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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE TWO HUNDRED AND THIRTY-FIRST MEETING

Held at Headquarters, New York,
on Friday, 18 February 1955, at 10.30 a.m.

CONTENTS

Petitions concerning Tanganyika (T/C.2/L.117; T/PET.2/166 and Add.1 and 2, T/PET.2/167, T/PET.2/168 and Add.1, T/PET.2/169, T/PET.2/171, T/PET.2/172, T/PET.2/177 - 181, T/PET.2/183, T/PET.2/187; T/OBS.2/10, T/OBS.2/11, T/OBS.2/12 and Add.1, T/OBS.2/13 - 18, T/OBS.2/20)

(continued)

PRESENT:

<u>Chairman:</u>	Mr. TARAZI	Syria
<u>Members:</u>	Mr. SCHEYVEN	Belgium
	Mr. DOISE	France
	Mr. JAINPAL	India
	Mr. KARTSEV	Union of Soviet Socialist Republics
	Mr. CRAMER	United States of America
<u>Also present:</u>	Mr. ELLIOTT	Special Representative of the Administrator Authority for the Trust Territory of Tanganyika under British Administration
<u>Secretariat:</u>	Mr. RANKIN	Secretary of the Committee

PETITIONS CONCERNING TANGANYIKA (T/C.2/L.117; T/PET.2/166 and Add.1 and 2, T/PET.2/167, T/PET.2/168 and Add.1, T/PET.2/169, T/PET.2/171, T/PET.2/172, T/PET.2/177 - 181, T/PET.2/183, T/PET.2/187; T/OBS.2/10, T/OBS.2/11, T/OBS.2/12 and Add.1, T/OBS.2/13 - 18, T/OBS.2/20) (continued)

The CHAIRMAN called on the Committee to continue its consideration of petitions concerning Tanganyika under British Administration (T/C.2/L.117).

III. Petition from representatives of the Wasangi (T/PET.2/184, T/OBS.2/20)

Mr. CRAMER (United States of America) asked what was the nature of the ceremonies referred to in the petition and how often they were performed.

Mr. ELLIOTT (Special Representative) replied that the ceremony in question was an initiation into certain tribal customs and was peculiar to the Wapare, of whom the Wasangi tribe was a subdivision. The objectionable practices that had previously formed part of it were now prohibited.

Mr. CRAMER (United States of America) considered that the explanations given by the Administering Authority were satisfactory and that the matter had been laid before the competent courts. The petition did not therefore, in his opinion call for any special action by the Council.

The CHAIRMAN said that the Secretariat would bear that view in mind when drawing up a draft resolution for the Council.

V. Petition from the President of the Ishakia Association (T/PET.2/174, T/OBS.2/

The CHAIRMAN recalled that the Committee had begun its examination of the petition at its 230th meeting.

Mr. ELLIOTT (Special Representative) explained that although the same law applied to all inhabitants of Tanganyika, the Administration had been obliged in certain cases to introduce regulations for the protection of the indigenous inhabitants. Thus, the Ishakia were regarded as non-indigenous for various personal matters such as marriage and divorce, the education of children, the liquor laws and so forth. With regard to questions of land tenure, however, they were regarded as indigenous inhabitants and could not therefore sell their land to non-indigenous inhabitants without authorization.

Mr. SCHEYVEN (Belgium) recalled the suggestion he had made at the previous meeting.

The CHAIRMAN said that in drawing up the draft resolution the Secretariat would bear in mind the suggestions that had been made.

VIII. Petitions concerning prospecting for diamonds, from Mr. A. Watts and Mr. F. Arneson (T/PET.2/166 and Add.1 and 2, T/PET.2/172; T/OBS.2/10 and T/OBS.2/14)

Mr. CRAMER (United States of America) asked whether the petitioners were indigenous inhabitants and whether they were permanent residents in the Territory

Mr. ELLIOTT (Special Representative) replied that the Administration knew nothing about Mr. Watts and that Mr. Arneson, who was not an indigenous inhabitant, went to the Territory from time to time to work.

Mr. CRAMER (United States of America) asked what revenue the Territory obtained from the diamond mines.

Mr. ELLIOTT (Special Representative) replied that the revenue consisted of royalties on the diamonds extracted and a tax on the income of the mining companies.

Mr. CRAMER (United States of America) felt that the development of the mining industry in Tanganyika could only be in the interests of the Territory.

Mr. JAIPAL (India) wondered whether the control exercised by the Administration over diamond mining was designed primarily to serve the interests of the Territory. It might be that certain powers were afraid that an increase in world diamond production would lead to a fall in prices.

Mr. ELLIOTT (Special Representative) replied that the diamond mining industry brought in revenue to the Territory which increased every year and formed a considerable part of its budget. It was used in particular to finance the Administration's activities in the social and public health spheres. The Administering Authority therefore considered that diamond mining should be conducted on a proper and orderly basis and it was to that end that it had established controls.

Mr. CRAMER (United States of America) proposed that the Council should draw the petitioners' attention to the observations of the Administering Authority especially those summarized in paragraphs 7 and 8 of the Secretariat working paper

The CHAIRMAN asked the Secretariat to make a note of that proposal.

IX. Petition from Mr. F.D. Cornish (T/PET.2/171, T/OBS.2/15)

Mr. CRAMER (United States of America) considered the observations of the Administering Authority to be satisfactory and proposed that the petitioner's attention should be drawn to them.

The CHAIRMAN asked the Secretariat to take note of that proposal.

X. Petition from the Abbot-Bishop of Ndanda (T/PET.2/183, T/OBS.2/15)

Mr. JAIPAL (India) observed that when the 1954 Visiting Mission was in the Territory it had received a large number of requests similar to that in the petition. The inhabitants appeared to believe that the United Nations could grant financial assistance to individuals or associations, whereas it could only give technical assistance to States, within the framework of the Expanded Program of Technical Assistance. He asked whether the United Kingdom Government's Colonial Development and Welfare Fund did not finance social and public health programmes which might apply to the hospital in question.

Mr. ELLIOTT (Special Representative) replied that the Development Fund did finance social programmes, but that from the credits allocated to Tanganyika the Administration could subsidize only its own hospitals.

Mr. SCHEYVEN (Belgium) remarked that experience had shown that in certain African territories it was more economical to subsidize a mission hospital than to administer one direct.

Mr. ELLIOTT (Special Representative) explained that the Tanganyika Administration did grant subsidies to societies or missions when it saw fit to do so. It could not, however, subsidize all the plans which were submitted to it and it had to establish an order of priorities.

Mr. JAIPAL (India) proposed that the Council should draw the petitioner's attention to the observations of the Administering Authority and express the hope that the hospital in question would receive a subsidy as soon as possible.

Mr. SCHEYVEN (Belgium) thought the Administering Authority's attention should be drawn also to the fact that the mission already possessed both the will and the facilities to operate the hospital and to make the best use of a subsidy.

The CHAIRMAN asked the Secretariat to take note of the suggestions that had been made.

XI. Petition from Mr. Anton Weber (T/PET.2/168 and Add.1; T/OBS.2/12 and Add.1)

Mr. RANKIN (Secretary of the Committee) recalled that the Council had already asked the Administering Authority to supply additional information on the matter.

The CHAIRMAN felt that the information given by the Administering Authority was satisfactory and that most of the petitioner's difficulties had been overcome. The Council could take note of the information submitted and inform the petitioner that it was open to him to claim damages from the Administration in the courts if he felt that he had been wronged.

It was so decided.

XII. Petition from Mr. D.M. Anjaria (T/PET.2/187, T/OBS.2/18)

Mr. JAIPAL (India) observed that the question had been laid before the Visiting Mission during its stay in the Territory and that it had included some observations on the subject in its report. In his view the Ordinance in question was not discriminatory; nor was it, generally speaking, a cause of difficulty except for the Asiatic communities which were divided into castes, the members of which always intermarried and were therefore obliged, when there were few of their caste in the Territory, to seek a partner elsewhere.

In his opinion, the Administering Authority, as indicated in its observations (paragraph 4), was doing nothing to force female residents to enter the Territory without their husbands; it simply wished to put an end to the serious abuses which had arisen from the enforcement of the 1950 regulations.

He proposed that the Council should draw the petitioner's attention to the observations of the Administering Authority.

It was so decided.

XIII. Petition from Mr. Arnulf Johannes (T/PET.2/167, T/OBS.2/11)

No suggestions having been put forward, the CHAIRMAN proposed that the petitioner's attention should be drawn to the observations of the Administering Authority.

It was so decided.

XIV. Petition from Mr. Karl Finger (T/PET.2/169, T/OBS.2/13)

Mr. JAIPAL (India) asked what were the "compassionate grounds" on which the petitioner's brother had been allowed to enter the Territory.

Mr. ELLIOTT (Special Representative) was unable to give a precise answer to that question. He supposed that the privilege had been granted for reasons of age or health.

The CHAIRMAN inquired whether the petitioner's brother too had declared himself to have been a member of the Nazi party.

Mr. RANKIN (Secretary of the Committee) said that it was apparent, from the observations of the Administering Authority (T/OBS.2/3) on the brother's petition (T/PET.2/157), that he too had indeed been a member of the Nazi party and had engaged in activities against the Allies.

The CHAIRMAN suggested that the draft resolution should repeat the formula proposed by the Administering Authority in paragraph 3 of its observations (T/OBS.2/13), namely that the Trusteeship Council decided that no action was called for on that petition.

Mr. SCHEYVEN (Belgium) thought that in that particular case there was no reason why the Committee should not follow that procedure; he added that the Council should also draw the petitioner's attention to the observations of the Administering Authority.

It was so decided.

XV. Petition from the Trade Union of African Cooks (T/PET.2/177, T/OBS.2/17)

In reply to questions from Mr. DOISE (France) and Mr. KARTSEV (Union of Soviet Socialist Republics), Mr. ELLIOTT (Special Representative) said that the trade union to which the petitioners claimed to belong had ceased to exist some time previously, and no equivalent organization had taken its place.

Mr. SCHEYVEN (Belgium) thought that the observations of the Administering Authority were satisfactory and that the petitioners' attention should be drawn to them.

It was so decided.

XVI. Petition from the African Commercial Employees' Association (T/PET.2/178, T/OBS.2/16)

The CHAIRMAN pointed out that the Administering Authority had submitted detailed observations on the petition, reproduced in document T/OBS.2/16. In connexion with the passage in which the petitioners requested that in recruiting personnel commercial firms should give preference to African workers and Asians and Europeans born locally, he would like some details on the priority which the Administering Authority did in fact give to indigenous workers.

Mr. ELLIOTT (Special Representative) said that, as it stated in paragraph 7 of its observations, the Administering Authority strictly enforced the provisions of the Immigration Ordinance and it spared no effort to recruit labour locally. Unfortunately, it was sometimes difficult for firms to find skilled labour locally, or even to find workers with sufficient knowledge to assimilate training; in such cases they were obliged to import workers from outside the Territory.

Mr. SCHEYVEN (Belgium) did not think that the petitioners' concern was justified: it was obvious that commercial firms would not want to spend large sums on bringing in workers from abroad if they were able to find the labour they needed locally and at less expense.

Mr. KARTSEV (Union of Soviet Socialist Republics) inquired whether the Administration had any means whereby it could ensure that private firms improved the working conditions of their workers.

Mr. ELLIOTT (Special Representative) stated that there was a considerable body of legislation to regulate employer-worker relations and that there was a Labour Office in each large town. In any case the determining factor in labour conditions was still free competition between the various private firms, as also between those and the public undertakings. It was obvious that labour would seek employment with firms offering it the best conditions and that if a firm improved conditions for its workers, others would be obliged to take similar measures if they did not wish to find themselves in an unfavourable position on the labour market.

Mr. DOISE (France) thought that the observations of the Administering Authority made it clear that the situation of the indigenous workers was quite other than that described by the petitioners. In the draft resolution the Committee might therefore confine itself to drawing the petitioners' attention to the observations of the Administering Authority.

It was so decided.

XVII. Petition from Mr. Joseph Mathew (T/PET.2/179, T/OBS.2/15)

Mr. SCHEYVEN (Belgium) thought that, as the petitioner had been able to find work and was still in the same post, the petition did not call for any decision from the Trusteeship Council.

The CHAIRMAN pointed out that the petitioner was requesting help not in finding work but in finding "a good job". He accordingly suggested that in the draft resolution the Committee should not confine itself to the statement suggested by the Belgian representative but should also request the Administering Authority to see that the petitioner was able to obtain a better post.

Mr. SCHEYVEN (Belgium) reserved his position with regard to that suggestion. In his opinion, if the petitioner was a really good chauffeur, he would have no difficulty in finding satisfactory employment.

XVIII. Petition from Mr. Abdullah (T/PET.2/180, T/OBS.2/16)

Mr. CRAMER (United States of America) thought that the observations of the Administering Authority were highly relevant and that it would be sufficient to draw the petitioner's attention to them.

In reply to a question from the CHAIRMAN, Mr. ELLIOTT (Special Representative) said that if the petitioner had adequate grounds there was nothing to prevent him from taking his case to the courts, but he did not appear to have done so. Furthermore, if he had thought that he had some foundation for his claim, he would hardly have waited so long before putting it forward.

The CHAIRMAN thought that in the draft resolution the Council might not only draw the petitioner's attention to the observations of the Administering Authority but also inform him that he could apply to the competent judicial authorities for action on his claim.

Mr. DOISE (France) wondered whether it was wise to make such a suggestion to the petitioner. He feared that the petitioner's action might be barred by limitation.

Mr. SCHEYVEN (Belgium) shared the French representative's fears.

The CHAIRMAN thought that English law allowed longer periods than did French law before a case was barred by limitation. He accordingly saw no objection to the resolution's being drafted along the lines suggested.

It was so decided.

XIX. Petition from Mr. Philip Moses (T/PET.2/181, T/OBS.2/15)

Mr. CRAMER (United States of America) thought that the Committee might deal with the petition in the same way as with the previous one. The two cases were similar.

The CHAIRMAN requested the Secretariat to take note of the suggestions made in connexion with the previous petition and of the reservations made by the French and Belgian representatives.

Mr. DOISE (France) pointed out that the question was more difficult than that of the previous petition, for there was no law under which an employer was obliged to give an employee a gratuity.

The meeting rose at 12.30 p.m.