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STANDING COMMITTEE ON ADMINISTRATIVE UNIONS

SUMMARY RECORD OF THE TWENTIETH MEETING

Held at Headquarters, New York,
on Friday, 20 June 1952, at 10.30 a.m.

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Consideration of the Committee's report on the administrative unions affecting Tanganyika and Togoland under British administration (conference room papers Nos. 2, 2/Add.1, 4, 4/Add.1, 9, 10, 12; T/917; T/C.1/L.26) (continued)

Chairman: Mr. McKAY United States of America

Members: Mr. YANG China

Mr. SCOTT New Zealand

Mr. DEVAKUL Thailand

Secretariat:

Mr. WIESCHHOFF Secretary of the Committee

CONSIDERATION OF THE COMMITTEE'S REPORT ON THE ADMINISTRATIVE UNIONS AFFECTING TANGANYIKA AND TOGOLAND UNDER BRITISH ADMINISTRATION (CONFERENCE ROOM PAPERS NOS. 2, 2/Add.1, 4, 4/Add.1, 9, 10, 12; T/917; T/C.1/L.26) (continued)

Draft report of the Standing Committee on Administrative Unions on the Trust Territory of Tanganyika, 1952 (conference room paper No. 12)

Paragraph 4

At the CHAIRMAN's request, Mr. WIESCHHOFF (Secretary of the Committee) read out the corrected statement submitted by the Special Representative of the Administering Authority to replace paragraph 4 of the Committee's regular report.

The CHAIRMAN drew the Committee's attention to the changes made by the Special Representative and suggested that the new paragraph should be considered when the Committee discussed the paragraph of its report relating to conclusions.

It was so decided.

Paragraph 5

The CHAIRMAN recalled that at its previous meeting the Committee had expressed a wish to ask the Special Representative further questions on petitions Nos. 113, 120, 130, 134 and 149.

The Secretary had since consulted the representative of the Administering Authority who had felt it was unnecessary for him to appear again before the Committee and repeat his Government's observations on the petitions in question which were contained in documents T/953/Add.2 and Add.4.

The Chairman therefore suggested that the Administering Authority's written observations should be given further consideration before the Special Representative was asked to appear again before the Committee.

It was so decided.

After a brief discussion, in which Mr. SCOTT (New Zealand), Mr. YANG (China) and the CHAIRMAN took part, the Chairman suggested that the first sub-paragraph of paragraph 5 should be drafted as follows:

"The Standing Committee noted that the following petitions -- T/PET.2/113, T/PET.2/120, T/PET.2/130, T/PET.2/134, T/PET.2/149 -- had raised certain questions concerning the East Africa Inter-Territorial Organization, and had inter alia expressed the fear that it might lead to a fusion of the Trust Territory of Tanganyika with the other territories participating in that administrative union."

It was so decided.

Mr. YANG (China) suggested that the second sub-paragraph of paragraph 5 should refer to the Administering Authority's observations on the various petitions.

Mr. WIESCHHOFF (Secretary of the Committee), referring to the statement in paragraph 4 on page 3 of document T/PET.2/113, said that the Administering Authority had stated in its observations (T/953/Add.2, page 10) that the inclusion of Tanganyika in a political fusion of the East African territories was not contemplated. He then referred to the Administering Authority's observations on T/PET.2/134 and T/PET.2/137, on pages 42 and 50, respectively, of document T/953/Add.2, and to the comments on T/PET.2/120, T/PET.2/130 and T/PET.2/149, on pages 10, 22 and 40, respectively, of document T/953/Add.4.

Mr. SCOTT (New Zealand) suggested that the report should merely take note of the various petitions unless there were any special points in the petitions which the Committee should consider. The inclusion of a summary of the Administering Authority's comments in the report might make it too bulky, but such a summary would have to be included if detailed reference was made to the petitions submitted.

The CHAIRMAN suggested that the second sub-paragraph of paragraph 5 should be drafted as follows:

"In this connexion the Committee took note of the observations of the Administering Authority on certain of these petitions (.....) and noted in particular the statement 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."

It was so decided.

Paragraph 5 was adopted.

Paragraph 6

The CHAIRMAN recalled that in 1951 the Council had expressed the opinion that a more explicit procedure for weighing the opinion of the various sections of the population with regard to extending the life of the East African Central Legislative Assembly would seem desirable. The Committee must decide whether it was satisfied with the Administering Authority's statement, reproduced in paragraph 4, that it had taken steps to ascertain public opinion without eliciting any unfavourable reaction, or whether the Committee felt that it had sufficient information to come to any definite conclusion.

Mr. YANG (China) said that his delegation would find it difficult to concur fully with the Administering Authority's statement, since there were at least five petitions expressing dissatisfaction with existing administrative arrangements. The petitions had been submitted in ample time to give the Administering Authority every opportunity to explain to the people the implications of the Central Legislative Assembly and therefore of administrative union. His delegation was not convinced that the Administering Authority had done so.

Mr. SCOTT (New Zealand) objected that the Committee could hardly say that the consultations with the people had been unsatisfactory when the Administering Authority had categorically stated that no unfavourable reaction had been elicited and when, moreover, the African members of the Legislative Council in Tanganyika had voted in favour of extending the life of the

Central Legislative Assembly. Besides, there was no evidence to suggest that the procedure used to ascertain public opinion had been less explicit than in 1947.

The CHAIRMAN was not entirely satisfied by the statement: "They had done so without eliciting any unfavourable reaction". He would welcome further particulars concerning the manner in which administrative officials had consulted the chiefs, councils and people. A compromise solution might be for the Committee to request the Administering Authority for further details on the consultations that had taken place.

Mr. DEVAKUL (Thailand) agreed that the Committee should neither express favourable conclusion on too little evidence, nor, in the face of the statement that no unfavourable reaction had been elicited, censure the Administering Authority. He therefore favoured a compromise solution along the lines suggested by the Chairman.

Mr. SCOTT (New Zealand) agreed that the evidence before the Committee was somewhat inadequate, but that would not warrant the conclusion that the indigenous inhabitants had been inadequately consulted. He therefore supported the Chairman's suggestion and added that the Committee might also ask the Administering Authority for further information on the people's reactions.

While the Committee's discussion was to some extent a post mortem, it should be borne in mind that the question of the term of the Central Legislative Assembly would come up for review again in three years' time; with more detailed information on the recent consultations the Committee and the Council would be able to make concrete suggestions to the Administering Authority concerning similar consultations in the future.

The CHAIRMAN suggested that in the first paragraph of its conclusions the Committee should note the provisions of the East Africa Order in Council, 1951, extending the life of the Central Legislative Assembly for four years and express the opinion that that extension might not be disadvantageous to the development of the Trust Territory of Tanganyika.

/Mr. YANG

Mr. YANG (China), supported by Mr. SCOTT (New Zealand), said preferably the Committee should merely note the provisions of the Order in Council without stating whether they were to the advantage or disadvantage of the Trust Territory.

The CHAIRMAN felt that under its terms of reference the Committee should express some conclusion. He suggested that it might agree tentatively on a text along the lines he had suggested, on the understanding that it would have a later opportunity to consider the final text drafted by the Secretariat.

The Chairman's suggestion was adopted.

After a brief discussion the Committee agreed to ask the Secretariat to prepare a text embodying the following additional considerations and conclusions:

1. The Committee noted that the African members of the Tanganyika Legislation Council had voted in favour of continuing the Central Legislative Assembly, that the Administering Authority had stated that public opinion had been consulted without eliciting any unfavourable reaction and that certain petitions had expressed an unfavourable reaction;
2. The Committee was of the opinion that it was not yet fully informed of the means adopted by the Administering Authority to ascertain the freely expressed wishes of the people. The words "the freely expressed wishes of the people" were inserted to meet the request of Mr. YANG (China) for some reference to Article 76 of the Charter;
3. The Committee expressed the hope that the Administering Authority would take all possible steps to inform or consult with the people before any revision of the existing arrangements for administrative union were undertaken, and inform the Council accordingly.

Mr. SCOTT (New Zealand) discussed the question whether the Authority should be asked to include the additional information to the Council in subsequent annual reports or to give it orally to the Committee. He felt the information would probably be more detailed if it were included in the annual report.

The CHAIRMAN suggested that one means of informing the indigenous inhabitants about the administrative union would be to publish a short informative pamphlet, similar, for example, to the pamphlet describing the Trusteeship System which the Belgian Administration had published in Ruanda-Urundi.

Mr. YANG (China) drew attention to a comment by the Committee at an earlier session noting that no re-examination of the whole scheme of the East Africa Inter-Territorial Organization was provided for in the East Africa Order in Council, 1947 and that, therefore, the population of Tanganyika might be prevented by the provisions of the Order in Council from expressing their wishes as to whether that scheme should or should not be continued (A/1306, page 210). Perhaps the Committee should include some reference to its former comment in the conclusions under discussion.

Mr. WIESCHHOFF (Secretary of the Committee) agreed that the point raised by the Chinese representative was pertinent, but suggested that it might be more appropriate to raise it in connexion with the Committee's special report.

Paragraph 7

Paragraph 7 was adopted without comment.

Paragraph 8

Paragraph 8 was adopted without comment.

Paragraph 9

Mr. WIESCHHOFF (Secretary of the Committee) explained that petitions T/PET.2/134 and T/PET.21/137 could be summarized as expressing apprehension of any federation or co-ordination with Central Africa. In its observations on

/those petitions

those petitions (T/953/Add.2, pages 42 and 50), the Administering Authority did not directly address itself to that particular point. With regard to the first petition it stated that the views of the petitioners had been noted and duly considered by the Committee on Constitutional Development. With regard to the second petition, he recalled the Administering Authority's statement that it had 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.

The CHAIRMAN suggested that the Committee might, as in paragraph 5, note the apprehensions expressed in the petitions.

Mr. SCOTT (New Zealand) suggested that the Committee should also note the desire expressed in both petitions that Tanganyika should remain a Trust Territory under the terms of the Trusteeship Agreement.

If the contents of the petitions were to be summarized, it would be only fair to summarize the Administering Authority's observations thereon.

The CHAIRMAN suggested that the New Zealand representative should draft a text for consideration by the Committee at its next meeting.

The meeting rose at 1.10 p.m.