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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FIVE HUNDRED AND FORTY-FOURTH MEETING

Held at Headquarters, New York,
on Friday, 20 May 1960, at 3.40 p.m.

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Examination of petitions concerning Tanganyika (T/C.2/L.412)

PRESENT:

<u>Chairman:</u>	Mr. RASGOTRA	India
<u>Members:</u>	Mr. d'ANETHAN	Belgium
	Mr. YIN	China
	Mr. ANTONOV	Union of Soviet Socialist Republics
	Mr. CASTON	United Kingdom of Great Britain and Northern Ireland
	Mr. BACON	United States of America
<u>Also present:</u>	Mr. CHANT	Special Representative of the Administering Authority for the Trust Territory of Tanganyika
<u>Secretariat:</u>	Mr. CHACKO	Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING TANGANYIKA (T/C.2/L.412)

At the invitation of the Chairman, Mr. Chant, Special Representative of the Administering Authority for the Trust Territory of Tanganyika, took a place at the Committee table.

I. Petition from Mr. A.H. Paes (T/PET.2/229 and Add.1-2)

Mr. ANTONOV (Union of Soviet Socialist Republics) asked what the petitioner had done that was not in accordance with regulations, and what length of service would entitle a discharged employee to a pension.

Mr. CHANT (Special Representative) replied that the petitioner had been dismissed because he had failed to meet the efficiency requirements for government service. Ten years of continuous service was required before an employee could become eligible for a pension.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked for more details concerning the case of the petitioner's dismissal.

Mr. CHANT (Special Representative) regretted that he did not know the precise details of the petitioner's inefficiency. It was on record that the petitioner had been warned about his inefficiency several times by the medical authorities and two months after his transfer to the Police Department, had been warned again. The petitioner had been generally inefficient over a period of years.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that the Special Representative's statement did not provide any additional information. He would like to know what the word "fair" meant with respect to the efficiency of an employee.

Mr. CHANT (Special Representative) replied that it meant that the employee's abilities were only average.

Mr. ANTONOV (Union of Soviet Socialist Republics) inquired what was intended by the phrase "retired in the public interest". The petitioner ought to have been told the reason for his dismissal; yet that phrase seemed to have no specific meaning.

Mr. CHANT (Special Representative) said that the phrase meant that the employee's performance was such that his continuance in service would militate against the efficiency of the service and thus would not be in the interest of the public. The petitioner had been warned on various occasions about his inefficiency.

Mr. ANTONOV (Union of Soviet Socialist Republics) thought that a man of average ability was a normal man. Men of exceptional ability were, by definition, not common in the Territory. He did not think that the employment of a man of average ability could be detrimental to the public interest. Such a general characterization of the petitioner was neither appropriate nor kind. He hoped that, if the Administering Authority could not give the petitioner another job, it would at least delete the phrase "retired in the public interest" from his certificate of service.

Mr. CHANT (Special Representative) replied that the Administering Authority would find it difficult to comply with such a request, as it felt that the petitioner's efficiency was not up to the required standard.

Mr. ANTONOV (Union of Soviet Socialist Republics) suggested that the Administering Authority might endorse the certificate "retired, having exhibited fair efficiency. The phrase "retired in the public interest" seemed to refer to an enemy of society, a criminal, a mentally unbalanced person or the like.

Mr. CHANT (Special Representative) said that the phrase "retired in the public interest", which was provided for in the Pensions Ordinance of the Territory, did not imply political or criminal culpability, and that its significance was known throughout the Territory. The expression meant only that the petitioner's efficiency was below the expected standard.

Mr. ANTONOV (Union of Soviet Socialist Republics) felt that the petitioner was justified in stating that the certificate of service issued to him made it impossible for him to obtain another job. The wording of the certificate was neither democratic nor progressive.

Mr. CHANT (Special Representative) replied that the petitioner was at present employed at Mombasa, Kenya, and had no difficulty in supporting his family. He pointed out that the petitioner was a Goan born in Burma and not an indigenous inhabitant.

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Mr. ANTONOV (Union of Soviet Socialist Republics) remarked that he did not consider the petitioner's race or origin relevant.

Mr. CASTON (United Kingdom) said that the Administering Authority agreed entirely with the USSR representative on that point. The Special Representative had made that comment because the USSR representative had implied that the Administering Authority was discriminating against an indigenous inhabitant.

Mr. ANTONOV (Union of Soviet Socialist Republics) denied that he had implied anything of the kind. He had merely tried to secure a change in the formula used in the certificate of service.

Mr. CHANT (Special Representative) said that no distinction was made between indigenous and non-indigenous inhabitants; the certificate of service of expatriate officials might be similarly endorsed.

Mr. d'ANETHAN (Belgium) pointed out that the expression "retired in the public interest" was used in Belgium and France and was not regarded as pejorative.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that the terms used in Belgium and France were not pertinent. He did not think that application of that expression to inhabitants of the Trust Territory was in their interest. If the Special Representative would not accept his suggestion for a change in the certificate, he would have to submit a general draft resolution on the problem.

Mr. YIN (China) asked if under the Pensions Ordinance the endorsement might not be qualified by a further statement such as "for lack of efficiency".

Mr. CHANT (Special Representative) replied that such an addition to the endorsement would not be in the interest of civil servants discharged for other reasons. There were a number of endorsements, their meaning was understood, and they were rarely if ever modified. The petitioner had asked the Governor of Tanganyika to make such a change, and the Governor had decided that he was unable to do so.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked what causes for dismissal were covered by the phrase "retired in the public interest".

Mr. CHANT (Special Representative) replied that it covered lack of efficiency injurious to the interests of the general public, culpability, theft and peculation.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that accordingly the petitioner might be branded as a thief, whereas he was only inefficient.

Mr. CHANT (Special Representative) pointed out that the certificate of service also stated that the petitioner's efficiency was fair and his general conduct was good.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that, since the petitioner's efficiency was recognized as being "fair", the Administering Authority should not have said that his discharge was "in the public interest"; in the Trust Territories particularly, where public education was lacking, there were not many outstanding people.

The CHAIRMAN, speaking as the representative of India, asked whether it was the rule in the Tanganyika civil service to dismiss a man whose standard of efficiency was no better than fair. After all, the vast majority of people had average abilities.

Mr. CHANT (Special Representative) replied that the petitioner had displayed an inability to perform his duties satisfactorily over a long period of time. In order not to victimize him, he had been given a certificate stating that his efficiency was fair.

The CHAIRMAN, speaking as the representative of India, said it was natural for the petitioner to complain, when he had been told that his conduct was good and his efficiency was fair and then had been dismissed.

Mr. CASTON (United Kingdom) explained that the petitioner had been told that his performance was poor, but had been given a certificate stating that it was fair. An employer often did that so as not to hinder an employee from securing other employment.

In reply to questions from the CHAIRMAN, Mr. CHANT (Special Representative) said that the petitioner had been employed at Mombasa for the past five months, and that the gratuity granted to him on his dismissal had been conferred in conformity with the regulations of the Tanganyika Government and was not in any way a concession.

The CHAIRMAN suggested that the Secretariat should be asked to draft a resolution in the light of the discussion.

It was so decided.

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II. Petition from Mr. Emili Malinzi (T/PET.2/230)

In reply to a question from Mr. ANTONOV (Union of Soviet Socialist Republics), Mr. CHANT (Special Representative), said that Tanganyika government officials were entitled to six months of sick leave on full pay followed by a period on half pay for as long as an official was ill or until he was retired on medical grounds. The petitioner had received his full salary from 19 April to 18 October 1949. For several months thereafter he had been on half pay. After his retirement from public service he had been placed in an orthopaedic training centre for training as a masseur with a view to his re-employment in a government institution. He had left the centre of his own accord without completing the course.

In reply to a further question from Mr. ANTONOV (Union of Soviet Socialist Republics), Mr. CHANT (Special Representative) remarked that one of the petitioner's children had been attending a Native Authority primary school and that his other children had not been at school. The Native Authority had refused to remit the Shs. 10 per annum school fee because it felt that the petitioner was well-off by local standards. The Tanganyika Government was unable to undertake or guarantee free education for the petitioner's children.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked for particulars of the petitioner's income.

Mr. CHANT (Special Representative) replied that he was unable to give exact figures. The petitioner owned a well-constructed house, two fields and a number of coffee trees and the petitioner's wife, who was a school-teacher at a mission school, earned Shs. 208 per month. The Administering Authority had gone to some pains to assess the petitioner's standard of living and had ascertained that he was of above average status in his own community.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked why a Tanganyika government official, retired on medical grounds, did not receive sickness benefit for his lifetime.

Mr. CHANT (Special Representative) replied that that was not one of the conditions of service. The question of retiring a sick official was considered and decided by the Governor and the Council of Ministers. All government officials were accorded equal treatment in all respects. The petitioner was not eligible for pension because he had not completed ten years of service; he

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was merely entitled to a gratuity. A pension would also be payable if his disability had been directly attributable to the nature of his employment, but that was not the case.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked what was the average monthly income of indigenous inhabitants and how it compared with the income of a District Commissioner.

Mr. CHANT (Special Representative) replied that the average monthly earnings of indigenous inhabitants varied with the area in which they lived. The earnings of officials, both expatriate and indigenous, were higher than those of farmers. The fairest way of assessing the petitioner's means was to compare his income with the average earnings of other indigenous inhabitants in a similar walk of life and living in the same area.

The CHAIRMAN, speaking as the representative of India, said that he attached importance to the Administering Authority's assurance that it would continue to seek some suitable form of training and employment for the petitioner. He suggested that the Committee's draft resolution should take note of that assurance and express the hope that those efforts would be crowned with success. At the same time, he noted that there was a conflict of opinion, which he found disconcerting, between the petitioner and the Administering Authority with regard to the cause of the petitioner's blindness. Had the Administering Authority sought authoritative advice from a competent source certifying that the petitioner's blindness had not been attributable to the nature of his employment, or was that merely the view of the Administering Authority or the local Government?

Mr. CHANT (Special Representative) replied that the petitioner had appeared before a medical board convened in Kenya whilst he had been under training there at the request of the Tanganyika Government. The latter had been advised by the highest medical authority available that the rare ophthalmic disease from which the petitioner was suffering was not attributable to the nature of his work for the Government.

The CHAIRMAN, speaking as the representative of India, pointed out that the petitioner maintained that his wife earned Shs. 135 per month, whereas the Administering Authority put the figure at Shs. 208. He asked which of those two figures was correct.

Mr. CHANT (Special Representative) said that he had personally assured himself of the correctness of the Administering Authority's statement.

The CHAIRMAN suggested that the Secretariat should be asked to draft a resolution in the light of what had been said at the meeting.

It was so decided.

III. Petition from Mr. David L.K. Lubogo, on behalf the Bahaya landlords in the District of Bukoba (T/PET.2/231)

Mr. ANTONOV (Union of Soviet Socialist Republics) observed that the question of land tenure raised in the petition could be solved only when Tanganyika became an independent State.

Mr. CASTON (United Kingdom) said that the petition involved only one aspect of the much wider problem of land tenure. The Committee might, however, suggest to the Trusteeship Council that it should bear the petition in mind when considering the general question of land holding and rural economic development in the Trust Territory.

The CHAIRMAN suggested that the Secretariat should be asked to draft a resolution drawing the petitioner's attention to the observations of the Administering Authority, and also to draft a paragraph to be incorporated in the Committee's report suggesting that the Trusteeship Council should take the petition into account in its general examination of the Territory's affairs.

It was so decided.

IV. Petition from the Bahaya Coffee Planters Association (T/PET.2/232 and Add.1)

At the request of Mr. ANTONOV (Union of Soviet Socialist Republics), the CHAIRMAN read out the operative part of Trusteeship Council resolution 1930 (XXIII) concerning a previous petition from the Bahaya Coffee Planters Association.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked what steps the Administering Authority was taking to give effect to operative paragraph 2 of that resolution, in particular, to encourage the inhabitants of the Territory to organize themselves freely into co-operatives.

Mr. CHANT (Special Representative) said that the Administering Authority's present policy concerning co-operatives was fully in conformity with that paragraph. That was borne out by the fact that the number of co-operatives had increased from 542 in 1958 to 617 at the present time. The Administering Authority was in fact doing everything in its power to encourage the creation of new co-operatives, to the extent consistent with the protection of the interests of existing co-operatives, as specified in the resolution.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked what was the composition of the Bukoba Native Coffee Board and what rôle it played in the marketing of Bukoba coffee.

Mr. CHANT (Special Representative) replied that the Board was composed of five European officials, four Africans who were not officials and one European, also not an official, who had been invited to be a member of the Board because of his wide experience in coffee production.

The Board had been established in 1950 to regulate and control the sales of coffee from the Bukoba and Karagwe areas and the Chiefdom of Kimwani.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked whether the Board fixed the prices to be paid to producers and whether the proceeds from the sales of coffee remained in its hands. If it was a commercial undertaking rather than a non-profit organization, it would appear to be playing the rôle of an intermediary, thus depriving the producers of much of the fruits of their toil.

Mr. CHANT (Special Representative) stated that the Board was a statutory body established to ensure the best marketing of the coffee produced by the members of the Bukoba Native Coffee Co-operative Union, Ltd., which sold its coffee at public auction at Mombasa under the Board's control. That the system was working extremely well was demonstrated by the fact that the Union's coffee commanded higher prices than other coffee from the area. The producers received the major part of the market price. For instance, the price for Bukoba arabica coffee at Mombasa was about Shs. 2.28 during the year 1959-1960. The producer had received Shs. 2.00 of that sum, the rest of which had gone to cover handling and transport charges. Equivalent prices for robusta coffee had been Shs. 1.59, of which the grower had received Shs. 1.28.

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Mr. ANTONOV (Union of Soviet Socialist Republics) asked whether the European coffee growers of the Bukoba area belonged to the Bukoba Native Coffee Co-operative Union.

Mr. CHANT (Special Representative) replied that they did not. As its name implied, the Union had a purely African membership. The European coffee growers, who represented only 2 per cent of all the coffee growers in the Bukoba area, marketed their coffee through their own channels, which did not come under the Bukoba Native Coffee Board.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked why, if the Board's regulation and control did not apply to all the coffee growers in the area, the Bahaya Coffee Planters Association was not free to market its coffee as it wished.

Mr. CHANT (Special Representative) remarked that the aim of the Board and of the Bukoba Native Coffee Co-operative Union was to obtain the best possible price for their coffee by improving cultivation, processing, handling and marketing methods. Their coffee commanded a better price than that of the European growers in the same area because their organization was more efficient.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked why the European planters did not join the same Union if the advantages of membership were so great.

Mr. CHANT (Special Representative) said that it was partly a matter of historical development; the European growers in the area had never been members of the Union, which was purely African. In any event, they were very few in number.

Mr. ANTONOV (Union of Soviet Socialist Republics) remarked that, although the number of European growers might be small it was well known that their estates were very large. In any event, the policy of having one marketing organization for Africans and another for Europeans created a division of interests; the Administering Authority should follow instead a policy of increased co-operation between Europeans and Africans.

Mr. YIN (China) asked why the Bahaya Coffee Planters Association did not wish to market its coffee through the Bukoba Native Coffee Co-operative Union. Did its coffee not meet the quality standards of the Union?

Mr. CHANT (Special Representative) stated that the Bahaya coffee planters wished to market small parcels of sub-standard coffee. If they were allowed to do so, the general reputation of Bukoba coffee would suffer. It did not seem reasonable to allow such a small group to affect the interests of the 67,000 members of the Bukoba Native Coffee Co-operative Union.

The CHAIRMAN, speaking as the representative of India, noted that the Bahaya Coffee Planters Association had been a registered company since 13 April 1959 and asked whether the Administering Authority had approved its prospectus.

Mr. CHANT (Special Representative) replied that the prospectus had been approved and registered by the Registrar of Companies.

The CHAIRMAN, speaking as the representative of India, said that, in that case, the Administering Authority must have been aware that one of the purposes of the company was to deal in all kinds of produce, including coffee. It was difficult to see why the company was not allowed to do so.

Mr. CHANT (Special Representative) observed that the registration of the prospectus of a company did not necessarily mean that the Government authorized all its dealings. The Bahaya coffee planters had been informed, before they formed their association, that they would not be allowed to operate in contravention of the Compulsory Marketing Order. That might not always be the position, as the Administering Authority had pointed out in its observations, but it was so at present.

The CHAIRMAN, speaking as the representative of India, asked whether there was any documentary proof that the Bahaya coffee planters had been informed, before the incorporation of their association, that they would not be allowed to deal in coffee.

Mr. CHANT (Special Representative) stated that they had been officially informed of that fact by a letter from the Ministry of Natural Resources dated 21 July 1959, but that they had been aware of the fact for some time.

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The CHAIRMAN, speaking as the representative of India, said that before approving the prospectus the Registrar of Companies should have insisted on the deletion of coffee from the list of products in which the Association intended to deal.

His delegation was most disturbed by the situation. The Administering Authority's action in forbidding a group of indigenous inhabitants to market some of their produce ran counter to operative paragraph 2 of Trusteeship Council resolution 1930 (XXIII), which recommended that the indigenous inhabitants should be encouraged to organize themselves freely into co-operatives for the purpose of marketing their agricultural produce. In the present case, the Administering Authority was not encouraging the establishment of co-operatives but favouring a monopoly. Any group, however small, should be free to market its produce as it saw fit. Furthermore, it was clear that the Compulsory Marketing Order applied only to Africans, so that there were two standards, one for the indigenous inhabitants and another for Europeans, and that was entirely contrary to the spirit of the Trusteeship Agreement. The present case raised a very serious question of principle, which the Committee should consider in detail. He asked the Secretariat to circulate all the documents and correspondence in its possession relating to the Bahaya Coffee Planters Association for the Committee's information. He would submit a draft resolution on the subject at a later date.

Mr. CASTON (United Kingdom) said that he could not accept the strictures on the Administering Authority's action in the present case. The standards for Bukoba coffee were prescribed by the Bukoba Native Coffee Board and applied by the Bukoba Native Coffee Co-operative Union, to which seventy-three primary co-operatives were affiliated. The Union rendered valuable services to its members by teaching improved production methods, training staff, maintaining plant nurseries, etc. The members of the Union felt that, if the standards they themselves respected were to be maintained, growers who produced substandard coffee should not be allowed to market their produce. Such an arrangement might possibly be called a monopoly, but it was a monopoly which was in the interests of the majority of the Bukoba coffee producers. The Administering Authority was in fact acting fully in conformity with operative paragraph 2 of Trusteeship Council

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(Mr. Caston, United Kingdom)

resolution 1930 (XXIII), which provided that it should encourage the organization of co-operatives among inhabitants of the Territory "to the extent consistent with the protection of the interests of existing co-operatives" and "for the purpose of marketing their agricultural produce in conformity with the standards prescribed for marketing". There was no assurance that the Bahaya Coffee Planters Association would meet those standards.

The CHAIRMAN, speaking as the representative of India, said that the Administering Authority was preventing inhabitants of the Territory from organizing themselves freely into co-operatives, which was contrary to the paragraph quoted by the United Kingdom representative. If the coffee of the Bahaya planters was below standard, the solution was not to prevent them from dealing in it but to help them to improve its quality. In any event, they should not be forced to market their coffee through one channel only.

The meeting rose at 5.45 p.m.