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PETITIONS CONCERNING TANGANYIKA

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I. Petition from the American Committee on Africa (T/PET.2/220)

1. The petition, dated 13 January 1958 and sent from New York City, is signed on behalf of the American Committee on Africa by Mr. George M. Houser who states that he was refused permission to enter Tanganyika in July 1957, when he was already in Uganda, having been declared a prohibited immigrant by the Principal Immigration Officer, Dar es Salaam. Subsequently the Tanganyika Government refused to divulge the reasons which had led to this decision. The petitioner states that it is a hardship for him personally and for his organization, which is concerned with African affairs, not to be able to travel freely in Tanganyika. He seeks the help of the United Nations to "discover" the reasons for the ban on his entry into the Territory and also for the lifting of travel restrictions thus imposed upon him.
2. The Administering Authority states (T/OBS.2/43) that the Tanganyika Immigration legislation enacted by the Legislative Council in February 1957 defines a prohibited immigrant inter alia as "a person who, in consequence of information received from any source deemed by the Principal Immigration Officer to be reliable or from any Government, whether British or foreign, is declared by the Principal Immigration Officer to be an undesirable immigrant". This declaration is subject to the confirmation or otherwise of the Governor acting in accordance with the advice of the Executive Council. The Administering Authority adds that it is not the practice of Governments to disclose their reasons for declaring any person to be a prohibited immigrant or otherwise refusing entry into their territories.
3. The question of Mr. Houser's entry was, in accordance with the above-mentioned legislation, a matter for decision by the Tanganyika Government in the light of the information available to it and having regard to its responsibilities for the maintenance of peace, order and good government in the Territory. The Administering Authority states further that Mr. Houser's representations against the decision reached in his case have been fully considered, but that the Tanganyika Government is satisfied that the decision was appropriate and that it is not proposed to vary it.
4. The Administering Authority points out that a decision in a matter of this kind falls by law solely within the responsibility of the Governor acting in accordance with the advice of his Executive Council, on which the different peoples of the Territory are represented, and that it would not be proper for it to attempt to intervene in this sphere of the local Government's authority.

II. Petition from the Tanganyika African National Union (T/PET.2/221)

1. This petition dated 17 January 1958 is signed by the Provincial Chairman of the Bukoba Branch of the Tanganyika African National Union, who protests against the alienation by the Tanganyika Government of 13,000 acres of land in the Bukoba District to a Mr. Grewal-Singh of the Kagera Saw Mills Ltd. for the establishment of a sugar-cane farm, and who complains that the local population were not consulted in this matter.
2. More specifically, the petitioners complain that Mr. Grewal-Singh had already obtained from Chief Paulo Lwamujongo of Misenye, through devious transactions, two thousand acres of fertile land in the Bukoba District. In 1956, Mr. Grewal-Singh is alleged to have tried the same "tricks" with the young successor to Chief Paulo for an additional 13,000 acres in the Misenye Chiefdom; but this proposal was rejected by the Local Authority Council of the Chiefdom and by the Bukoba Bahaya District Council, with the exception of three councillors who agreed to the grant but not to the period of the lease. In September 1956, a meeting of all the peoples of Bukoba was held at which they unanimously refused the grant of these 13,000 acres to Mr. Grewal-Singh. The matter then remained secret until 11 December 1957 when it was learned that the Government of Tanganyika had already granted title to the land "with the full agreement of the duly-constituted native authorities of Bukoba". The petitioners are at a loss to understand how such an agreement could have been reached.
3. The petitioners are not opposed to the concession of land to foreigners but they insist that sufficient land, which is the "key to their life", be left to them close to their shambas to provide for the opening up of new villages for future generations. They enclose copies of letters to the Chief Secretary of the Tanganyika Government dated 10 September 1956, 1 October 1956 and 11 November 1957, as well as a copy of a reply from the Ministry of Lands and Mineral Resources dated 10 January 1958.
4. The Administering Authority points out (T/OBS.2/44) that the area in question is on the north bank of the Kagera River, and adjoins an area of 2,000 acres already held under a Right of Occupancy of the Kagera Saw Mills Ltd. who have successfully produced sugar from this holding. Before alienation the land was

unoccupied but was sometimes used by the local Africans. The proposal for its alienation was fully discussed in the local village and Gombolola Councils and, as a result, the Missenye Chiefdom Council agreed to alienation on the following conditions:

- (a) Either (i) Kagera Saw Mills Limited not to clear certain forests but to permit the local people to continue cutting poles and firewood on them, or (ii) the firm to clear those forests and plant for the free use of the local people plantations of eucalyptus and wattle which in the opinion of the Assistant Conservator of Forests, Bukoba, will produce equivalent amount of forest produce to those obtainable in the existing forests.
- (b) The local people to retain their right to dig lime on the banks of the Kagera River.
- (c) The local people to be given rights of way across the land between the Kagera River and the Kyaka-Kikagati Road as may be deemed necessary by the Chief of the Missenye. (This road crosses the southern portion of the area); and
- (d) The local fishermen to be permitted to build temporary camps on the banks of the Kagera River provided that they hold the written permission of the Chief of Missenye.

The matter was then considered by the Bahaya Council, the supreme Native Authority of the Bukoba District, where the consent of the Missenye Chiefdom Council was confirmed by a substantial majority.

5. The conditions suggested by the Missenye Chiefdom Council were regarded by the Tanganyika Government as eminently sensible and reasonable and as measures which would properly safeguard and preserve the interests of the local inhabitants, and were accepted by the Directors of the Kagera Saw Mills Ltd.

6. The development of the land in question as a sugar-cane farm is considered by the Tanganyika Government to conform to and help towards the implementation of its policy for the encouragement of internal sugar production in the interests of the general economic development of the Territory. Furthermore, the estate is well-situated in relation to the Kenya Market should future production in Tanganyika reach a level permitting the disposal of surplus externally.

7. In all these circumstances, the Administering Authority considers that the alienation referred to in the petition was fairly and properly carried out, and draws attention to the fact that full consultations took place with the properly constituted bodies representative of the peoples concerned and that the Missenye Chiefdom Council and the Bahaya Council after careful consideration both expressed themselves in favour of the alienation.

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III. Petition from Mrs. Helen Bastable, Secretary, Movement for Colonial Freedom
(T/PET.2/222)

1. The petitioner, writing from London, England, on 1 July 1958, states that the Movement for Colonial Freedom is not satisfied that the case in which Mr. Julius K. Nyerere was charged with criminal libel will be presented in a spirit of an impartial search for the truth.
2. She requests the Trusteeship Council to send an observer to report to the Council on the whole conduct of the trial. She feels that it is only in the light of such a report that the Trusteeship Council will be able to assess the wisdom of the action taken by the Government and the value of the Tanganyika African National Union as a means of developing political understanding among the African people of the Trust Territory.
3. The Administering Authority states in its observations (T/OBS.2/45) that Mr. Julius Nyerere was defended during his trial before the Resident Magistrate in Dar es Salaam, from 9 July through 11 August 1958, by a leading barrister in the United Kingdom assisted by two counsel. Mr. Nyerere was found guilty and sentenced to a fine of 1000 shillings or six months on the first count of libel contrary to section 187 of the Penal Code and to a fine of 2000 shillings or six months on the second count also of libel contrary to section 187 of the Penal Code. The fines were paid on 12 August 1958. The sentence was confirmed by the High Court of Tanganyika. Mr. Nyerere was informed of his right of appeal to the High Court, but did not exercise this right.
4. The Administering Authority concludes by saying that the decision whether or not to institute proceedings for criminal libel is for the Attorney-General of Tanganyika alone and that it is unable to accept the implication in the petition that the initiation of the prosecution against Mr. Nyerere was inspired by political motives. It suggests that the Trusteeship Council should simply draw the petitioner's attention to the observations of the Administering Authority.

IV. Petition from the Bahaya Planters Association (T/PET.2/223)

1. The petitioners, in a letter from Bukoba dated 3 June 1958, refer to their earlier petition (T/PET.2/210),^{1/} and draw again the attention of the Trusteeship Council to their complaint that a virtual monopoly is exercised by the Bukoba Native Coffee Cooperative Union Limited, in that all coffee grown in the District has, by a compulsory order, to be sold through that Union.
2. Basing themselves on the resolution adopted by the Trusteeship Council at its 839th meeting,^{2/} the petitioners submitted an application for registration of the Bahaya Planters Association on 4 January 1958. Repeated inquiries made on 27 February, 17 March and 21 May 1958 as to the acceptance or rejection of their application produced no results. They seek help from the United Nations in obtaining registration for their association.
3. The petitioners state that they will again be forced to sell their harvest through "undemocratic" compulsory marketing orders against which they have long been fighting and which, they claim, entail tremendous losses for them.
4. In a copy of their letter to the Registrar of the Cooperative Societies dated 21 May 1958, annexed to their petition, they state further that an application for an export licence for their Association was addressed to the Chairman of the Coffee Board at Boshi on 14 April 1958, together with the required fee; this fee

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- 1/ Resolution 1727 (XX) adopted by the Trusteeship Council on this petition drew the attention of the petitioners to the observations of the Administering Authority, in particular to the fact that compulsory marketing orders have been in force continuously since 1947 and have all been approved by the Territorial Legislature, as well as to the substance of paragraph 8, section XIII, of T/L.791. (This paragraph stated that prices obtained at coffee auctions depended entirely on quality and that consignments from B.N.C.U. tended to obtain slightly higher prices; this paragraph also confirmed the fact that European and Asian coffee farmers, who produce only 2 per cent of the District's crop, are not subject to the Bukoba Native Coffee Board's jurisdiction.)
 - 2/ Actually a statement made by the representative of the USSR at the 453rd meeting of the Standing Committee on Petitions to the effect that "it was for the African producers themselves to decide where their best interests lay and that the Tanganyika Government should grant in practice permission to them to form their own co-operatives" (T/C.2/SR.453, page 5). This text was later submitted as an addition to the text of the draft resolution before the Standing Committee but rejected both by it and by the Trusteeship Council to whom it was again submitted at its 839th meeting.

is said to have been returned to them on 8 May 1958 with an indication that Coffee Board Orders are "irrevocable".

5. They express disappointment in the effectiveness of United Nations resolutions and state that an attempt to "strike against the B.N.C.U. monopoly" may result in their "being shot by the local government".

6. In its observations (T/OBS.2/48), the Administering Authority points out that, contrary to the suggestion of the petitioners, the Council did not pass any resolution about the submission of registration application forms. It confirms the fact that on 4 January 1958 the petitioners submitted an application for registration of their association as a society to the District Commissioner, Bukoba, in his capacity as an Assistant Registrar under the Societies Ordinance. One of the objects of the association, as stated in the application form, was "to act as agent for its members and to arrange on their behalf for the sale in bulk of their agricultural produce". In an interview the District Commissioner suggested to Mr. Rugizibwa (who signed the present petition) that, in view of this object of the association, it might be more appropriate if the application was made to the Registrar General (for registration as a company), or to the Registrar of Co-operative Societies (for registration as a co-operative society). Mr. Rugizibwa decided to apply for registration of the association as a co-operative society.

7. The Administering Authority states that, on 27 February 1958, the petitioners telegraphed the Registrar of Societies inquiring whether the association had been registered. The Registrar, having no knowledge of the matter (since the petitioners had decided to apply for registration as a co-operative society) replied the following day saying that the telegram was not understood. On 17 March 1958, the petitioners addressed a letter to "the Registrar", Dar es Salaam, forwarding a copy of the original letter of 4 January 1958, asking for an early reply as to whether or not the association had been registered. This letter was, in fact, received by the Registrar of Co-operative Societies who, noting that application forms for registration as a society had been completed by the Association, passed the correspondence to the Registrar of Societies. On 20 May 1958, the petitioners addressed a telegram to "the Registrar, Dar es Salaam" asking that the decision on registration should be given. The telegram in fact went to the Registrar of the High Court, who passed it to the Registrar of Societies.

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8. On 21 May 1958, the Administering Authority adds, the petitioners addressed a letter to the Registrar of Co-operative Societies who once again (since it referred to the earlier application for registration under the Societies Ordinance) passed it to the Registrar of Societies. The latter replied to the petitioners on 5 June 1958 informing them that since, as it appeared, they intended to carry on business with the object of making a profit, in the absence of registration as a company they would be contravening the provisions of the Companies Ordinance if in fact the association consisted of more than twenty members. The Registrar of Societies added that any company, association or partnership consisting of not more than twenty persons was excluded from registration under the Societies Ordinance, if it was formed and maintained for the sole purpose of carrying on any lawful business.

9. Notwithstanding the terms of this letter, and despite their earlier intimation to the District Commissioner, Bukoba, of a desire for registration as a co-operative society, the petitioners replied to the Registrar of Societies on 20 June 1958 enclosing further application forms for registration as a society. They did so, on the grounds that, as stated in the letter, it was not the aim of the association to make a profit either for the association itself or for its individual members: its aim was described as being "to help the members to get fair and better prices of their coffee produce". On 25 June 1958, the Registrar of Societies sent a further letter to the petitioners pointing out that, since their application was in respect of registration as a society, it should be submitted in accordance with normal procedure to the Assistant Registrar in the person of the District Commissioner, Bukoba. On 2 July 1958, the petitioners replied intimating that they were complying with the Registrar's instructions. No further application has been received by the Registrar of Societies.

10. The Administering Authority recalls, moreover, that the history of coffee marketing in Bukoba is set out in its observations on the earlier petition on this subject.^{3/} Whether or not the petitioner's association is registered, it would still be prevented from marketing African coffee because of existence of an order requiring such coffee to be marketed through the B.N.C.U. The present marketing

^{3/} T/OBS.2/38, T/PET.2/210.

arrangements, which have majority support amongst Africans in the area, are far from resulting in tremendous loss for African producers and in fact ensure that the best possible prices are realized in the public auctions at which their coffee is sold. It is an essential trade requirement that coffee should be marketed in standard bulks which consequently command higher prices than the products of indiscriminate marketing of small lots of coffee of varying quality. To encourage the formation of small groups selling coffee otherwise than through an established channel would result in a decline in quality with a consequential loss not only to the petitioners but to the vast majority of African coffee growers in the area who are members of the B.N.C.U.

11. The Administering Authority points out, finally, that if the Association should decide to disregard the order it would, of course, render itself liable to prosecution in the Courts of Tanganyika. The penalty for any contravention of the order is a fine not exceeding three times the value of the product bought or sold or imprisonment for a period not exceeding six months or both such fine and imprisonment.

V. Petition from Mr. Saidi Nassoro (T/PET.2/224)

1. The petitioner, who writes in care of the Tanganyika Federation of Labour, refers in this letter dated 6 June 1958 to his original petition to the United Nations Visiting Mission (T/PET.2/214)^{1/} and more specifically to the observations^{2/} of the United Kingdom Government on which he makes the following comments:

(a) he was first appointed in 1934 as a Microscopist and not as a Laboratory Boy;

(b) although two non-army men called Francis Mhando and James Malungula, who had reached Standard VIII in 1947, were promoted after passing the qualifying examination, he was not even allowed to sit for the said examination;

(c) the statement that a candidate for the revised departmental examination was required to have reached Standard X is inaccurate, since Messrs. Hemdi Asmani and Bernard Gondwe were promoted to the higher grade, although they did not satisfy these requirements;

(d) he first applied for the post of Chief Warder in 1951, and the statement that this post is normally filled by persons with long service in the Prisons Department is untrue, since one Ramadhani Nyamka, who was a subordinate service clerk in the Medical Department, was appointed to it in 1948;

(e) the statements as to his lack of honesty and conscientiousness made in paragraph 5 of the Administering Authority's observations are false and imaginary and if they were really true he could have been summarily dismissed instead of being promoted as a Laboratory Auxiliary;

(f) the findings of the inquiry instituted by the Governor under Colonial Regulations are false, and the refusal to provide him with copies of the proceedings and findings is contrary to the principles of natural justice;

^{1/} Resolution 1788 (XXI) adopted by the Trusteeship Council on this petition simply drew the attention of the petitioner to the observations of the Administering Authority and to the statements of its special representative (T/L.827, section III, T/C.2/SR.474).

^{2/} T/OBS.2/40, section 2.

the petitioner requests the United Nations to obtain such copies in order to see what grave injustice has been done to him;

(g) he was born in 1908 and not in 1918;

(h) no uniform was ever issued to him.

2. The petitioner therefore seeks assistance from the United Nations in order to obtain from the Administering Authority the bonus and pension to which he claims to be legally entitled.

3. The Administering Authority points out (T/OBS.2/46) that there was no such post as Microscopist in the Medical Establishment in 1934. The petitioner was, in fact, first appointed as a Laboratory Boy on 10 September 1934. An untrained and inexperienced person such as the petitioner was would not, in any event, have been appointed as a Microscopist.

4. At no time during 1946, 1947 and 1948 was the petitioner's work considered to be of a standard to justify permission being accorded him to take the qualifying examination for promotion to Laboratory Assistant. In 1949, however, his work showed some improvement and he was therefore promoted to the lower grade of Laboratory Auxiliary with effect from 1 January 1950. The four officers mentioned in sub-paragraphs (b) and (c) above were considered to be more efficient than the petitioner, and for this reason they were permitted to take the qualifying examination for promotion to the higher post of Laboratory Assistant. All four officers passed the examination before 1949, i.e. before the standard of the petitioner's work was considered to merit his promotion to the lower grade of Laboratory Auxiliary.

5. The Administering Authority denies that Ramadhani Nyamka was appointed Chief Warder. Nyamka resigned his appointment as a subordinate service clerk in the Medical Department in 1951. He enlisted in the Prisons Service as a Recruit Warder on 10 September 1951 (and not as Chief Warder, to which rank he was promoted on the grounds of outstanding ability, on 1 January 1954).

6. The petitioner was promoted to the post of Laboratory Auxiliary in the permanent and pensionable establishment on 1 January 1950, for a probationary period of two years. In January 1952, the Director of Medical Services reported that he was dissatisfied with his work and conduct and recommended that his probationary period be extended. The very fact that his probationary appointment

was not terminated at that time shows that he was treated with sympathy and consideration. In August 1952, the Director of Medical Services reported that his work and conduct had shown some improvement and he was accordingly confirmed in his appointment. Thereafter his work and conduct started deteriorating steadily, and his protestations of obedience and conscientiousness are not supported by the records at Medical Headquarters nor by the findings of the inquiry conducted by the Resident Magistrate, Shinyanga.

7. The Administering Authority recalls^{3/} that an inquiry into the petitioner's conduct was ordered under the provisions of Colonial Regulation 66 as in force in 1955 which, inter alia, provides for an inquiry by the Governor with the aid of the Head of the Officer's Department or such other officer as the Governor may appoint. In the petitioner's case a member of the Judiciary was appointed to conduct the inquiry which was not, however, by reason of such appointment, a judicial proceeding. The inquiry was conducted in order to assist the Governor to arrive at a decision. A copy of the charges and findings were, in fact, communicated to the petitioner's lawyer by letter on 2 January 1957, though the petitioner was not entitled as of right to these documents. The petitioner was present throughout the inquiry and was given an opportunity to cross-examine the witnesses and to make an address on his own behalf.

8. The petitioner's date of birth as recorded in his service records is November 1918, and no valid acceptable evidence to the contrary has ever been produced.

9. It is the normal rule that an officer on dismissal on the grounds of misconduct forfeits all privileges, including leave, pension, etc., and the Administering Authority points out that no exception can be made in respect of the petitioner.

10. The fifth charge against the accused at the inquiry was that he did not wear the uniform issued to him, which was a white coat. The Resident Magistrate found this charge proved.

11. The Administering Authority suggests that the Trusteeship Council should take no action on this petition other than to draw the petitioner's attention to the observations of the Administering Authority and to the Council's previous resolution.

^{3/} T/OBS.2/40, section 2, paragraph 5.

VI. Petition from the Committee of African Organizations (T/PET.2/225)

1. The Chairman and the Secretary of the Committee of African Organizations, writing from London, England, on 12 August 1958, state that recent events in the Territory show that it is the intention of the Tanganyika Government to suppress by force opposition to the formation of multi-racial District Councils; they claim that the Administering Authority deceived the 1957 United Nations Visiting Mission to Trust Territories in East Africa in this respect.
2. The petitioners refer, in particular, to the Geita District Council. In July 1958, a crowd variously estimated to be from 2,000 to 6,000 is said to have marched from Geita to the Provincial Headquarters at Mwanza to protest against the formation of these multi-racial District Councils. The petitioners claim that the crowd was told to disperse but that before it had time to gather up its belongings it was attacked by the police with tear gas and truncheons with the result that many were taken to hospital.
3. The petitioners state further that the people have expressed their dislike of the idea of multi-racial District Councils through their Chiefs and that this has resulted in the deposition by the Government of Chief Makongoro and others.
4. They conclude by suggesting to the Trusteeship Council that it send a special commission of enquiry to Tanganyika to investigate their allegation that multi-racial District Councils are being established by force.
5. The Administering Authority declares (T/OBS.2/47, section 1) that the Tanganyika Government has used no force whatsoever in the establishment of District Councils which are, and have, only been set up after full enquiries to ascertain whether there is a general wish in favour of such action. The Administering Authority recalls that the Tanganyika Government had made it clear in 1957, when announcing its intention to amend legislation in order to make it possible for District Councils to be established, that it had no intention of forcing these councils on the people.
6. With particular reference to the Geita District Council, the Administering Authority points out that a very full degree of consultation had taken place between the Tanganyika Government and representatives of the local population before a decision to set up the District Council was actually taken. Early in 1957,

the District Commissioner of Geita had personal discussions with each Chief in the District and asked them to discuss the establishment of a multi-racial District Council with their advisers and Chiefdom Councils and to report the results to him. At a special meeting of the District Advisory Council at the end of April 1957, it was agreed that a District Council should be established. Every opportunity was taken by administrative officers on tour to explain the proposals to the people. The Chiefs also held barazas throughout their districts and several small meetings in their villages to explain to the people what was proposed. The Administering Authority wishes it to be noted that, despite the disturbances in the Geita District and the opposition to the District Council by a section of the people, the Council is in fact still operating. It has met three times since its inception on 1 March 1958.

7. The Administering Authority points out, moreover, that the description which the petitioners make of disturbances in the Geita District in July 1958 does not accord with the facts: a number of persons from the Geita District started to assemble on the recreation ground at Mwanza on 21 July. By 24 July, the number had increased to between 1,000 and 1,500 persons who were kept under control by a number of agitators who, mingling with the crowd, by threats and intimidation discouraged any attempts by individuals to return home. By 25 July, the situation demanded (in the interests of both law and order and of public health) the enforced dispersal of the crowd, which continued to ignore all attempts to persuade its members to disperse and return to their homes peaceably. A time limit giving adequate opportunity to the crowd to collect its belongings was set, and the members were informed of the consequences if they failed to disperse by the time stated. On the expiry of the time limit the crowd continued to refuse to disperse despite further repeated warnings and appeals to do so. It was therefore eventually necessary for the police to employ tear smoke and baton charges to move the hard core of the demonstrators who were seated on the ground and refused to move. The Administering Authority adds that this action was resorted to with the greatest reluctance. As a result of the police action seven persons were admitted to hospital, the most serious injury being a broken leg which one man was thought to have sustained in the crush. A further 129 persons were treated for slight injuries, and of these only twenty reported for further treatment the next day.

8. The Administering Authority states, with regard to the petitioners' complaint in paragraph 3 above, the Chief Makongoro of the Ikizu Chiefdom of the Musoma District was deposed because the rule of his Chiefdom was corrupt and oppressive in the extreme, and for no other reason. It adds that neither Makongoro, who died from a liver complaint in Dar-es-Salaam on 25 September 1958, nor any other Chief in Tanganyika, has been deposed because of his association with any opposition there may have been to the establishment of District Councils.

9. Finally, the Administering Authority sees no justification for the appointment of a commission of enquiry. It recalls the categorical statements made by the Governor in an address to the Legislative Council on 14 October 1958, to the effect that the Tanganyika Government fully realized that an essential prerequisite to the formation of District Councils was acceptance of the principle that membership was not necessarily confined to members of any one race. It appeared that in the rural parts of the Territory there had obviously been some misunderstanding in that respect. The Governor had added that if confidence and support were lacking, it would be better not to introduce any modern form of local government machinery and that there could be no question of District Councils or any other new local government bodies being established in any area unless it was the general wish of the local people that this should be done.

10. In particular, an investigation is now being conducted by a senior administrative officer into the local government organization of Geita District; should the result crystallize upon a form of local government which is markedly different and better than the present form, the Administering Authority states that the Government will certainly do its best to put that form into operation and to rescind the present one.

VII. Petition from Messrs. Mze Sefu and Adam Omari, on behalf of Geita Africans
(T/PET.2/226)

1. This petition, sent in the form of a cable from Mwanza on 22 September 1958, claims to have been submitted on behalf of Africans in the Geita District. It asks for the appointment of a commission of enquiry, saying that a multi-racial District Council has been put into practice without consultation, and complains of police action against peaceful demonstrators, alleging that Geita is now a police district. The petitioners express their opposition to those chiefs who have opted for multi-racialism.
2. The Administering Authority (T/OBS.2/47, section 2) repeats the observations presented on an earlier petition^{1/} with regard to consultations which took place prior to the establishment of the Geita District Council, and adds that the total African membership of the Council is fifty-three out of sixty-five.
3. The Administering Authority points out that active opposition to the District Council, with its focal point in the Buchosa sub-chiefdom, began in April 1958. This opposition was encouraged by a small group of supporters of TANU and initially took the form of passive opposition to the authority of the Chief. These activities led to the imposition on 14 May of an order by the Governor in Council prohibiting all acts by or on behalf of TANU in the Geita District for a period of six months. As a result of continued agitation, the opposition increased during the next two months and a series of illegal meetings was held within the Buchosa chiefdom at which the audiences were exhorted to refuse to recognize the authority of the Chief, to refuse to pay taxes, and to refuse to work on the roads. Attempts by the police to arrest the ringleaders at these meetings met with obstructions, and in certain cases, hostility. In one particular instance, following obstructions by the crowd when attempts were made to arrest the ringleader, thirteen persons were arrested and sentenced to six months' imprisonment for preventing the arrest of the ringleader who was himself sentenced to fifteen months' imprisonment. These demonstrations culminated in a mass demonstration at Mwanza on 21 July 1958 when spokesmen from

^{1/} Section of the present working paper (T/PET.2/225, T/OBS.2/47, section 1).

the crowd demanded the abolition of the District Council, the removal of the Chiefs from office in the Geita District, and an amnesty for all persons arrested in connexion with all offences arising in the furtherance of the first two demands. The spokesmen were informed that the request for amnesty could not be entertained; where men were accused of breaking the law, the law must take its course. They were told also that their first two demands were the subject of an inquiry, on the completion of which the Government would issue an answer. The Governor repeated such assurances on the occasion of his visit to Geita on 8 August. By 25 July, the situation in Mwanza had degenerated into that described in an earlier petition.^{1/}

4. The Administering Authority states that, with the dispersal of the demonstrators from Mwanza the centre of agitation again returned to Geita District where, during August, illegal meetings, necessitating police action and in one or two cases the use of tear gas, continued on a diminishing scale up to the time of the arrest of one Augustin Madaha on 3 September. It adds that, on all occasions when police action was considered to be necessary, the degree of force used was the minimum necessary for the maintenance of law and order, tear gas having to be used in six instances including the dispersal of the crowd at Mwanza.

5. The Administering Authority states that it is unable therefore to agree with the petitioners' allegation that the Geita District Council was introduced without consultation. In view however of the subsequent open expression of dissatisfaction amongst certain elements of the local population, the Administering Authority has arranged for the whole matter to be reviewed in consultation with the traditional authorities, in order to ascertain the present wishes of the people.

6. The Administering Authority is unable, moreover, to accept the petitioners' claim that Geita is now a police district. It points out that its normal police establishment is twenty-two men, but that in order to deal adequately with the threat to peace, order and good government posed by the gathering at Mwanza and the continuing agitation and unrest in the Buchosa chiefdom, 150 additional police were drafted. This represents one policeman to every twenty square miles or to every 1,600 inhabitants, and cannot be regarded as evidence of the creation of a "police district". With the return of conditions to normal, the Administering Authority hopes to reduce the number of police in the district.

^{1/} Section of the present working paper (T/PET.2/225, T/OBS.2/47, section 1).

VIII. Petition from Mr. T.S. Kadyanjih (T/PET.2/228)

1. In a letter dated 25 June 1958, the petitioner submits the following personal complaint and asks the United Nations to help him recover damages and obtain redress. As a consequence of a claim lodged with the Tanganyika Government for an increase in salary following upon his having passed a Public Health Inspector's examination, the petitioner was imprisoned on a false charge and dismissed from civil service. The proceedings at the trial were unfair; he was not satisfied with the judgement and asked for an appeal. His lawyer, however, advised him to withdraw the appeal because of "new and false sentences" said to have been added to the case file by the Learned Magistrate "to suit his judgment" against the petitioner's appeal. The petitioner claims, further, that he has been deprived by the Government of paid leave to which he was entitled.
2. The petitioner then speaks of the treatment of prisoners in the Territory: daily and "uncontrollable" corporal punishment; bullying of African prisoners by British officers; use of Asian officers as "media" for falsely punishing and imprisoning Africans; discrimination in favour of non-African prisoners in such matters as rations, hygiene, medical care and overcrowding.
3. To illustrate further his contention that colour-bar is a Government policy everywhere in the Territory, the petitioner adds that (a) different wage scales, regardless of experience and qualifications, and different estimates for expenditures on education and social services exist for Europeans and Africans; (b) Hundreds of Africans are falsely accused and imprisoned as a result of the turmoil brought about by resentment felt by Africans thus discriminated against; (c) chiefs are forced to accept what the "White man" wants; (d) within a period of forty years, only two Africans have been appointed as District Officers; (e) in civil service posts, an African - although he may possess higher qualifications - is always taken on as assistant to a "White man" whether or not the latter is qualified.
4. The petitioner contends that the Tanganyika Government does not like to consider educated Africans as people holding recognized qualifications. As proof of this, he speaks of vacancies in local newspapers always demanding qualifications

obtained in the United Kingdom in order to keep out all possible Africans who hold the same qualifications but obtained them outside the United Kingdom. The petitioner adds that such racial discrimination is exercised not only by officers of the Government but also by industrial firms and enterprises.

5. He mentions finally multi-racial Councils which are allegedly being forced on the Africans without their consent.

6. The Administering Authority refutes (T/OBS.2/49) the petitioner's claim to an increase in salary on the ground that the Sanitary Inspector's examination is not an essential qualification for a Labour Inspector and thus cannot affect his salary. The petitioner was informed that the examination did not qualify him for an appointment as Health Inspector; moreover, the Director of Medical Services did not consider the petitioner suitable for appointment as an Assistant Health Inspector in the Medical Department. On 13 September 1957, he was interdicted from duty on half pay in consequence of having been charged before the Resident Magistrate, Mwanza, with attempting to obtain money by false pretences and uttering a false document. On 7 November 1957, the petitioner was sentenced, after a full and fair trial, to four months' imprisonment. He was advised of his right of appeal but did not exercise this right, although he might reasonably have been expected to do so had he, at the relevant time, considered the charges false. The Administering Authority declares that the petitioner's imprisonment arose solely out of acts committed by him while on tour in the Musoma District of the Lake Province and was in no way the result of the claim which he made for an increase in salary.

7. On 21 November 1957, the petitioner was informed by the Acting Labour Commissioner that in the exercise of his powers, and following the sentence of the Court, he had dismissed the petitioner from the service of the Tanganyika Government with effect from the date of conviction, i.e., 7 November 1957. Under the terms of General Orders in Tanganyika an officer who is dismissed forfeits all privileges including retiring benefits and outstanding leave.

8. The Administering Authority states that there is no truth whatsoever in the petitioner's allegation that prisoners in Tanganyika gaols are lashed or bullied. It adds that the Tanganyika Government does not use Asians, or indeed any other officers, as a means of falsely punishing and imprisoning Africans. The elaborate judicial procedure in Tanganyika with its long ladder of appeal ensures a fair and impartial trial for persons of any race brought before the courts. There are ample safeguards against abuse.
9. There is no racial discrimination in Tanganyika prisons. Prisoners are classified in three categories according to their mode of life before conviction. The dietary scale of prisoners is approved by the medical authorities and is prescribed by law. In the absence of water-borne sanitation in some prisons, it is necessary to use deep pit and bucket latrines; there is no shortage of insecticides for use against flies and insects. There is no acute overcrowding problem in Tanganyika prisons. All prisons in Tanganyika are visited at least weekly and most of them daily by a Medical Officer or sub-Assistant Surgeon.
10. The allegation that hundreds of people are being falsely accused and some imprisoned is quite false. The only cases of imprisonment known to the Administering Authority are those which are the direct result of a full and fair trial in court, with all the attendant rights of appeal enjoyed in British courts.
11. The Administering Authority denies the allegation that Chiefs in Tanganyika are being forced to accept what the Government wants.
12. It adds that it is the declared policy of the Tanganyika Government that its civil service shall, as soon as possible, and without any lowering of standards, be recruited wholly from the local inhabitants of the Territory. This policy is being pursued as rapidly as the educational, financial and training resources of the Territory allow. Whenever a vacancy occurs in the Tanganyika Civil Service it is notified by the Department concerned through the Public Service Commission which makes its recommendations. When it becomes necessary for "placing" purposes to evaluate the degree awarded by an institution of higher education in some other country, the Administering Authority states that the method of evaluation used is that of a comparison with similar British qualifications. All institutions of

higher education in foreign countries do not necessarily offer the same opportunities to a student from Tanganyika seeking an education to equip himself for a full and useful life in the very different environment of the Territory. This fact occasionally results in the apparent anomaly to which attention has been drawn by the petitioner.

13. The Administering Authority adds that it is its declared policy to fit Africans for advancement in all fields of economic endeavour and to equip them to replace those of other races whenever possible. There is an increasing number of educated and qualified Africans who have secured responsible employment with commercial and trading concerns, including co-operative societies, in Tanganyika.

14. The Administering Authority states, finally, that there is no question of a policy of multi-racialism being forced on the African population in Tanganyika against its will. The policy of the Tanganyika Government is one in which there will be increasing participation by the African in all activities, including those of the Government itself.
