

UNITED NATIONS
TRUSTEESHIP
COUNCIL



GENERAL

T/1017

23 June 1952

ORIGINAL: ENGLISH

24 JUN 1952

Eleventh session
Item 12 of the agenda

REPORT OF THE STANDING COMMITTEE ON ADMINISTRATIVE
UNIONS ON THE TRUST TERRITORY OF TANGANYIKA, 1952

Chairman: Mr. V. MCKAY (United States of America)

1. In the course of its thirteenth, fifteenth, sixteenth, seventeenth, nineteenth and twentieth meetings, on 5, 9, 11, 12, 20 and 23 June 1952 respectively, the Standing Committee examined the various aspects of the administrative union affecting the Trust Territory of Tanganyika. It studied the memoranda^{1/} submitted to the Standing Committee and examined the relevant part of the Annual Report on the administration of the Territory for the year 1951. At its 16th meeting, on 11 June 1952, the Standing Committee heard the representative of the United Kingdom and the Special Representative of the Administering Authority, who furnished further information at the invitation of the Committee. At its twentieth meeting, on 23 June 1952, the present report was unanimously adopted.
2. With regard to the East Africa Central Legislative Assembly, the Standing Committee noted that the Trusteeship Council in the course of its ninth session adopted the following conclusions:

- (a) Notes with appreciation the statement of the Administering Authority that it will inform the Standing Committee in due course when decisions concerning the future status of the East African Central Legislative Assembly have been reached;
- (b) Notes also that there have been no additions to the list of scheduled services with respect to which the East African Central Legislative Assembly may pass laws;
- (c) Notes from the memorandum of the Administering Authority, dated 30 April 1951, that the Legislative Council of Tanganyika has adopted

^{1/} T/C.1/L.18, 19, 20, 23, 25, 26.

unanimously a motion proposing the continuation of the East African Central Legislative Assembly for a further period of four years;

(d) Notes further that this motion was adopted with the concurring vote of the African representatives on the Legislative Council and recalls that the African representatives on the Legislative Council of Tanganyika abstained from voting when, in 1947, the establishment of the East Africa Inter-Territorial Organization was discussed in the Legislative Council;

(e) Recalls in this connexion the statement of the special representative of the Administering Authority that proposals concerning the re-examination of the East Africa Inter-Territorial Organization in so far as the East African Central Legislative Assembly, its powers, functions and constitution are concerned, would be explained to the people, that their reaction would be tested, but not necessarily in a representative body covering the whole of the Territory, and that it was customary for consultation to take place at meetings between the government spokesman and the people in their own areas;

(f) Expresses the hope, with reference to the conclusion reached by the previous Committee on Administrative Unions that it was "of the opinion that a more explicit procedure for ascertaining public opinion and for the appropriate weighing of the opinion of the various sections of the population would seem to be desirable", that the Administering Authority will examine and weigh public opinion in the Territory before revising the provisions relating to the composition and functions of the East African Central Legislative Assembly.

3. The Standing Committee was informed by letter, dated 6 December 1951, (T/C.1/L.14), of the United Kingdom delegation that the East Africa (High Commission) (Amendment) Order in Council, 1951, had come into operation. According to the (Amendment) Order in Council, Parts III and IV of the East Africa High Commission Order in Council, 1947, shall continue in operation until 31 December 1955. According to the (Amendment) Order in Council, provision is made for the addition of an unofficial Arab member on the Assembly to be appointed by the High Commission. It should be noted, however, that an unofficial Arab member had been seated in the first East African Assembly from the beginning.

4. In this connexion, the Standing Committee took note of the statement of the special representative that all administrative officials had been instructed to take every opportunity to explain the question of the continuation of the East Africa Central Legislative Assembly to the African population whenever they met with chiefs, councils and people. They had done so without eliciting any unfavourable reaction. He felt bound to add, however, that it could not be expected that all the African population of Tanganyika could have a full understanding of the implications of what was known as administrative union - the closer association in certain technical fields of government of the East African territories. He recalled the fact that the African members of the Legislative Council had all voted positively in favour of the extension of the life of the Central Legislative Assembly.

5. The Standing Committee noted that petitions T/PET.2/113, 120, 130, 134 and 149 have raised certain questions concerning the East Africa Inter-territorial Organization, and have, inter alia, expressed the fear that it may lead to a fusion of Tanganyika with the other territories participating in the administrative union. In this connexion the Standing Committee took note of the observations of the Administering Authority (T/953/Add.2, pages 9 and 42; T/953/Add.4, pages 10, 22 and 40) on certain petitions and noted in particular that the Administering Authority has no intention of establishing any form of political association between Tanganyika and the adjacent territories which would have the effect of extinguishing the territory's status as a Trust Territory.

6. (a) The Standing Committee, noting the provisions of the East Africa (High Commission) (Amendment) Order in Council, 1951, continuing the operation of the East African Central Legislative Assembly until 31 December 1955, is of the opinion that this extension for a further period of four years may not be disadvantageous to the development of the Trust Territory.

(b) The Standing Committee,

(1) noting that the African representatives on the Legislative Council of Tanganyika supported the motion proposing the continuation of the East African Central Legislative Assembly for a further period of four years,

(2) noting the statement of the special representative that all

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administrative officials had been instructed to take every opportunity to explain the question of the continuation of the East African Central Legislative Assembly to the African population whenever they met with chiefs, councils and people, and that they had done so without eliciting any unfavourable reaction,

(3) noting that a number of petitions have raised objections concerning the East Africa Inter-Territorial Organization,

is of the opinion that it is as yet not fully informed concerning the means taken by the Administering Authority to ascertain the freely expressed wishes of the people.

(c) In this connexion, the Standing Committee expresses the hope that the Administering Authority will take all possible steps to inform the people concerning the operations and implications of the administrative union and consult with them before any review of the present arrangements is undertaken, and requests the Administering Authority to furnish to the Standing Committee regularly detailed information on the actions taken in this respect.

7. The Standing Committee takes note of the statement of the Special Representative that there have been no additions to the list of scheduled services with respect to which the East African Central Legislative Assembly may pass laws.

8. With regard to the co-operation between the East African Inter-Territorial Organization and the Central African Council, the Standing Committee noted that the Council, at its ninth session, adopted a conclusion stating that:

(a) Takes note of certain discussions in the East African Central Legislative Assembly;

(b) Notes also that a resolution for closer co-operation in the field of communications and defence was adopted;

(c) Notes, furthermore, that the African representatives in the East African Central Legislative Assembly had opposed this resolution;

(d) Takes note in this connexion of the statement of the representative of the Administering Authority that the Central African Council to whom this resolution was addressed had up to the present made no response and that, in these circumstances, the resolution remained inoperative and

/could have

could have no effect on the question of the administrative union affecting Tanganyika.

9. The Standing Committee took note of two petitions (T/Pet.2/134 and T/PET.2/137) which express apprehension concerning any co-ordination or federation between the East Africa Inter-territorial Organization and Central Africa and which express the desire that Tanganyika remain a Trust Territory.
10. The Standing Committee takes note of the statement of the representative of the Administering Authority that this question had no relationship whatsoever to the operation of the administrative union affecting Tanganyika.
11. With regard to the effect of the East African Inter-territorial Organization on social development, the Committee on Administrative Unions noted in its Report in 1950 (A/1306, p. 212) that a very large number of inhabitants of Tanganyika will come directly or indirectly within the purview of the High Commission in respect of social matters and working conditions of the employees of the common services, provisions concerning the hygiene and security of their employment, social insurance, invalidity and old-age pension schemes, and unemployment insurance; all these and other questions will be influenced by the social policy of the High Commission in respect of its public servants in Tanganyika.
12. The Standing Committee noted that petitions (T/PET.2/120, T/PET.2/130) alleged inter alia that discrimination against inhabitants of Tanganyika exists in the matters of wages, positions and dismissals in the amalgamated services. In this connexion the Standing Committee took note of the observations of the Administering Authority on these petitions and noted, in particular, that while the Administering Authority regards some parts of the allegations in these petitions as unfounded, it states also that "express provision is made in these services for promotion from one group to the next on grounds of personal qualifications". As regards salary scales, the Administering Authority states that "there are differences between those obtaining in the High Commission services and those in the Tanganyika departmental services but in general the actual scales are not very dissimilar". The Administering Authority further states that "the position is that whereas in the Tanganyika departmental organization the service is on a non-racial basis, with salary scales varying according to the nature of the post and not on any racial considerations, the scales applicable to the High Commission
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services retain a racial element" (T/953/Add.4, page 11). In regard to dismissals, the Standing Committee notes the observation of the Administering Authority that "the only justification for this statement is that in the interests of greater efficiency certain redundant services, e.g. workshops, were closed or amalgamated.....and that none of the employees affected had any difficulty in transferring to other employment" (T/953/Add.4, page 27).

13. The Standing Committee,

- (a) noting that the High Commission services retain a racial element in regard to salary scales,
- (b) recalling that the three territories forming the East Africa Inter-Territorial Organization have not only a different legal and constitutional status, but have also distinct Native institutions and customs, and diverse degrees of cultural development, and
- (c) noting the statement of the Administering Authority (T/953/Add.4, page 11) that the normal prospects of the African members of the High Commission services appear more limited than the prospects of those in the territorial departmental services,

is of the opinion that the Administering Authority should urgently take all possible steps to remove those employment conditions prevailing for the inhabitants of Tanganyika in the services of the High Commission which differ from those in the government of Tanganyika.

14. With regard to the East Africa Industrial Council, the Standing Committee noted that the Trusteeship Council, in the course of its ninth session, adopted the following conclusions:

- (a) Is of the opinion, having considered the information on this subject, that continued care should be exercised in order that inter-territorial and industrial planning does not prejudice the economic development of the Trust Territory and that the policies pursued in the licensing of new industries do not discourage economic initiative;
- (b) Notes that, in connexion with the granting of a licence to Nyanza Textiles Industries Limited to establish a textile mill in Uganda, the Industrial Council had made a Declaration prohibiting until 1954 the establishment in any of the East African territories, including Tanganyika, of cotton yarn or cotton piece goods industries. This declaration derived

/its authority

its authority as far as Tanganyika was concerned from an ordinance (No. 72 of 1949) authorizing the Council by declarations of this character to protect new industry from uneconomic competition during the early stages of its development. Parallel ordinances were enacted in the other two territories.

(c) Takes special note in this connexion of the statement of the representative of the Administering Authority that no applications for licences to establish a cotton spinning or weaving industry in Tanganyika had been received or were known to be pending at the time of the Declaration.

(d) Intends to examine with particular care the future operations of the East African Industrial Council under this legislation with a view to safeguarding the interests of the Trust Territory.

15. The Standing Committee also took note of the following observations of the 1951 Visiting Mission on the operation of the East Africa Industrial Council (T/946, pages 39 and 40):

"One field in which the Tanganyika Government has surrendered some measure of its economic control over the Territory is that of industrial licensing.

"In its discussion with officials in Tanganyika, the Mission found no great enthusiasm for the industrial licensing system, although officials of the High Commission in Nairobi said that it was largely on the initiative of Tanganyika that the system had been introduced.

"In this connexion, the Mission recalls the opinion expressed by the Trusteeship Council at its ninth session that continued care should be exercised in order that inter-territorial and industrial planning should not prejudice the economic development of the Trust Territory and that the policies pursued in the licensing of new industries should not discourage economic initiative."

16. The Standing Committee heard the statement of the Special Representative of the Administering Authority, to the effect that

(a) while the Industrial Council kept minutes he believed that they had not been made available. He would enquire whether the Industrial Council would be prepared to make them available;

/(b) The application

(b) The application referred to in paragraph 5 and 6 of document T/C.1/L.20, of Hill Brown Ltd. of London, for the manufacture of blankets of waste cotton and rami, had been approved and a licence granted. He did not know whether the second application - that of the Moshi Trading Co. for a conditional industrial licence - had been granted, but he was sure that it would be, provided that the applicants were prepared to agree to the specified conditions;

(c) The powers of the Industrial Council had not been extended to any manufactures other than those listed by the Administering Authority on 30 April 1951 (T/915, p. 6) and that it was not proposed to extend them;

(d) He drew attention to the Administering Authority's observations on the comments of the Visiting Mission and in particular to the statement that the existing territorial legislation on the subject was not considered to be entirely satisfactory and that the draft of a new Ordinance was under consideration;

17. The Standing Committee recalls in this connexion the comments of the Administering Authority on the observations of the 1951 Visiting Mission on the subject of the East Africa Industrial Council (T/977, p. 10) that "there is certainly no present intention of widening the scope of the system. At the same time the existing territorial legislation on this subject is not considered to be entirely satisfactory and the draft of a new Ordinance is under consideration."

18. (a) The Standing Committee, noting the statements of the Administering Authority regarding the operation of the East Africa Industrial Council and in particular the statement that existing territorial legislation on the subject was not considered to be entirely satisfactory and that the draft of a new ordinance was under consideration, is of the opinion that as long as sufficient information concerning the operation of the East Africa Industrial Council is not available the Standing Committee is unable to assess properly the activities of the Industrial Council. Therefore, the Standing Committee hopes that the minutes of the East Africa Industrial Council will be made available to the Standing Committee.

/(b) The Standing

(b) The Standing Committee further notes that the general powers provided under article 3 of the ordinance establishing the East Africa Industrial Council have not so far been made operative and that the Council has, as far as the Standing Committee is aware, confined its activities to licencing only.

(c) The Standing Committee notes that one new licence for the manufacture of blankets of waste cotton and rami has been granted to Hill Brown Ltd., but it has no information whether the application from the Moshi Trading Co. has or has not been granted.

(d) The Standing Committee expresses the hope that the Administering Authority in preparing the draft of a new ordinance for the East Africa Industrial Council will take all possible steps to ensure that the future economic interests of the Trust Territory are fully safeguarded, and that consideration will be given to adequate participation in the activities of the East Africa Industrial Council of suitably qualified representatives of the indigenous population of the Trust Territory.

19. Concerning the East Africa Transport System, the Standing Committee recalled the statement of the Committee on Administrative Unions in its 1950 Report to the effect that although unable to study the effects of the railway amalgamation in any detail, it was of the opinion that this question should be studied by the Council in connexion with the examination of the annual reports.

20. In this connexion, the Standing Committee, having examined "a Summary of Reports of the Commissioner for Transport" (T/C.1/L.18) and "Summaries of the Proceedings of the East Africa Central Legislative Assembly" (T/C.1/L.19), heard additional statements of the Special Representative of the Administering Authority on the question of transport services (T/C.1/SR.16).

21. The Standing Committee recalls the observations of the 1951 Visiting Mission with regard to the functioning of the Railways and Harbour Administration that the amalgamation of the Tanganyika railways with the Kenya and Uganda railways had resulted in substantial advantages for Tanganyika (T/346, p. 36).

22. The Standing Committee, having examined the problems of transport services in connexion with the observations of the Visiting Mission, expresses the hope that, with regard to the operations of the Railway and Harbour Administration,

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the Administering Authority will continue to take all steps to safeguard the economic interests of Tanganyika.

23. The Standing Committee took note of the Ordinance to amend the Customs Tariffs Ordinance (31 October 1951) according to which import duties on beer, spirits, cigarettes, tobacco, etc. were increased (Supplement No. 1 to the Tanganyika Gazette, Vol. XXXII No. 66 of 28 December 1951).

24. In this connexion the Standing Committee took note of the statement of the special representative of the Administering Authority, according to which:

"Kenya had needed additional revenue and had decided that the best way to obtain that revenue was to increase certain import duties. The matter was discussed by the High Commission and later by the Financial Secretaries of the three East African territories. In the case of Tanganyika there was no urgent need for the additional revenue at that time but as a matter of policy it was decided - by both Tanganyika and Uganda - to fall into line and to enact the necessary legislation. The maintenance of uniform tariff schedules is highly desirable. Differences in import duties would be likely to result in considerable smuggling activities along the lengthy land frontiers which at the present stage of development cannot be closely controlled.

"Following normal procedure, and for obvious reasons, proposed changes in import duties are not made public before the introduction of the relevant legislation. With the exception of those who are members of the Executive Council the non-official members of the Tanganyika Legislative Council were therefore unaware of the proposed increases until the draft legislation was presented to them. Not being a member of the Legislative Council, the Special Representative made it clear that he could give no more than a personal assessment of the considerations which led the unofficial members to oppose the measure. He thought there was no doubt, however, that on a point of principle they wished to make it clear that they were not prepared to follow the dictates of another territory or to pass legislation merely on the grounds that similar legislation had already been passed in another territory. Since Tanganyika did not immediately require the additional revenue, they felt that Kenya might have resorted to other measures to meet its needs rather than to take a step which involved action on the part of the other territories.

"On the other hand, the Government being aware of all the considerations which had led Kenya to make its decision had decided that as a matter of policy similar action should be taken by Tanganyika, and the necessary legislation was passed by the official majority. It was to be noted, however, that a time-limit of one year was placed on the operation of the Ordinance."

25. The Standing Committee, although realizing that customs arrangements are not within the competence of the East Africa Inter-territorial Organization, is nevertheless of the opinion that customs arrangements are closely connected with the operations of the administrative union, and hopes that the Administering Authority will take all necessary precautions to ensure that the financial interests of the Trust Territory are in no way subordinated to the other territories participating in the administrative union and to ensure that the appropriate organs of Tanganyika are given full opportunity to express their views on all matter relating to customs arrangements.

26. (a) With regard to the safeguards enumerated in sub-paragraph 7 (a) of the Trusteeship Council's resolution 293 (VII), the Standing Committee notes that the annual reports on the administration of Tanganyika for 1948, 1949, 1950 and 1951 contain separate financial, statistical and other data relating to the Territory of Tanganyika. It should be noted, however, that some services under the East African High Commission, namely, the East African Posts and Telegraphs Department, and the East African Railways and Harbours Administration, are so closely integrated that it is impossible to give separate financial figures for the Territory of Tanganyika alone.

(b) With regard to the safeguards enumerated in sub-paragraph 7 (b) of the Trusteeship Council's resolution 293 (VII), the Standing Committee

(i) Takes note of a statement of the representative of the United Kingdom according to which the Secretary of State for the colonies would always be pleased to receive future visiting missions to Tanganyika if they should care to call on him in London and the Chairman or Administrator of the East Africa High Commission would be glad to receive visiting missions to Tanganyika should they be passing through Nairobi and care to call on him and make the acquaintance of the principal officers of the High Commission (A/1306, p. 208).

(ii) Notes that in practice the Administering Authority has fully co-operated with the Trusteeship Council in that respect,

/((iii) Notes

(iii) Notes that since the adoption of resolution 293 (VII) the second Visiting Mission visited Tanganyika in 1951, and that the Mission observed that the various officials of the Administering Authority offered their full co-operation in facilitating its work. (T/946, pp. 4-5).

(c) With regard to sub-paragraph 7 (c) of the Trusteeship Council's resolution 293 (VII) concerning the maintenance of boundaries, separate status, and identify, the Standing Committee notes that there exists no information which would suggest that the boundaries of the Territory have not been maintained.

(d) With regard to sub-paragraph 7 (d) of the Trusteeship Council's resolution 293 (VII) concerning expenditure, the Standing Committee notes that according to the information contained in the annual report for 1951 the total revenue including Colonial Development and Welfare grants accruing to the Trust Territory of Tanganyika amounted to:

1949 (actual) £	1950 (actual) £	1951 (actual) £	1952 (estimated) £
10,327,408	13,323,763	16,278,985	19,484,247

and the total expenditure on the administration, welfare, and development of the Trust Territory amounted to:

1949 (actual) £	1950 (actual) £	1951 (actual) £	1952 (estimated) £
9,459,540	13,560,957	16,134,855	19,383,872

Therefore expenditure on the administration, welfare and development of Tanganyika for the last three years will be not less than the total amount of public revenue derived from the Territory.