



GENERAL

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Agenda Item 4

PETITIONS CONCERNING TANGANYIKA

Observations of the Administering Authority

Note by the Secretariat: The following observations of the United Kingdom Government were communicated to the Secretariat by a letter dated 27 February 1952 from the United Kingdom Delegation. They relate to the following petitions:

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I. Petition from Hassani Semboja and fourteen others concerning the election of the present Chief of the Usangi Chiefdom in the Pare District of Tanganyika (T/PET.2/155)	2
II. Petition from the African Association, Mikindani (T/PET.2/114)	2

PETITION FROM HASSANI SEMBOJA AND FOURTEEN OTHERS
CONCERNING THE ELECTION OF THE PRESENT CHIEF
OF THE USANGI CHIEFDOM IN THE PARE
DISTRICT OF TANGANYIKA
(T/PET.2/155)

This petition is in the nature of a supplement to the petition on the same subject from Messrs. Semvua Kamwe and Salim Losindilo, T/PET.2/136, to which it adds nothing. The substance of both these petitions is the same as that of an earlier one - T/PET.2/96 - on which the Trusteeship Council decided that no action was called for (Resolution 329/VIII).

PETITION FROM THE AFRICAN ASSOCIATION,
MIKINDANI, (T/PET.2/114)

The memorial of the petitioners contains a number of questions addressed to the Visiting Mission. In the following comments these questions are dealt with in the order in which they are set out in the memorial.

1. Information regarding the United Nations is made available to the people of the Territory in a number of ways;

- (a) by the distribution of material received from the United Nations' Secretariat;
- (b) by the distribution of locally produced pamphlets and papers in English and Swahili;
- (c) by notes and articles published in the vernacular press;
- (d) by local broadcasts; and
- (e) by teaching in schools.

With regard to (a), a request for a considerably increased supply of information material has recently been submitted to the United Nations.

In addition to the methods of disseminating information enumerated above, as occasion offers administrative officers take the opportunity afforded by public "barazas" to give information and to answer questions.

2. There is no segregation of races in Tanganyika. The European and Asian clubs to which the petitioners refer are private clubs, catering for their own members. In a number of places Africans have their own clubs.

In times of food shortage relief is afforded to the fullest extent possible

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but the variety of such relief is dependent on the supplies available. In the Southern Province, where the petitioners live, cassava, millet and maize are staple articles of diet. Rice is not available in sufficient quantities in Tanganyika to permit of general distribution as a famine relief measure. Sugar is normally in free supply and can be purchased by those requiring it. Ghee is largely imported into the province by Asians for their own use.

3. (a) It appears that the petitioners are suggesting that there should be a return to the former native custom of the payment of "blood money", their argument being that the payment of compensation to the relatives of a deceased person who is killed either "intentionally or by accident," prevent the development of feuds and probable "assaults". The provisions of the Penal Code have now superceded native custom in the punishment of murder, but in certain circumstances a conviction for murder does not constitute a bar to civil proceedings under native custom for the payment of compensation. It has been laid down that no claim for compensation lies:

- (i) unless local customary law has always allowed it;
- (ii) if sentence of death has been carried out on the accused;
- (iii) where the person accused has been acquitted by the High Court, unless fresh evidence becomes available which was not available to that Court, or unless the person accused later admits his liability for the payment of compensation before the local court;
- (iv) where the accused has been imprisoned, until he has been released. The length of time he has been in prison should be taken into consideration.

In practice claims of this nature are now exceedingly rarely brought before the courts. It is probable that in certain tribal areas compensation occasionally passes from the family of the murderer to the family of the murdered without reference to the courts, but in general the people have come to accept the sentence awarded on conviction under the Penal Code as closing the matter.

As regards accidental death, claims for compensation are admissible and are entertained by the local courts. Here again, however, claims of this nature are seldom taken to court. Where they arise they are more often settled by mutual agreement.

/ (b) Police

(b) Police are used on occasion to deal with marauding animals, when such a course is considered necessary, but the strength of most police detachments is too small to permit of their being used for lengthy periods for such non-police purposes.

4. It is not proposed to comment at length on this question, which the petitioners from their own knowledge are quite capable of answering. The fact is, however, that while predominant local opinion strongly supports the system of native administration, the petitioners, who are in clerical or other similar employment, are out of tune with the local population.

5. This question again is one not calling for lengthy comment. There is no lack of co-operation among the peoples in the Southern Province. In general there is an absence of any strong political feeling at present, and on the whole very friendly relations exist between the various communities.

6. It is not possible to have identical regulations governing service with the central Government and local native administrations. Conditions of service in the latter are largely dependent on the financial resources of the local native treasuries. In some cases the conditions enjoyed by native administration clerical staff are better than those enjoyed by Government servants in similar posts. It must also be noted that servants of the native administration are, almost without exception, local inhabitants, with their own houses, gardens, etc., and not subject to transfer away from their own areas.

7. Muslim law is not ignored by the Courts and in regard to such matters as marriage, inheritance, etc., is followed **whenever relevant and proved.**

8. Africans are not "forbidden" to cut large trees. Equally with anyone else they are permitted to fell timber on payment of royalties. In general Africans are allowed to clear land for agricultural purposes without any restriction on the amount of timber which may be felled, although in certain areas efforts are made to prevent unnecessary destruction of valuable trees. In such cases specified trees must either be left standing or, if felled, royalties at the prescribed rates must be paid. In normal clearing operations for agricultural purposes payment of royalties is required only in respect of timber put to commercial use. In the case of the Overseas Food Corporation the customary royalties are paid on all timber used.