



## CONTENTS

	Page
Examination of conditions in the Trust Territory of Tanganyika ( <i>continued</i> ):	
(i) Annual report of the Administering Authority for 1956;	
(ii) Petitions raising general questions;	
(iii) Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1957	
Questions concerning the Trust Territory and replies of the representative and special representative of the Administering Authority ( <i>continued</i> )	197
Examination of the annual report of the Administering Authority on the Trust Territory of Togoland under French administration for 1956	204

**President:** Mr. Emilio ARENALES CATALAN  
(Guatemala).

*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.

### Examination of conditions in the Trust Territory of Tanganyika (*continued*):

- (i) Annual report of the Administering Authority for 1956 (T/1339, T/1349 and Corr.1, T/1355, T/1364, T/1365, T/1366, T/L.815);
- (ii) Petitions raising general questions (T/L.815/Add.1, T/PET.2/L.10);
- (iii) Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1957 (T/1345, T/1362)

[Agenda items 4 (a), 5 and 6 (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 (*continued*)

#### *Political advancement (concluded)*

1. Mr. ZADOTTI (Italy) asked whether the membership of the Tanganyika African National Union (TANU) and the United Tanganyika Party (UTP) was increasing.
2. Mr. FLETCHER-COOKE (Special Representative) said that both parties constantly asserted that

their membership was growing, sometimes claiming as members persons who had paid only one subscription although they could not, strictly speaking, be regarded as members unless they paid regular subscriptions. TANU in particular would probably claim on the above basis that there had been an increase in its membership above the figures quoted in the report of the United Nations Visiting Mission to Trust Territories in East Africa, 1957 (T/1345).

3. In reply to a further question by Mr. ZADOTTI (Italy), Mr. FLETCHER-COOKE (Special Representative) said that the influence of the two parties was not confined to the urban areas. TANU, in particular, had opened a number of branches and sub-branches in the rural areas.

4. Mr. ZADOTTI (Italy) asked whether it was a fact that all the Native Authorities' sources of income would be passed on to the district councils and, if so, whence the Native Authorities would derive their revenue in the future.

5. Mr. FLETCHER-COOKE (Special Representative) said it was quite true that all the statutory sources of revenue which at present accrued to the Native Authorities would pass to the district councils. Nevertheless the Native Authorities would have certain residual powers in connexion with the administration and interpretation of Native law and custom and arrangements would have to be made to ensure that they had resources with which to carry out their functions.

6. Mr. JAIPAL (India) understood that the initiative for the establishment of district councils would come primarily from the people of each district concerned. He asked how that demand would be expressed.

7. Mr. FLETCHER-COOKE (Special Representative) replied that the Native Authorities would approach the minister concerned through the normal channels and inform him that they, representing public opinion in the district, wished a district council to be established. If and when the minister was satisfied that to set up a district council would in fact be in accordance with the wishes of the people of the district, he would lay the relevant instrument before the Legislative Council and it could then be the subject of a debate.

8. In reply to a further question by Mr. JAIPAL (India), Mr. FLETCHER-COOKE (Special Representative) said that the district advisory councils had been set up to advise district commissioners on matters connected with central government policy. They were not primarily concerned with local government matters though there was naturally a certain amount of overlapping. While the new district councils would concern themselves with purely local government matters, there might still be a place for district advisory councils to advise district commissioners on matters directly concerned with central government policy.

*Mr. Claeys-Bouuaert (Belgium), Vice-President, took the Chair.*

9. Mr. JAIPAL (India) asked whether it was intended eventually to democratize the local government

bodies by introducing suffrage, as had been done in West Africa.

10. Mr. FLETCHER-COOKE (Special Representative) drew attention to paragraph 39 of the observations of the Administering Authority (T/1362) on the Visiting Mission's report. It was the view of the Government of Tanganyika that the normal unit for local government affairs should now be the district council. There would be a devolution of some powers to the smaller local government organs below the district council level. It was the intention of the Government of Tanganyika, with the support and co-operation of the people concerned, to extend the elected elements in those lower grade local authority bodies.

#### *Economic advancement*

11. Mr. ZADOTTI (Italy) asked the special representative the reason for the decrease of £1,200,000 in revenue during the fiscal year 1956-1957 and the consequent deficit in the Territory's budget of about £665,000. In that connexion he drew attention to table A, on page 102 of the annual report,<sup>1</sup> and asked how it was that despite the decrease of about £10,000,000 in imports there had been an increase in receipts from import duties.

12. Mr. FLETCHER-COOKE (Special Representative) thought the explanation probably was that there had been a decrease in imports which were subject to very low duties or none at all, such as goods required for mining or agricultural development, and an increase, in the imports of goods subject to higher duties.

13. In reply to further questions from Mr. ZADOTTI (Italy), Mr. FLETCHER-COOKE (Special Representative) said, firstly, that as far as he was aware the permit granted to the Western Rift Exploration Company Ltd. for mineral exploration in the Territory covered all minerals in the area.

14. Secondly, there had recently been fairly substantial increases in exports of cotton, coffee and cashew nuts. Tea was another export cash crop which had been progressively increasing during the past eighteen months.

15. Mr. ZADOTTI (Italy) asked whether the Advisory Committee on Development referred to in the supplementary information submitted by the Administering Authority (T/1349 and Corr.1) had completed its work and, if so, whether it had made any recommendations which could be expected to produce important changes in the development plan.

16. Mr. FLETCHER-COOKE (Special Representative) said that the Committee had been meeting at fairly frequent intervals. Its immediate objective was to lay down the outline of that portion of the development plan which would have to be financed in the forthcoming financial year, beginning on 1 July 1958. Generally speaking the Committee had found it necessary to restrict some of the development plans by spreading them over a longer period of time, since the Government had not available all the money required to meet the expenses of the plans which had been approved in principle in 1956. In other cases some less essential projects had been eliminated.

<sup>1</sup> *Tanganyika under United Kingdom Administration: Report by Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations for the year 1956*, Colonial No. 333 (London, Her Majesty's Stationery Office, 1957). Transmitted to members of the Trusteeship Council by a note of the Secretary-General (T/1339).

17. Despite the financial difficulties, however, the Government had felt obliged to continue with the building of schools, hospitals and other institutions laid down in the plans, since a number of people had begun training in 1956 and if the institutions in which they were to work were not built the money and effort involved would have been completely wasted.

18. Mr. LALL (India) asked whether the Administering Authority intended to accede to the request of the African members of the Legislative Council that a commission should be appointed to draw up plans for agricultural and economic development.

19. Mr. FLETCHER-COOKE (Special Representative) replied that the plans for increasing African productivity had already been completed and submitted to the Secretary of State for the Colonies for consideration. A special grant of some £700,000 had been made from Colonial Development and Welfare funds which it was hoped would meet 80 per cent of the cost of the various schemes; the remaining 20 per cent would be found from local resources.

20. In reply to a further question by Mr. LALL (India), Mr. FLETCHER-COOKE (Special Representative) said that the 140 schemes which had been originally considered by the Advisory Committee on Development had been reduced to about forty. A list giving the scope of their activities would be found in paragraph 95 of the observations of the Administering Authority (T/1362).

21. Sir Andrew COHEN (United Kingdom) pointed out that it was very satisfactory that the initiative in the matter should have been taken by the African representative members of the Legislative Council and should have been acted upon in a way which would bring home the value of the Legislative Council to the Territory. The fact that schemes had been submitted from all over the Territory was particularly valuable in so large and diverse a territory as Tanganyika.

22. The allocation of £700,000 made by the United Kingdom Government from Colonial Development and Welfare funds meant that the decision of principle to help the schemes had already been taken. Constitutionally, however, the Act under which such grants were made required the submission of schemes for the approval of the Secretary of State and the Treasury.

*Mr. Arenales Catalán (Guatemala) resumed the Chair.*

23. Mr. LALL (India) thought that if £700,000 were intended to cover the total cost of the forty schemes for a five-year period it was rather a modest outlay.

24. He asked why it had been necessary to reduce the list from 140 to forty.

25. Mr. FLETCHER-COOKE (Special Representative) explained that in 1956 a general development plan had been drawn up covering a whole series of fields and involving considerable sums of money. During the debates on the plan it had become clear that unless there was some substantial increase in the Territory's revenue Tanganyika would find itself saddled with various development schemes for which it could not pay. At that stage the African representative members had suggested that it might be possible by means of comparatively small expenditure so to improve African productivity that within a few years additional revenue would be forthcoming to help to pay for the schemes. Since the Territory had been having difficulty in meeting the cost of the original development plans, it had been obvious that the cost of financing the additional

productivity schemes would have to come from some other source and an approach had therefore been made to the Secretary of State to obtain an additional allocation from Colonial Development and Welfare funds. An additional grant of £750,000 had been made and it had been agreed in principle that £700,000 should go towards the cost of the African productivity schemes.

26. Most of the schemes were based on the principle that if the average African farmer were shown how to adopt better methods of cultivation, he could considerably increase his production. A great deal of the money would be spent on staff to conduct agricultural extension work in the field, to show Africans how to get a better return for their labour.

27. Mr. LALL (India) asked whether it was the Administering Authority's intention to develop African economic activity in sectors other than the agricultural sector.

28. Mr. FLETCHER-COOKE (Special Representative) said that a senior government officer had been investigating the possibilities of encouraging African industrial and commercial activities. His report, which had not yet been published, made a number of very helpful suggestions. There was an African Productivity Loan Fund, which granted loans to Africans for a variety of undertakings which might be regarded as secondary industries, such as carpentry and woodwork, coffee factories and home industries. An impressive development in commercial agriculture was the formation of the Tanganyika Sugar Company to develop the growing of sugar in the Kilombero Valley as a multi-racial venture with which Africans would be associated at all stages, including representation on the Board of Directors.

29. Sir Andrew COHEN (United Kingdom) drew attention also to the co-operative movement. Among the Sukuma and the Chagga the co-operative movement had led to the entry of African organizations into industrial processes and in particular cotton and coffee processing, which were very important to the Territory's economy. In addition, certain Native Authorities had been granted prospecting licences.

30. Mr. LALL (India) had the impression that the economy suffered from a lack of diversification, although the basis for considerable diversification was present. There did not seem to be any industries to work the considerable amounts of raw material produced. He suggested that some encouragement might be given to the manufacture in Tanganyika of cotton textiles and sisal products, to mention only two examples.

31. Mr. FLETCHER-COOKE (Special Representative) said that it was hoped that several new factories would open in 1958 or 1959, including a tobacco factory, a shoe factory, a new sugar factory, a tannin extraction plant, a cement works and a flour mill. An undertaking which had contemplated setting up a textile factory had approached the Government, but such a large subsidy would have been required, in addition to all sorts of concessions in terms of customs, land facilities and so on, that it would inevitably have entailed additional taxation, as also an increase in the cost of living because additional import duties would have had to be imposed on imported textiles. He assured the Indian representative that the Administration was acutely conscious of the fact that, although agricultural productivity had been greatly diversified, there was considerable scope for the introduction of manufacturing industries.

32. In reply to a further question by Mr. LALL (India), Mr. FLETCHER-COOKE (Special Representative) said that no African co-operative society had indicated a desire to grow sisal; coffee and cotton were much more paying propositions for cultivation by Africans.

33. Mr. LALL (India) noted that Tanganyika was about to embark on the large-scale exploitation of its mineral resources. It would be excellent if some of the ores could be processed in Tanganyika rather than exported to more developed parts of the world. He would welcome the special representative's comments on that point.

34. Mr. FLETCHER-COOKE (Special Representative) said that most of the mining activities in the Territory at present related to exploration or prospecting. It had not yet been established that the various minerals existed in Tanganyika in economically workable quantities. One or two known mineral resources were being worked. In the case of the Mbeya Exploration Company Ltd, for example, the niobium would be smelted and marketed locally. Such processing of diamonds as was required was already done on the spot and the diamonds were exported merely for the final cutting. Two mining leases had been granted to African mica co-operative societies. The comparatively small mica deposits were worked by Africans who brought the mica in co-operatively; it was then cut on the spot and exported in the appropriate shapes and sizes.

35. The Administration was extremely conscious of the need to ensure that the Territory derived as much benefit as possible from its mineral resources. Many of the minerals which were thought to exist in Tanganyika were situated at spots far from the railways and the sea. Consequently, if they could be processed locally the Territory would be exporting a more valuable product, which would be better able to bear the freight charges.

36. Sir Andrew COHEN (United Kingdom) agreed with the Indian representative's general proposition but pointed out that in the last resort the question was an economic one. Mining companies would naturally prefer to refine the minerals on the spot in order to avoid exporting a lot of useless material which had eventually to be discarded; they would export the crude ore only if it did not pay to smelt it and refine it locally. The Administration would of course give every encouragement to companies to do their processing locally but it would not be desirable for the Government to spend public money from the Territory's limited resources on uneconomic processing.

37. Mr. LALL (India) agreed with the United Kingdom representative's remarks on the economics of the situation but pointed out that in practice the question was a little more complicated. If a mining concession was given to a company which already had a processing plant in another country, the chances of that company's setting up a processing plant in Tanganyika were remote. On the other hand, if the concession was given to a company which had no processing plant in another country, it might well consider setting one up in Tanganyika. He was sure that the Administering Authority would exercise its discretion in such matters in such a way as to encourage the establishment of processing plants, which would be of great value to the Tanganyikan economy.

38. He asked whether the Government in Tanganyika had considered introducing regulations which would make it compulsory for foreign firms, and particularly mining companies, to train indigenous technical personnel.

39. Mr. FLETCHER-COOKE (Special Representative) replied that, so far as he was aware, there were no specific regulations to that effect. The foreign firms in Tanganyika realized, however, that it was very much in their own interests to employ and train Africans. In addition, some of them had indicated that they were prepared to issue a proportion of their capital for local subscription.

40. Mr. LALL (India) suggested that it might be worth-while for the Administering Authority to consider establishing a geological survey service where Africans would be trained as geologists. The indigenous inhabitants would then become aware of the Territory's various resources and would more readily accept the process of development.

41. Mr. FLETCHER-COOKE (Special Representative) replied that the Administration already had a Geological Survey Department. He did not think that any of the Africans employed there had yet qualified fully as geologists but as they acquired experience in the work they would be given more and more responsibilities.

42. In reply to a question by Mr. LALL (India) concerning tsetse-fly control, Mr. FLETCHER-COOKE (Special Representative) explained that there were a number of control schemes, many of which involved the migration of settlements from one area to another. In one case, for example, where certain hills were becoming seriously eroded as a result of indiscriminate grazing and agriculture, the Africans were being moved, with the full concurrence of the local authorities, to an area which had hitherto been infested with the tsetse fly but which had been completely cleared, with African co-operation and assistance, before their transfer.

43. Mr. LALL (India) asked whether anything was being done in the hill areas to encourage terracing, which was the best answer to erosion.

44. Mr. FLETCHER-COOKE (Special Representative) replied that terracing was a normal part of the activities of the Department of Agriculture and was being carried out widely throughout the Territory.

45. Mr. LALL (India) asked how much of the agricultural land in Tanganyika had been alienated.

46. Mr. FLETCHER-COOKE (Special Representative) replied that the total amount of alienated land, including land alienated for public or semi-public purposes, was less than 1.1 per cent of the whole land area. Admittedly, the whole land area was not under agriculture. He would endeavour to produce the exact figures but he would be very surprised if alienated land accounted for as much as 5 per cent of the total land under agriculture. Most agricultural activities in Tanganyika were carried out by peasant farmers, by Africans working on their own account in accordance with tribal law and custom, and they covered a very large area of land indeed.

47. Sir Andrew COHEN (United Kingdom) added that the real comparison should be not with the actual land under agriculture but with the potential agricultural land. He would hazard a guess that the alienated land was less than 2 per cent of the potential agricultural land.

48. Mr. LALL (India) said that he would be grateful if the Administering Authority could find the exact figures for the relationship between the land alienated, the land now under agriculture and the potential agricultural land.

49. He suggested that it might be unwise in a largely peasant community to create the latifundia which were being created by alienation and which would inevitably accentuate agrarian problems and increase the demand for agrarian reform.

50. Sir Andrew COHEN (United Kingdom) pointed out that if there was going to be any plantation agriculture, and plantation agriculture had its value, the kind of alienation which had been made and was being made in Tanganyika was probably inevitable. Furthermore, cattle-breeding required large areas. He had the impression from earlier recommendations that the Council felt that it might be safer to alienate wide areas of land for plantation purposes rather than to create small farms under alienation.

51. Mr. FLETCHER-COOKE (Special Representative) said that, apart from alienations to public and semi-public concerns, with which he thought the Indian representative would have no quarrel, well under 2 million acres of land had been alienated. There was no doubt whatever that the land so alienated was producing infinitely more than the corresponding areas worked by peasant subsistence farming. Without the revenue from the alienated land the Government of Tanganyika would be even harder put to it to pay for its social services.

52. The major issue with regard to land in Tanganyika was rather a different one. The prevailing peasant subsistence and, in many cases, shifting system of cultivation was extremely wasteful, but it was inevitable when most of the land occupied and worked by Africans was held under Native law and custom without any individual title or tenure which would enable the Africans to raise money on the land in order to develop it and make it more productive. The Government of Tanganyika was following up the recommendations and suggestions of the East Africa Royal Commission on Land and Population but the Government wished to be certain that when it made public its views on the possibility of individual African tenure it would carry the vast majority of the African people with it and that they would not misrepresent or suspect its motive.

53. There were already many areas in Tanganyika in which there was an insistent demand for the early introduction of some system of individual land tenure. In fact, the Chagga people on the slopes of Kilimanjaro had gradually introduced a rudimentary system of individual tenure. In other parts of the Territory where the Africans were less sophisticated they were always a little suspicious about anything involving a change in Native law and custom. The introduction of individual land tenure would, of course, mean a fairly substantial change. A scheme was being worked out, however, whereby, it was hoped, Africans would be able to obtain individual freehold tenure over the area which they had been accustomed to work.

54. Mr. LALL (India) asked whether the Administering Authority could not adopt the practice of giving the indigenous inhabitants a prior option on any land to be alienated.

55. Mr. FLETCHER-COOKE (Special Representative) said that in the case of plantation land the Government of Tanganyika felt that it had a duty to ensure that any land to be alienated would be developed

properly and in a way that would bring the maximum benefit to the Territory. There were many crops grown in Tanganyika which required not only considerable capital but considerable expert knowledge, which could be acquired only by previous experience with the same type of cultivation. For example, it was a regrettable fact that at the moment there was no body of Africans which could develop a successful tea estate.

56. Mr. LALL (India) said that he had some knowledge of tea-growing and would be inclined to doubt that it could not be done successfully without previous experience. Although the operation of coffee estates was not exactly similar, the African co-operative societies had been able to establish a number of such estates and had shown that they could adapt themselves to the cultivation of new crops. Moreover, it was always open to such societies to employ an expert to help them with the special problems involved. While he did not deny the relevancy of the considerations to which the special representative had referred, there seemed no reason why the Administering Authority could not adopt the practice of offering a first option, subject to those considerations, to the local African farmers before an alienation was made.

57. Mr. FLETCHER-COOKE (Special Representative) said that there was no disagreement in principle between the Indian representative and the Administering Authority. It was open to any African or association of Africans to apply for any land that was being alienated; if they could satisfy the authorities that they could work the land as well as any other applicant they would certainly get the land on ordinary alienation terms.

58. Sir Andrew COHEN (United Kingdom) pointed out that the consultation of local opinion which always took place in connexion with new alienations of land would certainly show whether any local people were interested in the land; if the crop for which the land was intended could be grown successfully by those people the land would certainly be alienated to them. He could not agree that tea and coffee were equally easy to grow; tea-growing was a difficult and specialized process which required considerable capital and only a very large co-operative society with great financial resources could hope to undertake it.

59. There was, he felt, considerable scope in the Territory for partnership schemes in which the financing and expert knowledge were supplied by outside companies; in the case of tea, however, it would undoubtedly be necessary to launch such schemes on an ordinary plantation basis and go on to some form of co-operative growing later. The sugar scheme mentioned by the special representative was probably a more profitable line of development.

60. He did not think that there was any reason to fear that there would be any substantial new alienations of land in the Territory.

61. Mr. LALL (India) said that although the capacity of local enterprise to cultivate a piece of land proposed for alienation might well emerge in the course of consultation, it might help to mobilize such enterprise if it became the practice, when an alienation was under consideration, to ask the specific question whether local interests were willing and able to cultivate the land.

62. Sir Andrew COHEN (United Kingdom) pointed out that in many cases the people had actually asked for outside enterprises because they considered that those enterprises would be useful in the development of

their areas. He agreed that it was most important that every necessary safeguard should be offered to local interests, but he thought that most local opinion would recognize that the Administering Authority's present practice provided the necessary safeguards.

63. Mr. FLETCHER-COOKE (Special Representative) said that he would bring the Indian representative's observations to the Government's attention and could assure him that they would be given the most careful consideration.

64. Mr. LALL (India) asked for further information on the ownership of the Overseas Food Corporation and the Colonial Development Corporation, and on the use to which the land alienated to those corporations was being put.

65. Mr. FLETCHER-COOKE (Special Representative) said that the assets and land of the Overseas Food Corporation had been taken over by the Tanganyika Agricultural Corporation, which was a statutory body whose aims, as set out by law, included the development of agriculture in the interests of the African population. The Corporation was operating a number of African tenant-farmer schemes, details of which could be found in the Visiting Mission's report and the Administering Authority's observations. The Colonial Development Corporation was a public body established by the United Kingdom Government; its land in Tanganyika was being held for the development of the wattle-bark scheme.

66. Sir Andrew COHEN (United Kingdom) added that the latter scheme included an African tenant wattle-growing scheme.

67. Mr. LALL (India) asked whether any of the land held by the two corporations was being worked by outsiders.

68. Mr. FLETCHER-COOKE (Special Representative) said that the Tanganyika Agricultural Corporation, which was a non-profit-making body, employed some salaried staff as managers of experimental farms and so on, but that those people had no direct interest in the ownership of the land they worked.

69. Mr. KIANG (China) asked whether the projected studies on economic development and the ways and means of increasing the association of Africans with the Territory's development were being dealt with by *ad hoc* committees of the Legislative Council.

70. Mr. FLETCHER-COOKE (Special Representative) said that the *Ad Hoc* Development Committee of the Legislative Council had been concerned with the development plans and the African productivity schemes.

71. Replying to further questions from Mr. KIANG (China), Mr. FLETCHER-COOKE (Special Representative) said that a senior administrative officer was investigating the problem of encouraging Africans to secure what was called a share in the equity of Tanganyika; the results of his study would be published as soon as it was finished, which, he hoped, would be within the next few months.

72. Mr. KIANG (China) said it was his delegation's view with regard to the problem of land tenure that the task of breaking down tribal barriers could not be left to the process of evolution and that the Administering Authority had no choice but to provide a lead by taking positive action to induce conservative communities to put their land to effective use. His delegation supported a pragmatic approach which would consist in first

changing the attitude of many Africans and then beginning the application of the new land-tenure laws in those areas where resistance to them was likely to be least. He asked whether he was correct in assuming that the Administering Authority shared that view.

73. Mr. FLETCHER-COOKE (Special Representative) drew the Chinese representative's attention to paragraph 82 of the Administering Authority's observations. When the policy statement referred to in that paragraph had been published and debated in the Legislative Council, it was the Government's intention to draft an enabling bill which would make it possible to initiate the agreed practice in a particular area. In general, the procedure outlined by the Chinese representative was in accordance with the Administering Authority's intentions; it should be remembered, however, that the various stages would take a considerable period of time in a Territory the size of Tanganyika, or even in any particular area of the Territory.

74. Replying to further questions from Mr. KIANG (China), Mr. FLETCHER-COOKE (Special Representative) said that the difference in outlook between the older and younger generations on the matter of land tenure probably existed in all areas of the Territory, with the exception of two or three such as Chaggaland or the regions around Bukoba and Tukuuyu.

75. Mr. KIANG (China) asked how successful Mr. Makwaia, the Assistant Minister in charge of Lands, had been in removing African doubts about the desirability of proceeding in accordance with the Administering Authority's proposals in the matter of land tenure.

76. Mr. FLETCHER-COOKE (Special Representative) said that as a result of his extensive discussions of the problem throughout the Territory Mr. Makwaia had not only removed a number of the doubts some people had entertained but had suggested changes in the proposed statement of policy which would make it more intelligible and more acceptable to the population. It was, indeed, very largely as a result of Mr. Makwaia's suggestions that the policy statement had been delayed.

*The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.*

77. Replying to further questions from Mr. KIANG (China), Mr. FLETCHER-COOKE (Special Representative) said that there had been no basic changes in the Government of Tanganyika's views in the matter of land tenure since the question was discussed at the Trusteeship Council's twentieth session. It was now the Government's intention, however, that the policy statement should be submitted to the Legislative Council and debated there before any law was drafted, so that account could be taken of the views expressed in that debate.

78. Mr. KIANG (China) asked whether the questions of land tenure and land registration had ever been discussed at meetings of the Chiefs' Convention.

79. Mr. FLETCHER-COOKE (Special Representative) said that he could not give a definite answer to that question because, apart from the opening and closing meetings of the Convention, the chiefs had conducted their own deliberations and he was not fully aware of what they had discussed. He thought it was likely that those questions had been raised.

80. Mr. KIANG (China) asked in what parts of the Territory other than Chaggaland the sale of land was practised.

81. Mr. FLETCHER-COOKE (Special Representative) replied that it was not quite correct to say that the land held by Africans in Chaggaland under indigenous law and custom was sold in the accepted sense of that word. It would be more accurate to say that Africans in the area had certain rights in the land which were recognized by indigenous law and custom and were not likely to be interfered with, whereas the land arrangements in other parts of the Territory, particularly where there was a system of shifting cultivation, were different. While he was not personally familiar with the way in which the Chagga Council administered indigenous law and custom in relation to land held by Africans, he had been told by Chief Marealle that Chagga Africans were regarded as having individual rights in certain plots of land. The Chagga Council allocated land to members of the Chagga tribe on whatever terms it saw fit and the Government had no direct jurisdiction in the matter. If any disputes about such land rights arose they were settled under the authority of the Chagga Council and it was his understanding that any land transaction between one Chagga and another required the consent of that body. A somewhat similar system of land tenure existed in the Bukoba area.

82. Mr. KIANG (China) asked whether Chagga land transactions recognized the landlord-tenant relationship.

83. Mr. FLETCHER-COOKE (Special Representative) said that he would be inclined to answer in the negative since the Native Authority, which held all the land for the use of the tribe, would regard itself as the landlord and the person using the land would be, as it were, a very long-term tenant.

84. Mr. KIANG (China) asked whether the Chagga Council required that such transactions should be registered.

85. Mr. FLETCHER-COOKE (Special Representative) replied that he did not know, but such transactions certainly did not require registration by the Government.

86. Mr. KIANG (China) said that it was his impression from reading the report of the East Africa Royal Commission<sup>2</sup> that there had been actual sales of land in the Chagga area.

87. Mr. FLETCHER-COOKE (Special Representative) said that such sales might well have taken place but that as they were not the direct concern of the Government he had no information with regard to them.

88. Mr. KIANG (China) asked what might be the dangers attendant upon the introduction of the freehold system of land tenure at the present time.

89. Mr. FLETCHER-COOKE (Special Representative) replied that he thought there were two dangers. Firstly, there was the possibility that a policy statement expressing the Government's intention to introduce such a system, unless very carefully explained to the public, would give rise among Africans who were less advanced than the Chagga to the fear that their land would be taken from them. Secondly, there was the more specific danger that the land might pass out of African hands if the owner, having received freehold title to it, mortgaged it to someone other than an African. In areas where there was a strong tribal consciousness, as in Chaggaland, public opinion would probably preclude an African from pledging his land to anyone but a member of his tribe. A solution would, however, have to be found to prevent the Africans in other areas from losing

<sup>2</sup> *East Africa Royal Commission 1953-1955: Report*. Cmd. 9475 (London, Her Majesty's Stationery Office, 1955).



their land; one solution might be to allow an African to mortgage his land only to the Government or the Native Authorities, if they had the necessary funds, on the understanding that in the event of foreclosure the land would be made available to another African or would revert to the tribe.

90. Mr. KIANG (China) asked whether it might not be possible to adopt certain restrictive practices, as had been done in other parts of Africa, which would minimize the danger that the land might pass out of African hands.

91. Mr. FLETCHER-COOKE (Special Representative) observed that that would certainly be considered, but that the greater the number of restrictions imposed on the pledging of land the more difficult it would be for the African freeholder to raise capital.

92. Mr. KIANG (China) said that he understood that in certain parts of Africa, notably Nigeria and Kenya, the failure of the authorities to make a thorough study of indigenous systems of land tenure had had serious consequences. In the case of a Territory where changes in the system of land tenure were to be introduced as a matter of official policy it seemed to him particularly important that such a study should be made, for if a statement of policy were issued and changes introduced without the authorities' having full knowledge of existing land rights serious difficulties could be expected to arise later. He would accordingly like to know whether the Administering Authority had made such a study in the case of Tanganyika.

93. Sir Andrew COHEN (United Kingdom) said that he was not aware precisely what the Chinese representative had had in mind in referring to Nigeria and Kenya. It was his impression that in both those Territories, as also in various other parts of Africa, valuable and extensive studies of the land-tenure question had been made. Every administrative officer and many agricultural and other officers had acquired a good deal of information on the subject and almost all anthropological studies, of which there was an increasing number, dealt with it at length. The Tanganyika Government employed anthropologists who were permanently engaged in studying tribal habits and customs. It was precisely because of its recognition of the need for careful study that the Government had taken such a long time to prepare its land-tenure proposals.

94. Mr. KIANG (China) asked whether the introduction of a new land tenure policy would necessitate revision of the present Land Ordinance.

95. Mr. FLETCHER-COOKE (Special Representative) said that he did not think that it would be possible to introduce a change giving statutory recognition to freehold ownership of land by Africans without amending or at least reviewing and adding to the provisions of the Land Ordinance.

96. U TIN MAUNG (Burma) noted that the study of national income, publication of which had, according to paragraph 108 of the annual report, been expected by the middle of 1957, had not yet appeared. He asked why the Administering Authority had given that date of publication in its report, when the final figures would be made available to the Council and whether there was likely to be a great disparity between the figures given in the Visiting Mission's report and those which would be accepted as final by the Administering Authority.

97. Mr. FLETCHER-COOKE (Special Representative) pointed out that the Government had only said that it expected the results of the study, the urgent

nature of which it fully recognized, to be ready for publication in 1957; it had not committed itself to any particular date. He could not say when the report would come out but it would certainly be made available to the Trusteeship Council when it did. In reply to the third question, he was not in a position to add to what the Administering Authority had stated in paragraph 59 of its observations.

98. Mr. WALKER (Australia) said that the study,<sup>3</sup> which had apparently been published while the special representative was on his way to New York, had reached the library within the last day or so and he himself had had an opportunity to examine it.

99. U TIN MAUNG (Burma), noting that banking and commerce were on an East African rather than on a territorial basis, asked whether the Administering Authority could obtain co-operation and assistance from banks operating in East Africa in the compilation of balance-of-payment statistics, which were just as important as statistics on subsistence agricultural production and information regarding the pattern and movement of trade within Tanganyika. He asked whether the Administering Authority could give an undertaking that balance-of-payments statistics would be made available for the Council's consideration when it next discussed economic conditions in the Territory.

100. Mr. FLETCHER-COOKE (Special Representative) replied that he would bring the matter to the attention of the appropriate authorities but he doubted whether it would be possible to furnish balance-of-payment statistics in the near future.

101. U TIN MAUNG (Burma) asked what was the maximum rate of interest that could be charged by non-indigenous persons when extending credit to indigenous inhabitants, what other legal provisions safeguarded the interests of the indigenous population in connexion with the borrowing of money and to which of the immigrant communities the money-lenders belonged.

102. Mr. FLETCHER-COOKE (Special Representative) replied that at the request of a number of Africans, who considered them discriminatory, it had been proposed to repeal the provisions restricting the granting of credit to the indigenous inhabitants. When the Government had published a bill to that effect, however, other Africans had asked for the provisions to be retained. It was his understanding that the matter had not yet been decided, although the Government felt that the provisions should be repealed.

103. As far as he was aware there was no maximum rate of interest. If an African borrowed money or otherwise obtained credit from a non-African, the latter could seek recovery of the debt in a court of law only if the agreement had been submitted to, approved and witnessed by the district commissioner. That official would naturally satisfy himself that the terms of the agreement, including the rate of interest, were reasonable. It should also be noted that one reason why private indebtedness was not a serious problem in Tanganyika was that the very active co-operative movement made credit available to a large number of Africans.

104. U TIN MAUNG (Burma) asked to which community the pawnbrokers belonged and whether the Administering Authority had considered establishing gov-

<sup>3</sup> Alan T. Peacock and Douglas G. M. Dosser. *The National Income of Tanganyika 1952-54*, Colonial Research Study No. 26 (London, Her Majesty's Stationery Office, 1958).

ernment pawnshops as a service to the public and a possible source of revenue.

105. Mr. FLETCHER-COOKE (Special Representative) said that pawnbrokers were licensed and their activities were regulated by law. Most of them were Asians but he believed that there might be a few African pawnbrokers. The Government did not regard pawnbroking as either a problem or a major economic activity and had therefore not considered nationalizing it.

106. U TIN MAUNG (Burma) requested some particulars concerning the Commissioner of Commerce and Industry who had been appointed in 1956. He asked whether there were qualified Africans serving on his administrative and technical staff and, if not, whether there were any plans to train Africans so that they could assume responsible posts in the department and assist the Commissioner in the formulation of policy.

107. Mr. FLETCHER-COOKE (Special Representative) said that the Commissioner was a European and had been a member of the government service of at least two Territories besides Tanganyika. He was answerable to the Assistant Minister for Commerce and Industry, who was an Asian. As far as he was aware there were no Africans holding responsible posts in the department but the Government would welcome suitably qualified Africans if they could be found.

108. U TIN MAUNG (Burma) noted that there was a feeling among Africans in the Territory that the Administering Authority was not very eager to assist them in participating more extensively in the commercial life of the Territory. Specifically, the Visiting Mission had received complaints that the Tanganyika African Traders' Union (TATU) had had great difficulty in obtaining registration of its branches in the various districts because the Registrar had told them that they should be registered as companies, whereas the non-

African Chambers of Commerce were allowed to register as societies.

109. Mr. FLETCHER-COOKE (Special Representative) replied that as the Chambers of Commerce were not themselves engaged in any trading activities but were merely associations of business men the terms of the Societies Ordinance were applicable to them. A number of branches of TATU, on the other hand, had been operating as trading organizations, perhaps through ignorance of the distinction between societies and companies, and it had been pointed out to them that as long as they continued to do so they would have to register under the Companies Ordinance. He thought that a large number of the branches and offices of the organization had now become aware of the distinction but had not yet made up their minds whether they wished to engage in trade or to give up trading so that they could register as societies.

*Mr. Fletcher-Cooke, special representative of the Administering Authority for the Trust Territory of Tanganyika, withdrew.*

**Examination of the annual report of the Administering Authority on the Trust Territory of Togoland under French administration for 1956**

[Agenda item 4 (e)]

110. The PRESIDENT informed the Council that he had received a letter from the representative of France suggesting that consideration of the item on Togoland under French administration should be deferred until the Council's next session in view of the fact that it would be difficult at that juncture for the Government of Togoland to send a special representative and that discussions on Togoland might directly or indirectly affect the current electoral campaign and might be construed as interference in Togoland's domestic affairs.

The meeting rose at 5.50 p.m.