

UNITED NATIONS
TRUSTEESHIP
COUNCIL



LIMITED

T/L.176/Corr.1
29 June 1951

ORIGINAL: ENGLISH

Ninth session

Item 4 (b) of the agenda.

OUTLINE OF CONDITIONS IN THE TRUST TERRITORY
OF TANGANYIKA

Working paper prepared by the Secretariat

Note: The Drafting Committee on Tanganyika has approved the following revisions to document T/L.176 to take into account relevant additional information.

I. POLITICAL ADVANCEMENT

1. On page 4, delete the last sentence under the heading Executive and Legislative Organs and replace it by the following sentence:

"An African member has now been appointed to the Council."

2. On page 6 change the heading Departments of Government to Departments of Government; Civil Service.

3. At the bottom of page 11, insert the following section under a new heading, Townships and Municipalities;

"As far as the development of local urban government is concerned Dar-es-Salaam was raised to the status of a municipality in 1949 and now has a council with a membership of twenty-four representatives of all races. Plans are also under consideration to raise Tanga to the same status.

"In the other more important towns, the executive functions of local government are carried out by Township Authorities consisting of official and non-official members and the Administering Authority stated that the principle of direct African representation on these bodies is being fully implemented with committees responsible for dealing with purely African affairs."

4. On page 16, line 18, after the sentence ending "indigenous society" insert the following sentence:

"They administer orders and rules made under the Native Authority Ordinance and the provisions of any law or Ordinance under which jurisdiction has been expressly conferred upon them."

5. On page 15, at the end of the section on Inter-Territorial Organization, insert the following:

In the course of its third, fourth, seventh and eighth meetings, on 20 March, 9 and 31 May, and 4 June 1951, the Standing Committee examined the various aspects of Tanganyika's participation in the East African Inter-Territorial Organization. It studied the various papers^{1/} submitted to the Standing Committee by the Administering Authority concerned and by the Secretariat and examined the relevant parts of the Annual Report on the

^{1/} T/C.1/L.2, T/C.1/L.3, T/C.1/L.5, T/C.1/L.5/Corr.1, T/C.1/L.6 (pages 4-7), T/C.1/L.7, T/C.1/L.7/Add.1, and T/C.1/L.8.

administration of the Territory for the years 1949 and 1950. At its seventh meeting, on 31 May 1951, the Standing Committee heard the representative of the United Kingdom of Great Britain and Northern Ireland, who furnished further information at the invitation of the Committee.

The Standing Committee paid particular attention to the question of the review of Parts I, III and IV of the East Africa (High Commission) Order-in-Council, 1947, relating to the composition and functions of the East Africa Central Legislative Assembly which shall cease to have effect on 31 December 1951.

Since the Trusteeship Council on several occasions had expressed the hope that the Government of the United Kingdom would consult the Council before extending administrative unions, the Standing Committee decided, at its third meeting, on 20 March 1951, to invite the Administering Authority to inform it concerning its future plans.

On 30 April 1951, in response to the Committee's inquiry, the representative of the Administering Authority stated as follows:

"Section 3 of the East Africa (High Commission) Order-in-Council, 1947, provided that Parts III and IV of the Order (i.e. those dealing with the Central Legislative Assembly and Legislation and Legislative Procedure) should continue in operation for four years, i.e. until the 31st December, 1951.

"The future of the Central Legislative Assembly is now under consideration. So far the question has been considered only by the Tanganyika and Uganda Legislative Councils who have adopted unanimously motions proposing that the Order-in-Council be amended to provide for the extension of the life of the Central Legislative Assembly for a further period of four years. Consequently decisions concerning the matters on which the Standing Committee on Administrative Unions have asked to be informed have not yet been reached, but the Administering Authority will in due course inform the Committee of them, as they affect Tanganyika."^{1/}

The Standing Committee undertook a detailed study of the functions of the East Africa Industrial Council and also of the effect which the inter-territorial arrangements might have upon the economic development of Tanganyika.

The Standing Committee, noting that the previous Committee on Administrative Unions felt that the Administering Authority should keep very careful watch in respect to the operation of the East Africa Industrial Council, especially in the granting of licences, in order that the economic development of Tanganyika is not hindered, decided, at its third meeting, on 20 March 1951, to invite the Government of the United Kingdom to submit further information concerning the function and operation of the Industrial Council.

On 30 April 1951 the representative of the Administering Authority replied as follows:

"The East African Industrial Council was established with the object of encouraging the orderly promotion and development of industry in East Africa and not least in Tanganyika where there is a great need of major and secondary industrial development.

"The functions of the Council are to advise the East Africa High Commission on broad questions of policy relating to industrial development, or upon matters placed before the Council by the High Commission or any of the East African Governments, and of undertaking such specific duties as may from time to time be assigned to it. While it can advise and, by these activities assist, operators to establish industry in the most favourable conditions for the success of their enterprises, the Council has little control over the actual amount of industrial development undertaken in East Africa. This is and must be governed largely by the inclinations of the operators themselves.

"A particular duty assigned to the Council is that of administering the system of industrial licensing. Its powers in this field are derived from legislation which is enacted in parallel by the three High Commission territories of Kenya, Uganda and Tanganyika. A licence to manufacture an article scheduled under this legislation must be obtained from the Council which is required to hold an enquiry to decide whether an application should be granted or refused. Objections can be lodged by persons who claim that they are liable to be injuriously affected by the granting of the licence. A licence may be cancelled by the Council for failure to comply with the conditions attached to it. Apart from allowing a degree of control over the development and location of industry, this legislation provides a measure of protection for new capital investments against

/uneconomical

uneconomical competition. This is at least as much in the interests of Tanganyika as of either of the other two territories concerned.

"The only manufactures which the Industrial Council is at present empowered to control by licence are as follows:

Cotton yarn	Woollen yarn	Glazed articles of pottery
Cotton piece goods	Woollen piece goods	Glazed earthenware tubes
Cotton blankets	Woollen blankets	Glazed sanitary earthenware and stoneware

"It should be noted that the powers of the Council cannot be extended to other manufactures except by further legislation which must be enacted by all the three territories concerned.

"Very considerable industrial development is at present taking place in Tanganyika. There are, for example, the meat factory of Tanganyika Packers Limited; branches of the Metal Box Company, which manufactures tin cans and containers, and the British Oxygen Company, which manufactures oxygen and oxy-acetylene; a tannery and leather goods factory in the Moshi district; and the manufacture of soap, furniture, bricks and tiles, the mining of diamonds, lead and coal, and the production and processing of sisal, together with a number of other projects. None of the industries so far established in Tanganyika falls within the purview of the East African Industrial Council in respect of industrial licensing. There is, however, no reason to suppose that an application supported by the Government of Tanganyika for the establishment of an industry which is subject to the Council's control would be rejected by the Council. There are therefore no grounds for fearing that the functions and operations of the Council exercise, or are likely at any time to exercise, any adverse influence on the economic development of the Trust Territory.

"Finally, if it were apparent to the Tanganyika Government that the operations of the East African Industrial Council were detrimental to the interests of Tanganyika, that Government, through its access to the East Africa Inter-Territorial Organization and the Secretary of State, could take active steps to ensure that this tendency was curtailed. The

Administering Authority is, under the terms of the Trusteeship Agreement obliged to further the industrial and economic development of Tanganyika and this obligation is being and will continue to be, faithfully pursued."^{1/}

At the seventh meeting of the Standing Committee, on 31 May 1951, the representative of the Administering Authority made a statement with respect to the Declaration of 9 March 1950 concerning the licences to establish a factory for the manufacture for sale of, or to manufacture for sale, cotton yarn or cotton piece goods (paragraph 11 of document T/C.1/L.5 and T/C.1/L.5/Corr.1). He explained that the Tanganyika legislation provides that no such Declaration can be granted unless a majority of those members of the East African Industrial Council appointed by any one of the East African Governors agree to the grant. This provision gives to the Tanganyika members of the Industrial Council (one official and two unofficial members appointed by the Governor of Tanganyika) the power to exercise a veto if, in their view, such a Declaration would adversely affect the interests of the Trust Territory. Thus he explained that the interests of the Trust Territory are fully protected.

The representative of the Administering Authority stated that the Declaration of 9 March 1950 applies equally to all three East African Territories and does not therefore discriminate against Tanganyika. Since, however, a licence for the manufacture of cotton yarn and cotton piece goods had already been granted in Kenya and the application of the Calico Printers Association in the case of the Declaration of 9 March 1950 related to Uganda, the representative of the Administering Authority explained that this fact does not discriminate against Tanganyika.

The representative of the Administering Authority stated that the establishment of a textile industry on a large scale in East Africa will be of manifest advantage to Tanganyika which spends 20 per cent of its imports on finished textiles; a cheap local source of supply will help to reduce the cost of living in the Trust Territory.

The representative of the Administering Authority noted that the East African Industrial Council cannot initiate industrial development by itself

^{1/} T/C.1/L.8.

establishing industries but helps to establish the most favourable conditions for the success of any industries which the entrepreneurs themselves decide to establish. The Administering Authority helps infant industries in the initial stages by protective measures. The justification for such protective legislation and practice has been reiterated in the report of the group of experts appointed by the Secretary-General of the United Nations to advise on the measures required to reduce unemployment and under-employment in under-developed countries.

The representative of the Administering Authority stated that, should a case arise in Tanganyika in which the natural advantages of the Trust Territory would attract an undertaking which would prefer to establish itself in Tanganyika, the provisions of the East African Industrial Council Ordinance would operate in favour of the Trust Territory by assuring to that infant industry a privileged position in the whole East African market, at least until it had found time to establish itself firmly. He referred to a further consideration of some importance which lies in the fact that if an infant industry in Tanganyika, or any of the East African Territories, is exposed in the initial stages to very strenuous conditions, it might well fail; such failure would inevitably have a depressing effect on industrial development; conversely the successful establishment of industry would improve the climate for such development throughout East Africa.

The representative of the Administering Authority stated that no applications for licences to establish in Tanganyika cotton spinning or weaving industries had been made at the time of the Declaration nor, so far as is known, are likely to be made. In fact no application to establish any of the scheduled industries in Tanganyika has ever been refused by the East African Industrial Council.

In the light of his explanations, he believed that the Standing Committee would feel satisfied that the actions of the East African Industrial Council in this case are generally to the advantage and not to the disadvantage of the economic and social development of the Trust Territory of Tanganyika.

II. ECONOMIC ADVANCEMENT

6. On page 17, line 33, insert the word "almost" after the word "industry".
7. On page 24, line 16, insert the word "almost" before the word "entirely".
8. On page 27, change the heading Marketing of Agricultural Exports to Marketing of Agricultural Products; Co-operatives.

III. SOCIAL ADVANCEMENT

9. On page 34, at the end of the General section, insert the following paragraph under a new heading, Status of Women:

"The laws of the Territory recognize no discrimination on grounds of sex against the women of any race. The social status of African women, while varying considerably from tribe to tribe, is generally regarded by indigenous custom as inferior to that of men. Polygamy and the payment of bride price are still practised. As the surest means of bringing about an improvement, the Administering Authority has stated that the desire for advancement of their status must come from the women themselves who, as the more conservative members of the community, are often the less easily convinced of the need for change."

10. At the top of page 37, preceding the section on Nutrition, insert the following paragraph under a new heading, Urban Housing:

"The Administering Authority states that in urban areas particularly in Dar-es-Salaam, the shortage of housing, with consequent over-crowding, is still an acute problem. Constantly rising building costs have made the rental of African urban houses almost beyond the capacity of the low wage earner unless some degree of subsidization is provided. Several trial houses have been erected under a scheme for which £1,230,000 has been allocated and for which a special organization has been formed to specialize in the problem of providing adequate African urban housing. It is estimated that the sum allocated will be sufficient to cover the cost of the building of more than 800 houses a year by the Administration."

11. On page 39, among the last figures at the bottom right-hand corner of the page to read:

15s--30s

20s--65s

50s-160s

IV. EDUCATIONAL ADVANCEMENT

12. On page 49, change the heading Industrial and Vocational Schools to Industrial and Vocational Training. Under this heading, insert the following paragraph as the fourth paragraph of that section:

/"The Government

"The Government training school, formerly at Mgulani, has been transferred to Ifunda where the Government has taken over the Overseas Food Corporation's training centre. The Administration states that as the first step toward the provision of adequate training facilities, the Ifunda centre is in the process of being built up to its capacity of 500 students."

13. On page 53, in the statistical table, insert an asterisk against the figures of expenditure in 1950 and add the following footnote:

"These figures include loans for capital works and proceeds from the Non-Native Education Tax."
