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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE THREE HUNDRED AND THIRTY-EIGHTH MEETING

Held at Headquarters, New York,
on Monday, 12 March 1956, at 10.50 a.m.

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Tanganyika (T/C.2/L.190; T/OBS.2/29) (continued)

PRESENT:

Chairman:

Mr. HAMILTON Australia

Members:

Mr. SCHEYVEN Belgium

Mr. de CAMARET France

Mr. DORSINVILLE Haiti

Mr. BENDRYSHV Union of Soviet Socialist
 Republics

Also present:

Mr. GRATTAN-BELLEW Special Representative of
 the Administering Authority
 for the Trust Territory of
 Tanganyika

Secretariat:

Mr. COTTRELL Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING THE TRUST TERRITORY OF TANGANYIKA (T/C.2/L.190;
T/OBS.2/29)(continued)

At the invitation of the Chairman, Mr. Grattan-Bellew, Special Representative of the Administering Authority for the Trust Territory of Tanganyika, took a seat at the Committee table.

III. Petitions from representatives of the Washambala (T/COM.2/L.24, T/PET.2/196 and Add.1)(continued)

The CHAIRMAN asked whether it was true, as the petitioners asserted, that the chief was consulted but not the people concerned when land was alienated.

Mr. GRATTAN-BELLEW (Special Representative) replied that the chief was not the only person to be consulted: the Council and all those who so desired were invited to express their opinion. In point of fact, there had been no alienation for very many years except for some urban land where it was intended to construct public buildings.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the Administration prohibited grazing on certain lands because they were classified or because they belonged to settlers.

Mr. GRATTAN-BELLEW (Special Representative) said that there were no settlers in the region. The sole purpose of the prohibition was to halt soil erosion, which was very extensive owing to the steep gradients of the terrain.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the indigenous inhabitants had enough land for their cattle.

Mr. GRATTAN-BELLEW (Special Representative) replied that erosion affected grazing throughout the entire region.

The CHAIRMAN, referring to paragraph 15 of the Working Paper (T/C.2/L.190, page 8), asked whether the Usumbara Citizens Union had finally been registered.

Mr. GRATTAN-BELLEW (Special Representative) said that he was unfortunately unable to give a definite answer to that question.

The CHAIRMAN, noting that the petitioners challenged the election of the present chief, asked how many members of the tribe supported them.

Mr. GRATTAN-BELLEW (Special Representative) said that he could not give an accurate reply because the Administration had never inquired into the matter; probably fewer than a thousand persons were involved.

The CHAIRMAN asked whether the progressive replacement of the traditional chiefs by representative bodies might have repercussions on such disputes.

Mr. GRATTAN-BELLEW (Special Representative) replied that the transition from the traditional to the representative system was quite often opposed by a minority which protested against the elective principle as being inconsistent with custom. The incident which the Committee was considering was the only serious case which had arisen.

The CHAIRMAN asked whether the representative bodies were in progress of development in the district in question.

Mr. GRATTAN-BELLEW (Special Representative) said that he could not say for sure. However, if there was an elected council, the chief was its chairman or, if there was not, he was surrounded by elders of the tribe who advised him.

The CHAIRMAN expressed the hope that with the progressive development of representative bodies disputes of the kind mentioned by the petitioners would cease.

Mr. GRATTAN-BELLEW (Special Representative) said that the situation had greatly improved. In 1955, the Administration had considered repealing the order banning public meetings. After reflexion, it had considered it preferable to allow the order to stand, but it was keeping the matter in mind and would repeal the order as soon as it could do so without prejudice to the public peace.

The CHAIRMAN, speaking as the representative of Australia, asked the Secretariat to take note of the statement just made by the Special Representative.. He further suggested that the Council should express the hope that the petitioners would eventually recognize the chief as their lawful leader and that they would help to set up in their district, the representative bodies the formation of which the Administering Authority, rightly, proposed to encourage.

IV. Petition from representatives of the Meru Citizens' Union (T/PET.2/197)

The CHAIRMAN drew attention to the observations of the Administering Authority, circulated as document T/OBS.2/29, and to resolution 869 (XIII). He requested the Secretary of the Committee to read out the resolution.

At the request of Mr. de CAMARET (France), Mr. GRATTAN-BELLEW (Special Representative) offered some further information.

The case of the 260 acres, which the Council had discussed at its thirteenth session, had been completely settled. The general situation as regards the Meru had greatly improved. There were now about 900 taxpayers, settled in the Kingori area where new water supplies had recently been discovered.

The case described in the petition before the Committee, which related to three and a half acres, was different in that the occupiers had squatted on the land only relatively recently. In any case, the matter was also closed and the Government was not prepared to reopen it.

Mr. DORSINVILLE (Haiti) asked whether the indigenous inhabitants who had had to leave the three and a half acres had received in compensation part of the 260 acres which the Government had purchased and reallocated to the Meru.

Mr. GRATTAN-BELLEW (Special Representative) said that he could not answer that question, but could confirm that the persons concerned owned other land.

Mr. DORSINVILLE (Haiti) said that, while Mr. Sorensen (Mr. Focsaner's son-in-law) had a perfect right to uproot crops encroaching on his land, it was surprising that he should not have asked the competent authorities to take

(Mr. Dorsinville, Haiti)

official action; had he done so, that would have been a good answer to the charge of arbitrary action.

Mr. GRATTAN-BELLEW (Special Representative) explained that there had been no occasion for official action on the part of the authorities.

Mr. Sorensen had given the squatters on his land fifteen months' notice and they should have taken advantage of that period to make their arrangements. Moreover, under English law, the ownership of crops vested in the owner of the land. Mr. Sorensen could hardly be criticized for being reluctant to take the case to court, for proceedings would have involved great expense.

Mr. DORSINVILLE (Haiti) disagreed; a small financial sacrifice on Mr. Sorensen's part would have been preferable to a disturbance of the peace.

Mr. GRATTAN-BELLEW (Special Representative) pointed out that any financial sacrifice would actually have been on the Meru's side, inasmuch as costs in judicial proceedings were awarded against the unsuccessful party.

Mr. DORSINVILLE (Haiti) asked whether some amicable arrangement could not have been devised which would have obviated both the costs and the appeal to the authorities.

Mr. GRATTAN-BELLEW (Special Representative) said that, at the stage then reached, costs could scarcely have been avoided, for in the course of the fifteen-month period every effort had been made to persuade the squatters to move from the three and a half acres.

In reply to questions from the CHAIRMAN, Mr. GRATTAN-BELLEW (Special Representative) explained that the survey carried out in December 1953 was by a surveyor of the Administration who had used an old German title deed. The Meru had not witnessed the operation because an agitator had told them to stay at home. After the survey, the property had been enclosed by a wire fence and boundary stones had been placed at various points.

The CHAIRMAN asked what action had been taken to urge the trespassers to move from the land in question.

Mr. GRATTAN-BELLEW (Special Representative) explained that the three and a half acres were not a block of land but a long strip into which the sixteen or seventeen small holders farming adjacent land had encroached bit by bit.

In reply to a further question from the CHAIRMAN, Mr. GRATTAN-BELLEW (Special Representative) explained that the inspection of 1954 had been carried out at a time when negotiations were proceeding with the Meru to persuade them to leave. At the same time, the Administration had tried, without success, to persuade Mr. Focsaner to drop his claim to the land in question.

The CHAIRMAN asked whether the Council of the Meru had been a party to the negotiations.

Mr. GRATTAN-BELLEW (Special Representative) replied that while the Council of the Meru had played an important part in the negotiations which had culminated in the purchase of the 260 acres of land, it had not apparently taken any real interest in the matter of the three and a half acres; no doubt, if it had done so, the question would have been raised earlier.

The CHAIRMAN asked whether it was possible to transplant banana and coffee trees.

Mr. GRATTAN-BELLEW (Special Representative) replied in the negative.

The CHAIRMAN asked whether the Administration distributed coffee plants to interested farmers.

Mr. GRATTAN-BELLEW (Special Representative) said that in general co-operatives made themselves responsible for giving farmers whatever aid they might require; the average life of a coffee tree was fifteen years, and plantations were, as a rule, built up gradually.

Mr. DORSINVILLE (Haiti) asked whether the Meru had known in 1953 that they were to take part in a survey.

Mr. GRATTAN-BELLEW (Special Representative) replied that the Meru had been advised of the date and time of the survey.

Mr. de CAMARET (France) said that it was his impression that the Meru's intransigence had blocked a settlement.

Mr. GRATTAN-BELLEW (Special Representative) confirmed that impression; the agitator in question, on seeing that the situation was improving, had attempted to revive the dispute.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked why the Administering Authority had "hoped that the purchase of other parts of the property ... would result in the voluntary evacuation of the three and a half acres"; it had apparently not been possible to relocate the occupants of that plot on the 260 acres all of which were already occupied by indigenous inhabitants.

Mr. GRATTAN-BELLEW (Special Representative) replied that there had never been any question of transferring the petitioners to another plot; they already possessed their own land and had merely encroached on that of their neighbour. The Administering Authority had merely hoped that they would voluntarily evacuate the land on which they had trespassed, when once the larger problem which had caused discontent in the whole tribe had been settled. That hope had unfortunately been disappointed.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the petitioners had cultivated the plot themselves to satisfy their own needs.

Mr. GRATTAN-BELLEW (Special Representative) said he thought they had cultivated the land themselves, but the land they possessed elsewhere was sufficient for their livelihood.

In reply to a question from Mr. BENDRYSHEV (Union of Soviet Socialist Republics), Mr. GRATTAN-BELLEW (Special Representative) explained that the sum of £5, charged as rent for the 260 acres, accrued to public funds.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) noted that the Administering Authority had changed its attitude. At the thirteenth session of the Trusteeship Council it had declared that it had opened negotiations with Mr. Focsaner for the purchase from public funds of the area occupied by them in order that it might be transferred to the indigenous inhabitants free of charge.

In the written observations of the Administering Authority (T/OBS.2/29) it was stated that 260 acres of land would be leased to the Meru Native Authority "at a nominal rental of £5 per annum for sub-allocation to the existing occupants".

Mr. GRATTAN-BELLEW (Special Representative) said he had emphasized at the time that he could not accept the wording of the observations of the Administering Authority and that as Attorney General of the Territory he would strongly resist any such action, which would therefore not have much chance of being adopted.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the plot of three and a half acres was the only area occupied by the indigenous inhabitants which Mr. Focsaner had refused to sell.

Mr. GRATTAN-BELLEW (Special Representative) said there had never been any intention of buying that plot; all that had been done was to try to persuade the petitioners to stop encroaching on land which did not belong to them. Mr. Focsaner had not owned any other land in the Territory.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether Mr. Focsaner's property was fully cultivated and in what manner.

Mr. GRATTAN-BELLEW (Special Representative) replied that part of the land was no doubt reserved for crops (maize and coffee), the rest being used for grazing; that was the type of mixed farming encouraged by the Administering Authority.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether Mr. Focsaner had bought his land from the indigenous inhabitants or whether the Germans had simply transferred the title.

Mr. GRATTAN-BELLEW (Special Representative) thought that title to the property had been granted about 1900, but he could not give any further details, as many German records had been destroyed in 1914. The Germans had not alienated land without paying compensation to any indigenous inhabitants who may have been occupying it, and at the time a large part of the Territory had still been unoccupied.

He added that the petitioners had installed themselves only very recently on the three and a half acre plot. That was a deliberate encroachment, which fell into an entirely different category from the long-standing occupation of the 260 acres by the Meru.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the sum £26,000 now paid to Mr. Focsaner's family, was the sum that had originally been paid by Mr. Focsaner to the indigenous inhabitants, or whether the value of the property had risen since the purchase in consequence of certain improvements. He expressed astonishment that the Meru should have to rent land of which they were the rightful owners, inasmuch as the indigenous inhabitants of Trust Territories were the true owners of the land.

Mr. GRATTAN-BELLEW (Special Representative) thought that Mr. Focsaner had certainly paid a reasonable purchase price and had subsequently increased the market value of his property by putting it under cultivation and improving water supplies. The sum of £26,000, which no doubt reflected almost exclusively the value of the land, had been fixed in accordance with current prices for land in the area.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the price had been determined by reference to transactions between indigenous inhabitants or by reference to transactions between settlers.

Mr. GRATTAN-BELLEW (Special Representative) explained that the value of land varied according to property title, and it was the special function of certain officials of the Administration to determine that value quite objectively.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the Administering Authority intended to pay compensation to petitioners for the losses they had sustained.

Mr. GRATTAN-BELLEW (Special Representative) replied in the negative; legally, the plants destroyed had been Mr. Sorensen's property. Besides, the sum claimed was exorbitant, for it exceeded the market price of the whole of the area.

The CHAIRMAN invited comments on the petition.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that in its resolution the Trusteeship Council should express the hope that the Administering Authority would take all necessary measures to restore the land to the indigenous inhabitants of the area and to compensate them for losses to their plantations.

Mr. de CAMARET (France) proposed that the draft resolution should mention the French delegation's regret that the petitioners' intransigent attitude should have made it impossible to work out an amicable settlement and that one year after the dispute had arisen, and despite the Administering Authority's efforts to arrive at an equitable solution, a settlement had still not been reached because the petitioners had done their best to revive discontent in their tribe when it seemed that a final solution of the whole problem was in sight.

The CHAIRMAN, speaking as the representative of Australia, said that he disagreed with the wording of the draft resolution proposed by the USSR representative. He would explain his position when the vote was taken.

Mr. DORSINVILLE (Haiti) said that, firstly, Mr. Sorensen had not done everything in his power to forestall possible disputes and, secondly, the petitioners had in fact suffered losses. In its resolution, the Trusteeship Council should express its regret that the Farm Manager (Mr. Sorenson) had not consulted the Administering Authority before destroying the crops on the disputed plot and should ask the Administering Authority to take action so as to obtain an amicable settlement which would include the payment of compensation for the damage caused.

The CHAIRMAN requested the Secretariat to draft a resolution taking into account the various suggestions made.

In view of the late hour, he asked the Committee to defer examination of section V of document T/C.2/L.190.

It was so decided.

The meeting rose at 12.45 p.m.