had been nominated had given general satisfaction in their constituencies. The three members representing general interests were a European, an Arab, and an African who had been appointed because it had been felt that one African member to represent the Lake Province was not enough. A second African had therefore been nominated to represent general interests. As he came from the Lake Province, he naturally reinforced the African representation of that province.

10. Mr. DAVIN (New Zealand) asked why the Franchise Committee and the Administering Authority had preserved a form of qualified franchise for the forthcoming elections to the Legislative Council.

11. Mr. FLETCHER-COOKE (Special Representative) replied that the Government had put proposals based on a qualitative franchise to the Committee, which had been left to accept them or modify them. It had in fact modified them quite considerably, in almost every case recommending a widening of the proposed franchise. The only restriction he could recall that had been added by the Committee was an increase of the residential qualification from one to three years. The Committee had expressed the opinion that only experience based

on elections could show if and where any other modification of the proposed qualifications was desirable or necessary. The Governor had expressed the view that the Committee's recommendations represented a well-considered balance between a natural desire for a wide franchise and the sound principle that to begin with the right to vote should be extended to those whose personal qualities and attainments gave good reason to suppose that the right would be exercised with understanding and a sense of responsibility. Furthermore, Professor W. J. M. Mackenzie, a leading expert in constitutional affairs, had informed the Franchise Committee that there was no recorded instance in the British Commonwealth of the first elections to a central legislature having been carried out on the basis of universal suffrage. In fact, unrestricted universal suffrage had been attained in the United Kingdom itself only thirty years previously.

12. Mr. DAVIN (New Zealand), referring to paragraph 115 of the annual report, asked whether there had been many instances of the withdrawal of recognition of chiefs.

13. Mr. FLETCHER-COOKE (Special Representative), while unable to give exact figures, did not think there had been more than one or two instances since the enactment of the African Chiefs Ordinance.

14. Mr. DAVIN (New Zealand) asked whether the special representative could give the Council some information about the policy and platform of the Tanganyika African National Union (TANU), referred to in paragraph 137 of the annual report.

15. Mr. FLETCHER-COOKE (Special Representative) stressed that the Government was extremely anxious to see the development of political parties in Tanganyika. When the Tanganyika African National Union had been formed, in July 1954, the Government had hoped that it would be one of the first political parties to play a part in elections when they were introduced. In fact the President of the Tanganyika African National Union had been selected as a nominated member of the Legislative Council. The Government had therefore greatly regretted to find that the policies and approach of TANU had changed very considerably in the past three years. There had been a number of recorded instances where branches of TANU had deliberately attempted to usurp the authority of the Government and of the Native Authorities. In many cases members of TANU had been convicted before the courts. Members and officers of many of its branches had appealed to the local population for support on the grounds that that would result in early self-government. According to their definition, early self-government would mean the abandonment of a number of measures which any Government in Tanganyika would find it necessary to apply, such as, for example, contour ploughing and various other methods of improving and conserving the soil which had been introduced in the interests of the local inhabitants. The Tanganyika African National Union had not only decried the efforts of the Administering Authority to improve conditions but had even gone so far as to create the impression in the minds of the people that with self-government there would be no more taxation, no more prosecutions and no more police.

16. Nevertheless, although three branches of TANU had been struck off the register and two had been refused registration for the reasons he had indicated, there were now forty-eight registered branches instead

of the twenty mentioned in the annual report. That was sufficient evidence that the Administering Authority had not embarked upon a campaign to eradicate the movement.

17. A further disturbing development had been the activities of the President of TANU. His remarks before the Fourth Committee (579th meeting) during the eleventh session of the General Assembly had been moderate in tone, although marked by a number of factual mis-statements and omissions. When he had returned to Tanganyika, however, he had made two speeches, one in Dar es Salaam before a crowd of 30,000 to 35,000 people and one in Moshi, the content and tone of which had caused the authorities to conclude that a continuance of that attitude was likely to lead to a breach of the peace. For that reason there had been restrictions on the holding of mass public meetings by the President of the Union. There were, of course, no restrictions on his holding meetings of his organization in closed premises—he had in fact held a number of them—nor were there restrictions on his publishing broadsheets and periodicals. To say, as had been said, that the leader of the Union had been “muzzled” was untrue. The Government could not, however, tolerate his addressing, in terms calculated to stir up racial tensions and animosities, large mass meetings in the most populated centres of Tanganyika.

18. The Government had hoped that after the two speeches to which he had referred there might be a change, in which case the limitations would have been removed. Unfortunately, however, there had been no evidence that the President had realized the dangerous effects his words might have on large crowds of people, many of whom were not in a position to weigh all the consequences of the words said and the actions which might follow them. At the same time it was the policy of the Government of Tanganyika to permit the maximum freedom compatible with the preservation of order and it was again considering whether it could once more safely grant the leaders of the Union permits to hold public open-air meetings.

19. Mr. KIANG (China) said he understood that before the passing of the Legislative Council Elections Ordinance there had been some opposition in the Legislative Council to the Government's first proposals for initiating elections on a limited franchise in a limited number of constituencies and extending the franchise to other constituencies in 1962 only. He further understood that the opposition had been by African representative members, who preferred to have elections in all constituencies simultaneously, even though it meant waiting for two or three years, that the Government had withdrawn the first bill and that the Tanganyika African National Union had been campaigning for a political time-table for self-government within five or ten years.

20. Mr. FLETCHER-COOKE (Special Representative) explained that during the second reading of the Legislative Council Elections Bill—which had now passed into law with virtually no amendments—it had become perfectly clear that the African representatives in the Legislative Council did not like the idea of elections being held in four or five constituencies only in 1958. They had argued, firstly, that if there was a qualitative franchise, which they were content to accept as an interim measure, it was unreasonable to suggest that certain constituencies were not ready for elections and, secondly, that if the representative side of the Legislative Council was partly elected and partly nominated, certain strains and stresses would arise; the

ected members would be in a position to contend that, by virtue of the fact that they had been elected, what they said represented the wishes of the people and the nominated members would thereby be placed in an embarrassing situation should they advance a different point of view. The Government had appreciated that there was some force in those two arguments. The Bill had not been withdrawn but the debate had been adjourned so that the Government might consider to what extent it could meet the wishes of the African representative members, who had received support from some other representative members on the basic point that the elections should be Territory-wide. There had been a delay of two or three weeks during which the Governor had consulted the Secretary of State for the Colonies.

21. The administrative problems of introducing elections into a territory the size of Tanganyika for the first time were considerable. The Administration had found that it would be virtually impossible to introduce Territory-wide elections in all constituencies simultaneously before September 1959. On the other hand, it would be quite possible to do so for half the Territory by September 1958 and the other half in September 1959. In that case, many of the staff and much of the equipment used during the first round of elections could be used again during the second round and fewer staff would have to be trained. All the representatives on the Legislative Council had recognized the administrative problems involved and had indicated that they would be content with an arrangement providing for elections in half the Territory in 1958 and half in 1959. What they had not wanted was that elections should be held in a few constituencies in 1958, followed by an indefinite period before there were elections in the rest of the Territory.

22. He hoped that his explanation would remove any doubts in the mind of the Chinese representative about the welcome which the African representatives in the Legislative Council had given the Government's revised proposal. Furthermore, it had been announced in the Legislative Council that a new Legislative Council would probably be brought into being in September 1957. Under the existing constitutional instruments the Council would be in office for three years but it was proposed to extend its life to five years because it would not be until September 1959 that all the representative members would be elected and the Government regarded three years, namely from September 1959 to September 1962, as the minimum period during which the elected members should hold their seats before there was a general election. A number of the African members of the Legislative Council were members of the Tanganyika African National Union and they had indicated that, although they did not regard the arrangements as suitable in perpetuity, they did approve of them as best suited to existing conditions in Tanganyika.

23. Mr. KIANG (China) noted that two unofficial European representative members had dissented when the Bill had been passed, on the grounds that it was premature to introduce elections in Tanganyika. It would be interesting to know whether they were expressing the general opinion of the Europeans in the Territory.

24. Mr. FLETCHER-COOKE (Special Representative) said that the Government, which to a certain extent represented European opinion, did not share the view that it would be premature to introduce elections. Furthermore, the minority views of the two dissenting voices were certainly not representative of the European unofficial population. Eight of the ten unofficial Euro-

peans who were representative members had supported the Bill, and the leader of the unofficial representatives, who happened to be a European, had said that he felt sure that the new law would give satisfaction to responsible public opinion of all communities throughout the Territory.

25. Mr. KIANG (China) asked for a rough estimate of the number of qualified Africans living in the four or five constituencies in which elections would take place in 1958 compared with the number of Asian and European electors.

26. Mr. FLETCHER-COOKE (Special Representative) replied that he would hesitate to quote any figures because there were a large number of unknowns. The largest portion of the African electorate would undoubtedly come from that section of the "office" qualification which was described in the Bill as recognized by Native law and custom as the head of a clan or kindred group for the purposes of representing such clan or group in affairs relating thereto. Any African of twenty-one years or over who had that qualification was eligible to vote. The estimate of clan or kindred group heads in the Territory varied from 20,000 to 100,000; he himself believed they were in the neighbourhood of 70,000, but that was no more than a guess. Apart from the clan and kindred group heads, the rest of the electorate in all communities would be of the order of 120,000 to 150,000, but it was impossible to be certain of those figures until the voters had registered.

27. The Administration was quite satisfied that the African electorate had a majority over the European and Asian votes combined in every constituency except one. That was partly due to the rigid residential qualifications, for no European or Asian who had lived in Tanganyika for less than three years would be able to vote.

28. Mr. KIANG (China) asked for further information on the role and functions of the six assistant ministers.

29. Mr. FLETCHER-COOKE (Special Representative) explained that at the moment nine officials, called members, were responsible for various branches of the Government's activities; they were all members of the Executive Council. Some of them, such as the Attorney-General, had little executive responsibility; others, such as the Member for Social Services, were responsible for a large number of departments. It was proposed that, with effect from 1 July 1957, the existing official members would become ministers. That would entail a reorganization of their portfolios in the sense that each of them would have under him a civil servant, who would be called a ministerial secretary but who was in fact, in embryo, the permanent under-secretary to the ministry and would be expected to carry out a number of non-policy decisions hitherto carried out by the member. Between the ministers and the ministerial secretaries there would be six assistant ministers, who would deal with policy and would be responsible, subject to the general direction of their ministers, for taking decisions in the particular fields allocated to them. The constitutional instruments were being altered to provide that the nine new ministers and the six new assistant ministers would all be *ex-officio* members of the Legislative Council. The assistant ministers would be called into the Executive Council whenever a matter concerning their particular field of responsibility was being considered.

30. Sir Andrew COHEN (United Kingdom) added that the assistant ministers had a more elevated position than parliamentary secretaries and would have more responsibilities.
31. In reply to a further question by Mr. KIANG (China), Mr. FLETCHER-COOKE (Special Representative) said that of the four African assistant ministers, two were regular members of the Legislative Council, one had served as a temporary member and one had never been a member. The Asian assistant minister had been a temporary member of the Legislative Council in the past; the European assistant minister was at present a temporary member.
32. Mr. KIANG (China) asked whether multi-racialism was still the Government's policy in the administration of the Territory.
33. Mr. FLETCHER-COOKE (Special Representative) replied in the affirmative. Under the Elections Bill it was proposed to continue the system whereby each constituency was jointly represented by three members, one of each race. The difference would be that after September 1959 all the representatives would be elected, whereas they were now nominated. The continuation of the principle of multi-racialism and parity as an essential feature of the constitution of the Legislative Council, and therefore of the Elections Bill, had been accepted by the members on both sides of the Legislative Council, although some representative members had indicated that they regarded it purely as an interim measure. At present the system worked well and appeared to meet existing circumstances in Tanganyika. If and when it no longer appeared to meet the circumstances the position would certainly be reconsidered.
34. Mr. KIANG (China) asked how many political organizations had registered, and how many had been refused registration, in 1956, and how many political parties there were in the Territory besides the Tanganyika African National Union and the United Tanganyika Party.
35. Mr. FLETCHER-COOKE (Special Representative) regretted that he was unable to state offhand how many political organizations had registered in 1956. He would give that information at a later meeting, at which time he would also give details of the large number of organizations which took a lively interest in political affairs but would normally not be regarded as political parties. In terms of Territory-wide political organizations the parties mentioned by the Chinese representative were the only two.
36. Since the Council had last considered conditions in Tanganyika there had been only two cases of registration being refused, both involving branches of the Tanganyika African National Union.
37. Mr. KIANG (China) asked what was the present membership of the Tanganyika African National Union and whether he was correct in understanding that TANU's political activities were concentrated on the southern shores of Lake Victoria and the Kenya border. He would like to know whether it was true that some members of TANU were preaching African domination through the eviction of the immigrant races, both European and Asian; and where the five branches of TANU that had been struck off the registration lists or refused registration were situated.
38. Mr. FLETCHER-COOKE (Special Representative) replied that he could not give the membership of TANU, since it had never published any membership lists, accounts or indication of its composition or activities.
39. The forty-eight branches of TANU were spread fairly widely all over the Territory, although there was perhaps more activity in certain areas than in others.
40. It was true that a large number of members and office-bearer of TANU had referred to the complete removal or expulsion of the Europeans, Asians and other immigrant communities; on the other hand other office-bearers and leaders had indicated that that was not TANU's policy. Despite divergencies of views, however, TANU's recent activities and some of the speeches made by its members indicated that it was predominantly an African movement; it did not appear to accept the multi-racial position embodied in the Constitution, which had been approved not only by both parties in the United Kingdom but also by the Trusteeship Council on a number of occasions.
41. The registration of the Korogwe branch had been cancelled on 15 January 1957 and that of the Handeni and Pangani district branches on 17 April 1957. The Lushoto branch had been refused registration in August 1956 and the Kondoa Irangi branch on 19 March 1957.
42. Mr. KIANG (China) asked whether it was true that the various branches of the Tanganyika African National Union had been prohibited from holding meetings at places of their own choice and, if so, why.
43. Mr. FLETCHER-COOKE (Special Representative) said that TANU was allowed to hold meetings of its members on its own or other closed premises and that a great many such meetings had in fact been held. Although the President of TANU had been refused permission to address large public meetings because of the nature of the two speeches he had made earlier in the year, there was no reason to suppose that the authorities would prohibit the branches from holding public meetings in outlying areas where only a small number of people would be likely to attend. In deciding whether to grant or withhold such permission the authorities were guided solely by the desire to avoid public disturbances.
44. Mr. KIANG (China) asked whether the special representative had any information on the membership of the United Tanganyika Party.
45. Mr. FLETCHER-COOKE (Special Representative) said that, while he did not know the actual figures, he understood from the organizers of the Party that about 80 per cent of the members were African, the remaining 20 per cent being European and Asian.
46. In reply to further questions by the Chinese representative, he stated that the Party advocated a multi-racial Government and he understood that a number of its African members were also members of the Tanganyika African National Union. Like the latter, the United Tanganyika Party appeared to have branches scattered throughout the Territory, although they were not nearly so numerous.
47. Of the 1,518 societies registered by the end of 1956, only about eighty-seven could be regarded as having political objectives and none of them were really Territory-wide except the two already referred to.
48. Mr. KIANG (China) asked whether the Asian associations had made further attempts to organize themselves on a Territory-wide basis.
49. Mr. FLETCHER-COOKE (Special Representative) replied that, although loosely affiliated, those associations did not constitute a single party. They were

spontaneously formed local bodies rather than branches of a larger organization opened from a central headquarters.

50. Mr. JAIPAL (India) asked whether it was possible to make an approximate estimate of the number of Africans who would be able to vote in accordance with the office-holder qualification.

51. Mr. FLETCHER-COOKE (Special Representative) explained that the office-holder qualification applied to members and former members of local authorities down to the level of chiefs and persons appointed to perform the duties of chief during a chief's minority, superior headmen or headmen from municipalities and so forth. Hence the number of people voting under that qualification would probably total about six or seven thousand, of whom not more than two or three hundred were likely to be Europeans or Asians.

52. Mr. JAIPAL (India) asked where standard VIII fitted into the general educational pattern of the Territory, how many Africans had reached that standard and how it could be established, for purposes of voting, that they had done so.

53. Mr. FLETCHER-COOKE (Special Representative) replied that standard VIII represented eight years of schooling, beginning with the first year of primary school, the School Certificate or general certificate of education standard being standard XII. It had been proposed that the Director of Education should issue a general certificate indicating the standards in certain schools which would be regarded as the equivalent of standard VIII. An African wishing to vote under the educational qualification would have to satisfy the registration authorities that he had attained standard VIII; that should not be difficult, for he would doubtless have the appropriate certificate among the papers which he required for such purposes as obtaining employment.

54. He could not say offhand how many Africans had attained standard VIII but he would try to provide that information later.

55. Mr. JAIPAL (India) asked how many Africans would be included in the category voting under the income qualification of at least £150 a year. Was that income level taxable and how would the prospective voter prove that that was the income he received?

56. Mr. FLETCHER-COOKE (Special Representative) said that while he did not know the exact number of Africans with incomes of £150 a year, he could obtain the figure for those with an income of £200, since that was one of the existing taxable levels. The lowest taxable level of income was £100 a year and a £150 level was being introduced. At the present time, evidence of tax payment on £150 was regarded as *prima facie* evidence of an income of that amount.

57. Mr. JAIPAL (India) said that he would be grateful if the special representative could ascertain the number of Africans with an income of £100 a year as well as for those with an income of £200.

58. The special representative had said earlier that preliminary surveys had shown that in all constituencies except one the African electorate, if duly registered, would exceed the combined European and Asian electorates. He asked what that exception was.

59. Mr. FLETCHER-COOKE (Special Representative) said that the exception was Dar es Salaam, where the Asian electorate might well exceed the combined European and African electorates and in any case would certainly be the largest single element in the electorate as a whole.

60. Mr. JAIPAL (India) asked the special representative to ascertain the population figures for each constituency; divided into the three communities. He assumed that the constituencies had been delimited on the basis of provincial boundaries, since it was clear that neither racial composition nor population figures had been the criterion. He asked whether there had been any discussion on the latter aspect of electoral reform in the past few months.

61. Mr. FLETCHER-COOKE (Special Representative) said that he would obtain the population figures for each constituency.

62. The Indian representative's assumptions regarding their delimitation were correct. When the system of constituencies had come into effect, the only exception to the rule by which they had been established had been the separation of the urban centre Dar es Salaam from the Eastern Province. The Government had given much thought to the matter and had felt that some of the provinces were physically so large that it would be extremely difficult for an elected representative to keep in touch with his constituents; at the same time, it had realized that to amend constituency boundaries now would delay the elections for another year or two. It was, however, planning to divide the Lake Province into two constituencies before the elections, since that could be done without difficulty, and the Legislative Council had warmly welcomed the proposal. The constitutional committee to be set up in the autumn of 1959, after all the representative members had been elected, would consider to what extent constituencies should be altered.

63. In reply to another question by the representative of India, he said that in cases where all three seats in a constituency were contested the voter was required to cast a vote for one candidate representing each race. He was given a single ballot paper divided into three sections, one for each of the three races; each section gave the names of the candidates for the seat in question, against one of which he would mark a cross.

64. Mr. JAIPAL (India) asked why it had been thought necessary to introduce a system obliging the elector to vote for candidates of all three races. It seemed to him that there was an element of compulsion in the system and that three separate ballots would have met the situation equally well.

65. Mr. FLETCHER-COOKE (Special Representative) pointed out that the forthcoming election was the first attempt to introduce elections on the basis of a common roll in a multiracial society. In those circumstances, it was felt that the voters should be made to realize that all three representatives, irrespective of race, would represent the general interests of the constituency. Otherwise there was likely to be a return to a system of communal rolls, the net result of which might be that the inhabitants would vote only for the candidates of their own race and that the cohesion between the three representatives from a particular constituency would be impaired. The system had worked extremely well in the appointed Legislative Council, where it had sometimes happened that the three representatives of a constituency had joined in support of a certain policy in opposition to the representatives of the other constituencies, without regard for racial considerations.

66. Mr. JAIPAL (India) interpreted that explanation to mean that no Asian or European candidate could be elected to the Legislative Council without African votes,

a circumstance which gave those votes great importance and should lead European and Asian candidates to seek the support of the African electorate. He admitted that in that respect the system had merit.

67. He asked to what extent the local councils, such as chiefdom and sub-chiefdom councils, had been developing into democratic representative bodies, what steps were contemplated to democratize them as far as both representation and the exercise of authority were concerned and how the chiefs had responded to the prospect of such developments.

68. Mr. FLETCHER-COOKE (Special Representative) said that those councils were in a sense democratic, despite the fact that they were not elective, since in practice the members did not hold office for long unless they had the support of the people. There was a measure of conservatism at that level which would have to be overcome before much progress could be made. The Administering Authority and the Government could act only by persuasion and he himself felt that the

introduction of elections on a higher level would result in a greater understanding of, and possibly even a demand for, elections at the lowest level. At a slightly higher level there were proposals to raise some of the Native Authorities to the status of district councils, which would be multiracial. In many cases members of the other racial groups were already co-opted on to Native Authorities for various purposes.

69. Mr. JAIPAL (India) said that he personally would be in favour of working from the lowest level upwards. He wondered whether the experiment of holding elections to sub-chiefdom councils which had been carried out in Ruanda-Urundi could not be repeated in Tanganyika. He asked whether the boundaries of the areas under the jurisdiction of the local councils corresponded to tribal boundaries.

70. Mr. FLETCHER-COOKE (Special Representative) said that he would reply to that question at a later meeting.

The meeting rose at 12.45 p.m.