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Annex No. 8 (Part I)

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples:
report of the Special Committee on the Situation with regard to the Implementation of the
Declaration on the Granting of Independence to Colonial Countries and Peoples***

CONTENTS

Document No.	Title	Page
A/5800/Rev.1	Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	1
	Action taken by the General Assembly	517
	Check list of documents	518

* Item 21 of the provisional agenda.

For the relevant meeting, see *Official Records of the General Assembly, Nineteenth Session, Plenary Meetings*, 1330th meeting.

DOCUMENT A/5800/REV.1**

**Report of the Special Committee on the Situation with regard to the Implementation of the Declaration
on the Granting of Independence to Colonial Countries and Peoples**

CONTENTS

Chapter		Page
LETTER OF TRANSMITTAL		5
	Paragraphs	
I. ESTABLISHMENT, ORGANIZATION AND ACTIVITIES OF THE SPECIAL COMMITTEE		
A. Establishment of the Special Committee	1-7	5
B. Opening of the Special Committee's Meetings in 1964	8-21	6
C. Organization of Work	22-111	8
D. Meetings of the Special Committee and its working group and sub-committees	112-126	19
E. Consideration of territories	127-131	20
F. Consideration of other questions	132-142	21
G. Relations with other United Nations bodies	143-151	21
H. Review of work	152-166	22
I. Future work	167-171	24
J. Approval of the report	172	25
II. INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 c OF THE CHARTER AND RELATED QUESTIONS	1-9	25
<i>Appendices I and II</i>		25
III. SOUTHERN RHODESIA		
A. Action taken by the Special Committee in 1963, by the Security Council and by the General Assembly during its Eighteenth Session	1-12	30
B. Information on the Territory	13-70	32
C. Consideration by the Special Committee	71-258	38
D. Action taken by the Special Committee	259-356	63
E. Further consideration by the Special Committee	357-378	71

** Consisting of documents A/5800 and Corr.1, dated 31 December 1964 and 12 January 1965; A/5800/Add.1 and Add.1 (part II) dated 10 August and 30 December 1964; A/5800/Add.2, dated 18 December 1964; A/5800/Add.3 and 4, dated 5 January 1965; A/5800/Add.5, dated 12 January 1965; and A/5800/Add.6 and 7, dated 18 January 1965.

Chapter	Paragraphs	Page
F. Further action taken by the Special Committee.....	379-460	74
G. Action arising from the report of the Sub-Committee on Southern Rhodesia	461-525	82
H. Latest developments concerning the Territory.....	526-568	89
I. Consideration by the Special Committee of Recent Developments....	569-614	93
J. Action taken by the Special Committee in the light of latest developments	615-624	98
K. Action arising from the further report of the Sub-Committee on Southern Rhodesia	625-636	99
<i>Appendices I to VIII</i>		100
IV. SOUTH WEST AFRICA		
A. Action taken by the Special Committee in 1963 and by the General Assembly at its eighteenth session.....	1-10	108
B. Information on the Territory.....	11-73	109
C. Implementation of the Declaration in respect of South West Africa..	74-75	116
D. Consideration by the Special Committee.....	76-215	116
E. Action taken by the Special Committee.....	216-234	131
F. Examination of petitions.....	235-237	133
G. Implications of the activities of the mining industry and of the other international companies having interests in South West Africa.....	238-239	134
V. TERRITORIES UNDER PORTUGUESE ADMINISTRATION		
A. Action taken by the Special Committee in 1963, by the Security Council and by the General Assembly during its eighteenth session...	1-15	134
B. Information on the Territories.....	16-229	135
<i>Appendix</i>		157
C. Consideration by the Special Committee.....	230-304	158
D. Action taken by the Special Committee.....	305-356	167
<i>Annex. Report of Sub-Committee I</i>	1-4	172
VI. ADEN		
A. Action taken by the Special Committee in 1963 and by the General Assembly at its eighteenth session.....	1-4	173
B. Information on the Territory.....	5-48	174
C. Consideration by the Special Committee.....	49-144	177
D. Action taken by the Special Committee.....	145-167	196
E. Further consideration by the Special Committee.....	168-174	199
F. Further action taken by the Special Committee.....	175-203	200
G. Action taken by the Special Committee on the report of the Sub-Committee on Aden.....	204-249	204
<i>Annex. Report of the Sub-Committee on Aden</i>	1-127	209
VII. BRITISH GUIANA		
A. Action taken by the Special Committee in 1963 and by the General Assembly at its eighteenth session.....	1-8	225
B. Information on the Territory.....	9-57	226
C. Consideration by the Special Committee.....	58-163	231
D. Action taken by the Special Committee.....	164-196	242
E. Further consideration by the Special Committee.....	197-220	245
F. Action arising from the report of the Sub-Committee of Good Offices on British Guiana.....	221-237	248
VIII. BASUTOLAND, BECHUANALAND AND SWAZILAND		
A. Action taken by the Special Committee in 1963 and by the General Assembly at its eighteenth session.....	1	249
B. Information on the Territories.....	2-198	249
C. Consideration by the Special Committee.....	199-339	264
D. Action taken by the Special Committee.....	340-365	278
IX. FERNANDO PÓO, RÍO MUNI, IFNI AND SPANISH SAHARA		
A. Consideration by the Special Committee in 1963.....	1	281
B. Information on the Territories.....	2-62	281
C. Consideration by the Special Committee.....	63-103	286
D. Action taken by the Special Committee.....	104-113	290

Chapter	Paragraphs	Page
X. GIBRALTAR		
A. Consideration by the Special Committee in 1963.....	1	291
B. Information on the Territory.....	2-20	291
C. Consideration by the Special Committee.....	21-203	292
D. Action taken by the Special Committee.....	204-209	313
XI. MALTA		
A. Action taken by the Special Committee in 1963 and by the General Assembly at its eighteenth session.....	1-2	314
B. Information on the Territory.....	3-14	314
C. Consideration by the Special Committee.....	15-49	315
D. Action taken by the Special Committee.....	50-52	319
XII. NORTHERN RHODESIA AND GAMBIA		
I. Northern Rhodesia		
A. Action taken by the Special Committee in 1963 and by the General Assembly at its eighteenth session.....	1	320
B. Information on the Territory.....	2-13	320
II. Gambia		
A. Action taken by the Special Committee in 1963 and by the General Assembly at its eighteenth session.....	14	321
B. Information on the Territory.....	15-49	321
III. Consideration by the Special Committee.....	50-100	323
XIII. FIJI		
A. Action taken by the Special Committee in 1963 and by the General Assembly at its eighteenth session.....	1-2	327
B. Information on the Territory.....	3-29	327
C. Consideration by the Special Committee.....	30-96	329
D. Action taken by the Special Committee.....	97-119	336
XIV. MAURITIUS, SEYCHELLES AND ST. HELENA		
A. Information on the Territories.....	1-99	338
B. Consideration by the Special Committee.....	100-127	346
C. Action taken by the Special Committee on the report of Sub-Committee I	128-159	349
<i>Annex.</i> Report of Sub-Committee I on Mauritius, Seychelles and St. Helena	1-67	352
XV. COOK ISLANDS, NIUE AND TOKELAU ISLANDS		
A. Information on the Territories.....	1-54	359
B. Consideration by the Special Committee.....	55-66	363
C. Action taken by the Special Committee on the report of Sub-Committee II	67-115	364
<i>Annex.</i> Report of Sub-Committee on the Cook Islands, Niue and Tokelau Islands	1-51	368
XVI. AMERICAN SAMOA		
A. Information on the Territory.....	1-26	371
B. Consideration by the Special Committee.....	27	373
C. Action taken by the Special Committee on the report of Sub-Committee II	28-71	373
<i>Annex.</i> Report of Sub-Committee II on American Samoa.....	1-30	376
XVII. GUAM		
A. Information on the Territory.....	1-18	378
B. Consideration by the Special Committee.....	19-24	379
C. Action taken by the Special Committee on the report of Sub-Committee II	25-102	380
<i>Annex.</i> Report of Sub-Committee II on Guam.....	1-26	385
XVIII. TRUST TERRITORY OF THE PACIFIC ISLANDS		
A. Information on the Territory.....	1-19	387
B. Consideration by the Special Committee.....	20	389
C. Action taken by the Special Committee on the report of Sub-Committee II	21-66	389
<i>Annex.</i> Report of Sub-Committee II on the Trust Territory of the Pacific Islands	1-70	393

Chapter	Paragraphs	Page
XIX. TRUST TERRITORY OF NAURU, PAPUA AND THE TRUST TERRITORY OF NEW GUINEA, AND COCOS (KEELING) ISLANDS		
A. Information on the Territories.....	1-66	397
B. Consideration by the Special Committee.....	67-86	403
C. Action taken by the Special Committee on the report of Sub-Committee II	87-155	405
Annex. Report of Sub-Committee II on the Trust Territory of Nauru, Papua and the Trust Territory of New Guinea, and Cocos (Keeling) Islands	1-73	411
XX. NEW HEBRIDES, GILBERT AND ELLICE ISLANDS, PITCAIRN ISLAND AND THE SOLOMON ISLANDS		
A. Information on the Territories.....	1-78	415
B. Consideration by the Special Committee.....	79	421
C. Action taken by the Special Committee on the report of Sub-Committee II	80-96	421
Annex. Report of Sub-Committee II on the New Hebrides, Gilbert and Ellice Islands, Pitcairn Island and the Solomon Islands.....	1-79	422
XXI. BRUNEI		
A. Information on the Territory.....	1-29	427
B. Statements by members of the Committee.....	30-39	430
XXII. HONG KONG		
A. Information on the Territory.....	1-29	431
B. Statements by members of the Committee.....	30-37	433
XXIII. FALKLAND ISLANDS (<i>Malvinas</i>)		
A. Information on the Territory.....	1-25	434
B. Consideration by the Special Committee.....	26-57	436
C. Action taken by the Special Committee on the report of Sub-Committee III	58-59	439
Annex. Report of Sub-Committee III on the Falkland Islands (<i>Malvinas</i>)	1-121	439
XXIV. BERMUDA, BAHAMAS, TURKS AND CAICOS ISLANDS AND CAYMAN ISLANDS		
A. Information on the Territories.....	1-96	450
B. Consideration by the Special Committee.....	97-123	457
C. Action taken by the Special Committee on the report of Sub-Committee III	124-134	460
Annex. Report of Sub-Committee III on Bermuda, Bahamas, Turks and Caicos Islands and Cayman Islands.....	1-72	461
XXV. UNITED STATES VIRGIN ISLANDS, BRITISH VIRGIN ISLANDS, ANTIGUA, DOMINICA, GRENADA, MONTERRAT, ST. KITTS-NEVIS-ANGUILLA, ST. LUCIA, ST. VINCENT AND BARBADOS		
A. Information on the Territories.....	1-236	465
B. Consideration by the Special Committee.....	237-294	486
C. Action taken by the Special Committee on the report of Sub-Committee III	295-333	492
Annex. Report of Sub-Committee III on the United States Virgin Islands, British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados	1-126	494
Appendix	1-50	504
XXVI. BRITISH HONDURAS	1-66	511

ANNEXES

I. Letter dated 20 October 1964 from the representative of the United Kingdom of Great Britain and Northern Ireland to the Chairman of the Special Committee	515
II. List of delegations.....	516

LETTER OF TRANSMITTAL

New York, 22 December 1964

Sir,

I have the honour to transmit to you the report to the General Assembly of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in accordance with General Assembly resolution 1956 (XVIII) of 11 December 1963. This report covers the work of the Special Committee during 1964.

The report of the Special Committee concerning the implications of the activities of the mining industry and of the other international companies having interests in South West Africa, which was requested in General Assembly resolution 1899 (XVIII) of 13 November 1963, is being transmitted to you separately.

Accept, Sir, etc.

(Signed) Sori COULIBALY
Chairman

His Excellency U Thant
Secretary-General
United Nations
New York

CHAPTER I

ESTABLISHMENT, ORGANIZATION AND ACTIVITIES OF THE SPECIAL COMMITTEE

A. ESTABLISHMENT OF THE SPECIAL COMMITTEE

1. The General Assembly, at its fifteenth session, by resolution 1514 (XV) of 14 December 1960, adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples.

2. At its sixteenth session the General Assembly, following its consideration of the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples, adopted resolution 1654 (XVI) of 27 November 1961 by which it decided to establish a Special Committee of seventeen members. The Special Committee was directed to examine the application of the Declaration, to make suggestions and recommendations on the progress and extent of the implementation of the Declaration and to report to the General Assembly at its seventeenth session. The seventeen members of the Special Committee were: Australia, Cambodia, Ethiopia, India, Italy, Madagascar, Mali, Poland, Syria, Tanganyika (now the United Republic of Tanzania), Tunisia, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

3. At its seventeenth session the General Assembly, following its consideration of the report of the Special Committee of Seventeen (A/5238), adopted resolution 1810 (XVII) of 17 December 1962 by which it enlarged the membership of the Special Committee by the addition of seven new members and invited the enlarged Special Committee to continue to seek the most suitable ways and means for the speedy and total application of the Declaration to all territories which have not yet attained independence. The new members added to the Special Committee were:

Bulgaria	Iraq
Chile	Ivory Coast
Denmark	Sierra Leone
Iran	

4. At its eighteenth session the General Assembly, following its consideration of the report of the Special Committee of Twenty-Four (A/5446/Rev.1) adopted resolution 1956 (XVIII) of 11 December 1963 by which it requested the Special Committee to continue to seek the best ways and means for the immediate and total application of the Declaration to all territories which have not yet attained independence and to report to the General Assembly not later than at its nineteenth session. The text of resolution 1956 (XVIII) is reproduced below:

"The General Assembly,

"Recalling the Declaration on the granting of independence to colonial countries and peoples contained in its resolution 1514 (XV) of 14 December 1960, and resolutions 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962 by which the General Assembly established the Special Committee on the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples,

"Having considered the report of the Special Committee,

"Taking into consideration the observations of the Special Committee regarding the list of territories to be examined by it,

"Noting with deep regret that, three years after the adoption of the Declaration, many territories are still under foreign domination and that, in some cases, not even preliminary measures have been taken towards the application of the Declaration,

"Deploping the negative attitude of certain administering Powers and their partial or complete refusal to co-operate with the Special Committee in the implementation of the Declaration,

"Deploping further the assistance given to some administering Powers by certain States, which enables those Powers to persist in their refusal to apply the Declaration,

"*Having adopted* resolutions on Southern Rhodesia, South West Africa, Territories under Portuguese administration, Aden, Malta, Fiji, Northern Rhodesia, Nyasaland, Basutoland, Bechuanaland and Swaziland and British Guiana,

"1. *Reaffirms* its resolutions 1514 (XV), 1654 (XVI) and 1810 (XVII);

"2. *Notes with appreciation* the work accomplished by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and endorses its methods and procedures;

"3. *Approves* the report of the Special Committee and calls upon the administering Powers to implement the conclusions and recommendations contained therein;

"4. *Requests* the Special Committee to continue to seek the best ways and means for the immediate and total application of the Declaration to all territories which have not yet attained independence, and to report to the General Assembly not later than at its nineteenth session;

"5. *Deeply regrets* the refusal of certain administering Powers to co-operate with the Special Committee and their continued disregard of the resolutions of the General Assembly;

"6. *Invites* the Special Committee to apprise the Security Council of any developments in any territory examined by it which may threaten international peace and security;

"7. *Requests* all States to refrain from any action which may jeopardize the implementation of the resolutions adopted by the General Assembly and the Special Committee for the application of the Declaration;

"8. *Further requests* the administering Powers to give their full co-operation to the Special Committee and to facilitate the task of the sub-committees and visiting groups instructed by the Special Committee to go to the territories under its mandate;

"9. *Requests* the Secretary-General to continue to provide the Special Committee with all the facilities and personnel necessary for the implementation of the present resolution."

5. By resolutions adopted at its seventeenth and eighteenth sessions, the General Assembly also entrusted to the Special Committee the following additional functions previously performed by other Committees concerned with the dependent Territories which had been dissolved:

(a) By resolution 1805 (XVII) of 14 December 1962, the General Assembly requested the Special Committee to discharge, *mutatis mutandis*, the tasks assigned to the Special Committee for South West Africa by resolution 1702 (XVI), taking into consideration the special responsibilities of the United Nations with regard to the Territory of South West Africa. By resolution 1806 (XVII) of 14 December 1962, the General Assembly decided to dissolve the Special Committee for South West Africa. By resolution 1899 (XVIII) of 13 November 1963, the General Assembly requested the Special Committee to continue its efforts with a view to discharging the tasks assigned to it by resolution 1805 (XVII).

(b) By resolution 1807 (XVII) of 14 December 1962, the General Assembly requested the Special Committee to give high priority to an examination of the

situation in the Territories under Portuguese administration. By resolution 1809 (XVII) of 14 December 1962, the General Assembly decided to dissolve the Special Committee on Territories under Portuguese administration.

(c) By resolution 1970 (XVIII) of 16 December 1963, the General Assembly decided to dissolve the Committee on Information from Non-Self-Governing Territories. By the same resolution, the General Assembly invited Member States which have or which assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government to transmit or continue to transmit to the Secretary-General information as prescribed under Article 73 e of the Charter, as well as the fullest possible information on political and constitutional development. It requested the Special Committee to study this information and take it fully into account in examining the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples in each of the Non-Self-Governing Territories, and to undertake any special study and prepare any special report it may consider necessary in addition to its activities under General Assembly resolutions 1654 (XVI) and 1810 (XVII).

6. With the dissolution of the Committee on Information, the Special Committee is now the only body responsible for matters relating to dependent territories, with the exception of the Trusteeship Council, which is responsible for the three remaining Trust Territories.

7. This report covers the work of the Special Committee for the period 25 February to 15 December 1964, during which it held 101 plenary meetings and its Working Group and Sub-Committees held over 140 meetings.

B. OPENING OF THE SPECIAL COMMITTEE'S MEETINGS IN 1964

Opening statement by the Secretary-General

8. The first meeting of the Special Committee in 1964 (219th meeting), held on 25 February, was opened by the Secretary-General. In his opening address, the Secretary-General recalled that, during the first two years, the Special Committee had concerned itself mainly with decolonization in Africa, for it was in that continent, as the Committee had noted in its report, that the largest colonial Territories and some of the most difficult colonial problems still existed. In 1964, the Committee would no doubt give special attention to recent developments in the Territories which it had considered in 1963: South West Africa, Southern Rhodesia, the three Territories of Basutoland, Bechuanaland and Swaziland, the Territories under Portuguese administration, particularly Angola, Mozambique and Portuguese Guinea, Northern Rhodesia, Nyasaland, Spanish Sahara, Ifni, Fernando Póo, Río Muni, Gambia, Gibraltar, Malta, British Guiana, Aden and Fiji. While some of those Territories were well on their way to independence, others still presented problems which the Committee would have to examine.

9. Although in the past two years a number of Non-Self-Governing Territories had acceded to independence and were now Members of the United Nations, there were still some sixty dependent Territories, many of which, though small in area and population, nevertheless came within the purview of the Declaration on decolonization. Those small Territories included many

groups of sparsely populated islands scattered in the Atlantic, Pacific and Indian Oceans. During its 1964 session the Committee would be faced with problems which it had not so far been called upon to solve; it would have to seek the most effective ways of enabling those small Territories to attain the objectives of resolution 1514 (XV). The task would not be an easy one but there could be no doubt that the experience gained by the members of the Committee would prove helpful in the forthcoming deliberations.

10. At its eighteenth session, the General Assembly, by resolution 1970 (XVIII), had dissolved the Committee on Information from Non-Self-Governing Territories and had entrusted some of its former functions to the Special Committee. By virtue of that decision, the Special Committee had become the only body other than the Trusteeship Council concerned with matters relating to dependent Territories. He had issued a note (A/AC.109/L.97) setting out the implications of the dissolution of the Committee on Information and had requested the Special Committee to express its views on the manner in which it proposed to carry out the functions devolving upon it.

11. He was convinced that the Special Committee would approach with its usual objectivity the many problems with which it would have to deal during the present session and that it would have the co-operation of the Administering Powers concerned.

Election of officers

12. At its 219th meeting, following the opening statement of the Secretary-General, the Special Committee decided to re-elect the following officers who were elected in 1963: Mr. Sori Coulibaly (Mali), Chairman; Mr. Carlos Maria Velázquez (Uruguay), First Vice-Chairman; Mr. Voeunsai Sonn (Cambodia), Second Vice-Chairman; Mr. K. Natwar Singh (India), Rapporteur.

Statement by the Chairman

13. The Chairman thanked the Secretary-General for having opened the meeting of the Special Committee and said that the Secretary-General had always shown great interest in the work of the Committee and the latter could count on his co-operation and understanding.

14. The problem of decolonization was now one of the major tasks of the United Nations and the means required to carry out that task would doubtless be made available to the Committee in accordance with the wish expressed by the General Assembly.

15. In adopting resolution 1514 (XV) and subsequently resolution 1654 (XVI) establishing the Special Committee, the United Nations General Assembly had sought to express its firm determination rapidly to put an end to colonialism in all its manifestations. Nevertheless, three years after the adoption of the Declaration on the granting of independence to colonial countries and peoples, despite the resolutions adopted by the General Assembly at its sixteenth, seventeenth and eighteenth sessions, despite the recommendations of the Special Committee, despite the debates in the Security Council and despite the struggle, often armed, which had been waged by the subject peoples, many territories were still under foreign domination. The stubborn contempt shown by the colonial Powers for the aspirations and legitimate rights of the colonial peoples and the failure of those Powers to heed United

Nations resolutions constituted grave threats to international peace and security.

16. As the Special Committee was not a permanent organ of the United Nations, the process of decolonization must of necessity be accelerated. If the Special Committee was to perform the task entrusted to it by the General Assembly, the colonial Powers would have to reconsider their attitude towards it. The Assembly's resolution 1956 (XVIII) expressly requested the administering Powers to give their full co-operation to the Special Committee and to facilitate the task of its subcommittees and visiting groups. In the majority of cases, both in Territories where an explosive situation existed and in the small, sparsely populated Territories, the Special Committee could help the administering Powers in overcoming many difficulties to the extent that the real and sincere objectives of those Powers was to lead the peoples under their administration to independence. The Special Committee's activities should not be regarded by the colonial Powers as interference by the Committee in what they considered to be their domestic affairs. Under the provisions of the United Nations Charter and the Universal Declaration of Human Rights, the international community could not remain indifferent to the tragic fate of millions of people deprived of their inalienable rights. He therefore appealed again to the colonial Powers to co-operate sincerely with the Special Committee, so that the latter might be in a position to submit to the General Assembly at its nineteenth session a complete report, including recommendations regarding the accession to independence of every colonial Territory in conformity with the wishes of the populations concerned. The crises which had occurred recently in certain newly independent States were attributable in certain cases to the existence of unsuitable structures inherited from the former colonialist régime, while in other cases they were the culmination of practical problems created and left unresolved by the former administering Powers. However, just as the older nations had experienced and overcome similar crises, the young States which were currently undergoing them would also succeed in finding ways and means of surmounting them.

17. The exercise of sovereignty was an inalienable right of all peoples, and no conditions should be attached to it. All peoples should enjoy full sovereignty and determine themselves the conditions of their national existence.

18. The struggle against colonialism had become a permanent watchword of all Governments which believed in justice and regarded human dignity as a universal concept. In that respect, the Special Committee was not alone in its endeavours. At the second ordinary session of the Council of Ministers of the Organization of African Unity, which was then meeting in Lagos, the liquidation of colonialism was one of the key items on the agenda. The decisions which would be taken there would no doubt contribute to the speedy achievement of the aims of the Special Committee.

19. Although the pace at which the colonial Territories were attaining independence was very slow, owing to the obstinacy of the colonial Powers, the Committee must not be discouraged, but must on the contrary plan its work so as to press the attack on the last remnants of colonialism and submit to the General Assembly at its nineteenth session a report covering all the Territories mentioned in paragraph 5 of resolution 1514 (XV).

20. He also drew the Committee's attention to General Assembly resolutions 1899 (XVIII) and 1970 (XVIII), which had entrusted new responsibilities to the Committee, and to the statements which had been made at the eighteenth session of the General Assembly during the debate on the 1963 report.

21. He welcomed those representatives who were newcomers to the Committee and expressed the hope that the latter's work would be conducted in an atmosphere of courtesy, mutual understanding and co-operation.

C. ORGANIZATION OF WORK

22. The Special Committee discussed the organization of its work at its 219th to 222nd meetings, at which general statements were made by members.

Statements by members

23. The representative of Cambodia said that in considering how its work should be organized, the Committee should bear in mind resolution 1956 (XVIII) of 11 December 1963, in which the General Assembly requested "the Special Committee to continue to seek the best ways and means for the immediate and total application of the Declaration to all territories which have not yet attained independence", and resolution 1970 (XVIII) of 16 December 1963, in which the Assembly, while deciding to dissolve the Committee on Information from Non-Self-Governing Territories, requested "the Special Committee to study this information and take it fully into account in examining the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples in each of the Non-Self-Governing Territories".

24. The working methods and procedures which the Special Committee had adopted in 1962 and which had been approved by the General Assembly in resolutions 1810 (XVII) and 1956 (XVIII) could be followed. In that connexion, however, he wished to remind the Committee that it was agreed that decisions should be reached as far as possible without having recourse to voting, but that the Committee could always decide to resort to a vote if, in a particular case, a representative felt that course to be necessary.

25. The documentation to be submitted by the Secretariat concerning the territories which the Committee planned to consider would contain, not only political and constitutional information, but also—owing to the dissolution of the Committee of Information from Non-Self-Governing Territories—all the other information supplied by the administering Powers under Article 73, paragraph 3, of the Charter.

26. He proposed that the Sub-Committee on Petitions should be kept in being. The question of the freedom of access of all petitioners to United Nations Headquarters would have to be studied with the Secretariat, in the light of the discussion on that subject in the Fourth Committee during the eighteenth session of the General Assembly. On the other hand, the recourse to visiting missions was commendable. The Secretary-General's report on financial implications (A/C.5/999) and the thirty-first report of the Advisory Committee on Administrative and Budgetary Questions (A/5628) had allowed for the possible dispatch in 1964 of a certain number of those visiting missions to Non-Self-Governing Territories. Needless to say, the

co-operation of the administering Powers would be necessary for that purpose.

27. The order of priority for consideration of the Territories could be determined, in consultation with the Committee, by a working group similar to the one set up in 1963. The Committee might also establish study groups to consider the smaller Territories. Lastly, the principle that any administering Power which was not a member of the Committee must be invited to take part in the discussion of the Territories for which it was responsible should be generally applied.

28. In 1963 the Committee had completed consideration of twenty-six Territories. It still had to consider thirty-five Territories and to complete consideration of five others. He suggested that they might be grouped as follows: Group A, Territories in Africa and adjacent Territories and Territories in Asia; group B, Caribbean Territories and Western Atlantic Territories; group C, Pacific Territories. The Trust Territories could be considered after the meeting of the Trusteeship Council in June 1964. With regard to the Territories which had been considered in 1963, a preliminary discussion could be held within the context of the resolutions adopted by the General Assembly at its eighteenth session, and in the light of the important events which had taken place since then. They could be considered in detail a little later, after the new Territories were taken up. The task of completing the list of Territories with respect to which the Special Committee was competent, as defined in operative paragraph 5 of resolution 1514 (XV), might be entrusted to a working group.

29. The representative of the Union of Soviet Socialist Republics expressed the hope that the Special Committee would, at the current session, find specific and effective solutions for the implementation of the Declaration on the granting of independence to colonial countries and peoples, so that the colonial régimes which still existed in some parts of the world might be speedily and completely liquidated.

30. The national liberation movements had affected all the Territories enslaved by colonialism. As the result of a heroic struggle, more than 50 million human beings had shaken off the yoke of the colonial system since 1960. New States, established on the ruins of former empires, now played an active part in international political life. In a desire to determine their own destinies, they were not content with political independence, but were seeking to achieve economic autonomy. The decisions taken by the United Nations had played, and continued to play, an important role in that process. The Declaration on the granting of independence to colonial countries and peoples provided considerable moral backing for the peoples fighting for independence and freedom; it implied that the United Nations recognized the legitimacy and justice of their struggle and condemned the action of the colonial Powers to suppress it.

31. Over 50 million other human beings were still under the yoke of colonialism. The colonial Powers continued stubbornly to oppose the implementation of the Declaration in Angola, Southern Rhodesia, Mozambique, British Guiana, South West Africa, Aden and a number of other Territories. There were also many other Territories in Africa, Asia, Latin America, and in the Pacific, Atlantic and Indian Oceans, which were still in colonial status. The colonialists flouted the decisions taken by the General Assembly and the Security Council for the application of the Declaration because of their desire to maintain their military,

strategic, political and economic interests and to perpetuate their exploitation of the colonial peoples. Colonialism was unwilling to recognize the historical factors which prompted the awakening of the peoples of colonies and semi-colonies, or the naturalness of that process; it was unwilling to abandon—to use the expression of Karl Marx, the founder of scientific communism—its zoological outlook, and contended that nature itself made masters and slaves, exploiters and exploited. Colonialism was unwilling to retire from the arena of history, and therefore resorted to the use of armed forces, bases, and economic and political pressure. When the colonialists were obliged to withdraw from a colony, they sought to keep roots in the country by all possible means, using every kind of device and stratagem—imposing elections whenever, as in British Guiana, it served their purpose, but refusing them when, as in Malta, elections were not to their advantage; creating artificial federations; stirring up tribal wars; encouraging separatist movements; instigating territorial or border disputes; creating problems where none existed; and so forth.

32. If the total liquidation of the colonial system was to be achieved, the United Nations, and all States which truly desired the end of colonialism, must redouble their efforts. The main task of the Special Committee in 1964 must be to devise specific measures to ensure that the Declaration on the granting of independence would be fully and speedily implemented in all colonial territories, without exception, before 1965, which would be International Co-operation Year. To that end the Special Committee should lay down for each Territory precise time-limits, which should be as short as possible, for the liquidation of the colonial régime notwithstanding the argument, which was sure to be advanced by the administering Powers, that the people were “not yet ready” or were “incapable” of governing themselves. Such an argument was daily disproved in the countries which had recently become independent, where the process of staffing every sphere of public and cultural life with indigenous personnel was tens of times more rapid than under colonial rule.

33. The Soviet Government considered that the Committee of Twenty-Four should concentrate primarily on examining the manner in which the colonial Powers had carried out the decisions of the General Assembly and the Security Council regarding the granting of independence to the Portuguese colonies (Angola, Mozambique and so-called Portuguese Guinea), Southern Rhodesia, South West Africa, British Guiana, Aden and other colonial Territories. The Soviet Union agreed with the Secretary-General that the Committee should give special attention to developments in the colonial Territories since its 1963 session, bearing in mind the resolutions adopted by the General Assembly at its eighteenth session. It should invite the colonial Powers to state unequivocally what specific measures they proposed to take in the immediate future to give effect to United Nations decisions, and in the light of those statements it should consider what functions it had to perform as a result of the abolition of the Committee on Information from Non-Self-Governing Territories. The colonial Powers should submit to the Committee, not information regarding individual minor reforms that they intended to carry out in the Territories under their administration, but information on the specific measures which they had taken or proposed to take in the immediate future in order

to grant independence to their colonial possessions. It was the Committee's duty to call upon the colonial Powers to submit reports on the implementation of the aforementioned decisions and, where necessary, to dispatch special missions to the Territories in order to verify facts of the situation prevailing there. It should also, if the circumstances warranted, refer to the Security Council, for its consideration, questions relating to non-compliance with United Nations decisions on the granting of independence to particular colonies.

34. He drew the Special Committee's particular attention to the question of Southern Rhodesia. The tense situation existing there constituted a threat to peace in Africa. Scorning the interests of the African population, and despite the appeals of the United Nations and world public opinion, the United Kingdom had transferred to a handful of white racists the armed forces of the former Central African Federation, thus aggravating a situation already fraught with danger. The Special Committee must do all in its power to thwart the machinations of the United Kingdom, which was awaiting the propitious moment to declare Southern Rhodesia independent. In his view, consideration of that Territory should be given priority in the Committee's work.

35. He recalled that at the eighteenth session of the General Assembly it had been suggested that the Committee should postpone consideration of the question of the implementation of the Declaration on the granting of independence in the case of Territories which were the subject of litigation between certain States. The Soviet Union considered that any delay by the Committee in dealing with those Territories would be exploited by the colonialists, who would find in it a pretext for postponing indefinitely the granting of independence to their peoples.

36. Turning to the problem of small colonial Territories, he noted that the General Assembly had devoted considerable attention to them at its eighteenth session. In the opinion of the Soviet Union, the numerically smaller peoples had as much right to freedom as any others. The principles enunciated in the Declaration must be applied equally to all Territories, including the small colonial possessions scattered about in the Pacific, Atlantic and Indian Oceans and in other regions of the world. It seemed a sound idea, therefore, that the Committee of Twenty-Four should set up sub-committees and send them, in particular, to the small colonial Territories to examine the situation there and to make contacts with the people and their representatives. The membership of the sub-committees should consist of the representatives of countries which had demonstrated their interest in the speedy application of the Declaration on the granting of independence to colonial countries and peoples. It was to be hoped, moreover, that the Committee would receive the full co-operation of the administering Powers, in accordance with the provisions of General Assembly resolution 1514 (XVIII), in which the Assembly requested the administering Powers “to give their full co-operation to the Special Committee and to facilitate the task of the sub-committees and visiting groups instructed by the Special Committee to go to the territories under its mandate”. It was likewise to be hoped that there would be no repetition of the experience that had brought shame on the colonial Powers in 1963, when members of United Nations bodies duly authorized by the Special Committee had been denied admittance

to colonial Territories and treated like criminals, as had been the case with the members of the Subcommittee on Aden.

37. His delegation, like many others, attached great importance to the Committee's mission of studying the problem of foreign monopolies in South West Africa and their possible effects on the development of that Territory. It should be remembered that the international companies operating there were closely linked to similar companies established in other parts of southern Africa and frequently were merely branches of larger monopolistic groups which had their headquarters outside the African continent. It was important, therefore, that the Committee's approach to that study should be as broad as possible in order to evaluate properly the effects of those monopolies on the political, economic and social development of the colonial Territories and on the situation of the indigenous inhabitants.

38. The Special Committee had a great and responsible task to perform in compliance with the decisions and with the terms of reference conferred on it more than a year previously, under which it was to submit to the General Assembly a full report on the implementation of the Declaration in all colonial Territories. The Committee could perform that task only if all its members were fully aware of their responsibilities. The Soviet Union wished to state, for its own part, that its policy fully conformed to the principles and objectives of the Declaration on the granting of independence to colonial countries and peoples; it was not content to support them in theory but applied them actively. As Mr. Khrushchev has said on 22 December 1963, the peoples fighting for their independence could rely firmly on the support of the Soviet Union.

39. The representative of Syria said that the Committee should consider the situation even in those Territories which it had already dealt with at its two preceding sessions, and particularly the Territory of Aden. If priority could not be given to the question of Aden, it should be considered after that of Southern Rhodesia, for the people of Aden and the people of Yemen were suffering from the existing situation and the atrocities committed by the United Kingdom imperialists.

40. The representative of Yugoslavia said that the struggle of colonial peoples for freedom and independence would always receive the support of the peoples of Yugoslavia. The Special Committee was resuming its work in an atmosphere of relative relaxation of international tension and there was reason to hope that many international problems could be solved more rapidly. Mankind could then turn to the problems of raising the standard of living throughout the world. International peace and security were frequently threatened by the outdated policies of the colonialists. The implementation of General Assembly resolution 1514 (XV) could, therefore, greatly contribute to the creation of conditions for a lasting peace based on freedom and equality.

41. During the eighteenth session of the General Assembly, two countries, Kenya and Zanzibar, had achieved independence, and it was to be hoped that the Organization would welcome other new Members during the current year. In 1963 the Committee had considered twenty-six Territories and made recommendations concerning them, but in spite of its efforts, thirty-five Territories still remained on the preliminary list of those to be studied.

42. The experience of the past two years showed that the Committee must devote particular attention to its methods of work. In his statement at the preceding meeting, the Secretary-General had pointed out that particular attention must be given to the latest developments in some of the Territories which had already been considered by the Committee and in which the situation had deteriorated. The Chairman of the Committee had emphasized that fact at the same meeting. He had also emphasized that three years after the adoption of the Declaration on the granting of independence to colonial countries and peoples and in spite of many resolutions of the General Assembly and the Security Council, no essential progress had been made in applying them in certain cases. The Yugoslav delegation shared those views. It also felt that the Declaration should be applied irrespective of the size or population of a Territory. Furthermore, in some Territories, such as Southern Rhodesia, South West Africa, the Territories under Portuguese administration, Aden, British Guiana and others, the situation required the Committee's constant attention. All necessary measures must be taken to prevent the aggravation of any explosive situation which threatened international peace and security. Provision should therefore be made for the possibility of considering those Territories if the need arose.

43. The situation in Southern Rhodesia was particularly tense. According to the latest press reports, there had been an intensification of the repressive measures taken against the leaders of progressive movements, coinciding with the talks held by Mr. Winston Field in London. The white minority might proclaim their own independence at any moment, and it was the responsibility of the administering Power to prevent such an eventuality. The situation in Aden was such that it required renewed consideration as soon as possible in order to recommend new measures for a final solution. Under General Assembly resolution 1949 (XVIII), it was the Committee's duty to act. As to the smaller Territories, they could not be considered individually, owing to their number and the shortage of available time. They might be grouped according to their geographical position. The working group might make proposals on that subject and on the methods for studying the situation in those Territories.

44. The representative of Iraq said that perhaps more than in the two previous years the Special Committee was pressed for time, because the General Assembly had reaffirmed its desire for the Committee to report to it on all the Territories that had not yet achieved their independence. A determined effort was therefore required in the current year to discharge the request of the General Assembly.

45. The Committee had two concrete proposals before it. One, put forward by the Soviet Union representative, was that it should take up as a matter of priority the question of Southern Rhodesia. His delegation supported that proposal because the situation in Southern Rhodesia had reached the danger point and the question of that Territory's independence was now imminent. The other proposal, which had been made by the Syrian representative, was that the Committee should take up the question of Aden after that of Southern Rhodesia. The situation in Aden was fraught with danger; what was more, the General Assembly had requested the Committee, in a specific resolution, to examine the question again in 1964 and to report on it at the Assembly's nineteenth session. The procedure

would therefore be to take up Southern Rhodesia first, at the next meeting if possible, and then Aden.

46. The Working Group might meet when the Committee was not in session in order to consider the following matters: the agenda and the programme of work for Territories other than Southern Rhodesia and Aden; the method of work including the possible grouping of Territories or the setting up of sub-committees; and the preparation of a complete list of all Territories coming under the Committee's mandate. The Working Group might consider all aspects of the organization of work, especially in the light of General Assembly resolution 1556 (XVIII), and submit a report to the Committee.

47. The representative of Venezuela recalled that during the first year of its existence the Committee had adopted working methods which had been approved by the General Assembly in resolution 1810 (XVII). Furthermore, since in the same resolution the Assembly had invited the Committee to submit to it a report containing its recommendations on all the Territories mentioned in paragraph 5 of the Declaration on the granting of independence, the Committee had, in 1963, approved a preliminary list of the Territories to which the Declaration applied. In view of the satisfactory results of the methods it had followed during its first session, the Committee had decided to adopt the same methods in 1963. Now, as it began its work for the 1964 session, it had before it three different tasks, which it would have to carry out by different methods.

48. To begin with, the Committee must continue its efforts with regard to the Territories which it had already studied during the last two years and for which it had proposed specific steps to enable the Declaration to be applied rapidly and completely. There was no point in starting another long debate about them; the Committee should rather observe the development of the situation in those Territories, as the General Assembly had specified, and, should the need arise, consider what action was necessary. For that task it need only set up a sub-committee which would observe the situation in those Territories and bring it to the attention of the Committee when that became necessary. It was obvious that that group of Territories did not include those which, by special request of the General Assembly, were to be examined again by the Committee, as in the case of Aden.

49. The Committee's second task was to complete its study of the Territories included on its preliminary list. So far it had studied only twenty-six of them, and among those there were five which had not been given a complete study. The Committee had promised to give priority to those five Territories (A/5446/Rev.1, chapter I, paragraph 48). With regard to the Territories which it had not yet started to study, it had expressed its intention to consider them without delay (*Ibid.*, paragraph 51). For the study of those Territories the Committee would have to revise the methods it had followed hitherto. As had been seen, the difficulties which the Committee had encountered in the cases it had studied so far had arisen, not from the application of resolution 1514 (XV), but from the more or less inflexible attitude of the Administering Powers. In the case of most of the Territories that had been studied, the measures recommended could be based on operative paragraph 5 or 6 of the Declaration, but in the case of others there were special reasons which made it necessary for the Committee to make a special study in order to draw up a satisfactory formula within the

framework of the Declaration. Any proposal along those lines would have the support of the Venezuelan delegation.

50. Thirdly, the General Assembly had entrusted the Committee with the functions hitherto performed by the Committee on Information from Non-Self-Governing Territories. The Committee must do the work requested of it in General Assembly resolution 1700 (XVIII), and for that task the note by the Secretary-General appearing in document A/AC.109/L.97 would appear to be very helpful. The Committee would not have time to study the documentation transmitted to it on the Non-Self-Governing Territories and its best course would be to entrust that task to a small group, which would subsequently report to it on the steps to be taken. Furthermore, under General Assembly resolution 1899 (XVIII) on the question of South West Africa the Committee was requested to consider the implications of the activities of the mining industry and of the other international companies having interests in South West Africa. There again its best course would be to entrust the study of that question to a small group which would subsequently report to the Committee.

51. The representative of Poland said that his country, by virtue of its historical traditions as well as by the very nature of its being a socialist State, was opposed to any form of racial oppression and to colonialism. Poland regarded decolonization as one of the major problems of the day, together with that of disarmament and that of economic development. Colonialism was indeed retrograde and was a source of tension and conflict. The situation prevailing in the colonial world, in particular in the southern part of the African continent, confirmed the wisdom of resolution 1514 (XV) and of the subsequent General Assembly resolutions to the effect that the perpetuation of colonial domination was an ever-growing danger to international peace and co-operation. As could be seen from the joint programme proclaimed at Addis Ababa in May 1963 by the Heads of African States, the situation was fraught with real danger, for in the modern world peace was indivisible. That was why Poland was so vitally interested in the speedy liquidation of colonialism. The Declaration on the granting of independence had strengthened the fight of the peoples against colonialism. During the three years that had elapsed since its adoption, many countries had attained independence and had been admitted to the United Nations. Nevertheless the results attained were but partial results. There were still colonies in Africa, Asia, the Western Atlantic, the Pacific Ocean and the Indian Ocean. As was stated in resolution 1556 (XVIII), in some cases not even preliminary measures had been taken towards the application of the Declaration.

52. The principal cause of that slow progress in decolonization was the negative attitude of the colonial Powers, which was not justified either on moral or on legal grounds. The process of national liberation had ceased to be an internal concern of the colonial Powers, and had become a great international problem. The administering Powers were in duty bound to fulfil the obligations that they had assumed under the Charter and which had been reaffirmed in numerous resolutions. Moreover, in granting independence to the colonial countries the administering Powers would bring full freedom to their own peoples, for no one who continued to subjugate others could be truly free. The

Polish people regarded the liberation of colonial peoples as an act of justice, whatever might be the political and economic system chosen by the newly independent States. It could not agree with any argument in favour of postponing the independence of those peoples, in particular the claim that the dependent peoples were not yet ready for independence. Its attitude was in keeping with the provisions of paragraph 3 of resolution 1514 (XV). The argument that some peoples were not ready for independence was refuted by the fact that former colonial peoples were now participating in many international activities, in the United Nations and elsewhere. Only independence could release all the creative forces of nations. It was certain that the efforts of the colonial Powers to impede the process of decolonization would fail, but that did not make the tasks to be performed by the Committee any less important.

53. During its 1964 session the Committee should adopt firm decisions outlining concrete measures designed to accelerate the implementation of the Declaration. The Polish delegation would give priority to the following steps among those to be taken by the Administering Powers: immediate cessation of all military activities and repression directed against dependent peoples struggling for freedom and independence; amnesty for all political prisoners; the granting to the colonial peoples of all democratic rights and freedoms, including the right to vote according to the principle of "one man, one vote"; the holding of free general elections for the purpose of setting up representative governmental bodies and the transfer of all powers to those democratically elected institutions. It must be borne in mind that the Declaration envisaged the immediate transfer of powers to the peoples of all the Territories mentioned in paragraph 5. The time had come to fix dates for the granting of independence, in consultation with the peoples concerned and, where possible, with the Administering Powers. The twentieth anniversary of the establishment of the United Nations should be commemorated by the final liquidation of colonialism.

54. It was essential for the Committee to find effective means for the implementation of the recommendations, which had been approved by the General Assembly, regarding the territories it had examined in 1962 and 1963. Many of those recommendations, which referred to important and urgent colonial problems, had not been put into effect. The Committee should have recourse to the Security Council in all cases of persistent non-implementation of General Assembly resolutions on the part of the Administering Powers, for that attitude of non-compliance threatened international peace and security.

55. The Polish delegation unreservedly endorsed the Secretary-General's observation that, in the light of the resolutions adopted by the Assembly at its eighteenth session, the Committee should give special attention to recent developments in the Territories which it had considered in 1963 (A/AC.109/SR.219). The Committee should give priority to the Territories whose situation called for urgent examination; it should study first Southern Rhodesia, then Aden and subsequently British Guiana, South West Africa and the Territories under Portuguese administration. It could then turn its attention to the Territories which it had not yet studied. It should also carry out the task entrusted to it in connexion with the activities of foreign mining countries and other international mo-

nopolies, which were powerful tools of the colonialist system.

56. In view of its heavy agenda the Committee might think it advisable to set up sub-committees to deal with certain Territories or groups of Territories. The information furnished by the Administering Powers was often one-sided and out of date. The Committee itself should therefore obtain information on the implementation of the Declaration and the methods of work followed during the past two years should be completely applied. The Committee's greatest concern should be to ascertain the wishes of the indigenous peoples. For that purpose it should make direct contact with petitioners, local leaders and so forth and dispatch visiting missions to the Territories concerned. General Assembly resolution 1956 (XVIII) expressly requested the Administering Powers to facilitate the task of the sub-committees and visiting groups set up by the Special Committee. It was to be hoped that they would respond to that appeal and reconsider their attitude towards the Committee.

57. The representative of Ethiopia recalled that the General Assembly's request, in resolution 1956 (XVIII), that the Special Committee should report to the nineteenth session, meant that the Committee should work hard and formulate immediate recommendations for the attainment of independence by each of the Territories it considered. The twentieth anniversary of the establishment of the United Nations, which was not far off, should provide an opportunity for all Members to consider to what extent the Charter has been put into effect so far. Under the Charter, the Members of the United Nations which had assumed responsibilities for the administration of Territories whose peoples had not yet attained a full measure of self-government were bound to recognize the principle that the interests of the inhabitants of those Territories were paramount and had accepted a sacred trust where they were concerned.

58. Since the end of the eighteenth session of the General Assembly grave developments had occurred in certain African colonial Territories; the situation in Southern Rhodesia, for example, had deteriorated in recent weeks. It had now reached an extremely critical point and the Committee should therefore begin immediately to examine it. While recognizing that Southern Rhodesia and Aden should be the first Territories to be considered, his delegation felt that the situation in Angola, Mozambique, South West Africa, Portuguese Guinea, the so-called High Commission Territories, Malta, British Guiana, Gambia and other colonies should be studied without delay.

59. The representative of the United States of America said that in his delegation's view the work of the Special Committee was very important. He agreed with the statement by the representative of Iran in the General Assembly in 1961 (1071st meeting, para. 93) that the United Nations should tirelessly pursue its ideal of a world in which no people would be ruled by any other. In a speech in the United States Senate on 2 July 1957, the late John F. Kennedy, then a Senator, had said that the most important single force in the world was neither communism nor capitalism, neither the H-Bomb nor guided missiles; it was man's desire to be free. The most important test of American foreign policy was what the United States did to further man's desire to be free. The United States Government subscribed to those great principles. Its foreign policy was directed towards helping to end colonialism by

enabling dependent peoples to choose for themselves, freely and by democratic processes, the type of government they wished to run their affairs.

60. That was the essence of the Committee's task: to help to find ways and means of expediting the attainment of self-determination by the peoples still under colonial rule. That would be achieved, not merely by debates but by making practical recommendations that would command the respect of the peoples of the Territories concerned, of the Administering Powers and of the General Assembly. As President Johnson had said in addressing the last session of the General Assembly (1284th meeting), there was need for a peaceful revolution in the world through the recommitment of all Member States to the basic principles of human welfare and human dignity.

61. Every effort should be made to establish effective communication between those who sought self-determination and those who resisted. The Committee should seek the co-operation of the Administering Powers, and it was to be expected that such co-operation would be obtained. Most of the Administering Powers were working in good faith to carry out their responsibilities under the Charter. For example, they reported annually on the administration of their Territories with regard to social and economic development and in many cases voluntarily submitted information on political development.

62. The United States delegation considered that the question of setting up sub-committees to examine the affairs of Territories within designated regions should be given more thorough study. It was not convinced that such a procedure would accelerate the Committee's work. Moreover, it wondered whether that type of procedure fell within the concept of the General Assembly in establishing the Committee. It was inclined to think that Territories which were within the Committee's jurisdiction, particularly those about which little was known, should be considered by the whole Committee. Up to the present the General Assembly had approved the Committee's report without much discussion, the confidence thus shown in the Committee was based on its representative character. It was therefore doubtful whether the bulk of the work should be done by sub-committees and merely reviewed by the Committee as a whole. He did not suggest that sub-committees should not be set up to deal with important procedural questions, as was done by the Working Group and the Sub-Committee on Petitions. As for visiting groups, they could be valuable tools but they could do little without the co-operation of the Administering Power. If the Administering Power refused to accept a visiting group, his delegation would not support the idea of sending such a group.

63. One of the most important questions that would come before the Committee was the largely unexplored constitutional area which lay between sovereign independence and colonial dependency, namely the very small dependencies which were remnants of the colonial period. It would be for their inhabitants to choose what type of self-determination they wanted and the Committee should not decide their range of selection in advance. Association with another State might bring the blessings normally associated with independence and in addition an economic viability which might not otherwise be obtainable. The achievement of classical independence might not be practicable in a number of the cases which fell within the Committee's jurisdiction. That possibility was recognized in General Assembly

resolution 1541 (XV), which stated that a Non-Self-Governing Territory could be said to have reached a full measure of self-government by emergence as a sovereign independent State, free association with an independent State or integration with an independent State. Some of the former Territories of Africa had selected integration rather than independence. As the representative of Chile had said at the eighteenth session of the General Assembly (1267th meeting), those peoples should be given not liberty to live in poverty and uncertainty in a world of super-States but true freedom based on progress and the dignity of man.

64. The representative of Iran noted with satisfaction that the chief concern of all members of the Special Committee was to make the best possible use of the relatively short time available in which to carry out a very heavy agenda. The application of the rapid and effective procedure suggested by the representative of Cambodia and a stricter organization of meetings might enable the Committee during its current session to examine the Territories on the list drawn up in 1963. Thus it would be able to submit to the next session of the General Assembly a comprehensive report on the implementation of resolution 1514 (XV) to the Non-Self-Governing and Trust Territories.

65. The preliminary list drawn up in 1963 had enumerated sixty-four Territories to which the Declaration on the granting of independence to colonial countries and peoples was applicable. Since that list had been drawn up Kenya and Zanzibar had achieved independence and the Committee had examined the situation in twenty-six Territories, most of them in Africa, with a total population of some 37 million. Most of the thirty-five remaining Territories were small Territories or small islands scattered about the Pacific and Atlantic Oceans, whose total population did not exceed 10 million. The implementation of resolution 1514 (XV) where those small Territories were concerned should be given special attention by the Committee, as had been pointed out by the delegations of Ceylon and Chile in the General Assembly. In the opinion of the Iranian delegation the Working Group should examine that problem and submit suggestions on the subject. The situation in those Territories could be examined by a number of sub-committees each of which would concern itself with one group of Territories and would report to the Committee, or alternatively the Committee itself could proceed directly to the examination of groups of Territories on the basis of geographical areas. He endorsed the suggestion by the representative of Cambodia that those Territories should be classified into three groups corresponding to the classification already established by the Committee.

66. Since it was in the African Territories that the most difficult colonial problems arose, the Committee should carefully and continually watch the evolution of the situation there and take suitable measures whenever new events so required. That continuing watch over the situation could be entrusted either to the Working Group or to a sub-committee specially established for that purpose. In regard to South West Africa, the Committee had been requested, under resolution 1899 (XVIII), to consider, in co-operation with the Secretary-General and the agencies of the United Nations, the implications of the activities of the mining industry and of the other international companies having interests in South West Africa, in order to assess their economic and political influence and their mode of operation. The Iranian delegation suggested

that the Secretary-General should be invited forthwith to prepare, with the aid of all the resources available to him, as complete as possible a report on that subject, which the Committee could use as a basic document.

67. As to the way in which the Committee should fulfil the new functions devolving upon it as a result of the dissolution of the Committee on Information, the Iranian delegation supported the suggestion made by the Secretary-General in paragraph 8 of his note (A/AC.109/L.97).

68. He hoped that the Administering Powers would modify their attitude with regard to the Committee, and that they would help it to discharge its task by letting visiting groups go to the colonial Territories under those Powers' administration and by conforming with the relevant General Assembly resolutions, especially resolution 1956 (XVIII). The Iranian delegation also thought that priority should be given to the question of Southern Rhodesia and to that of Aden.

69. The representative of Australia speaking as a representative both of an Administering Power and of a Member State, hoped that no differences of view would arise in the Special Committee primarily because of the fact that some of its members were Administering Powers and the others were not. The obligations and objectives laid down by the Charter were the outcome of many countries' work, and Australia, for instance, had helped to work out the Charter provisions designed to secure complete independence for the countries which at that time had been dependent. It was ready to co-operate, at the current new session, with the other members of the Committee for the attainment of the Charter objectives common to all Members.

70. The Committee's responsibility was a heavy one, since through its voice it was the voice of the United Nations itself which reached the population of the Territories under the Committee's mandate. In discharging its task, the Committee should not forget that it was those populations themselves which should make their voice heard for the purpose of determining their own future. While it was not for the Committee to decide the fate of those peoples, it could greatly influence their choice of a form of government or political association. They were not necessarily bound to adopt the form of democracy which to the members of the Committee might seem the best. The Australian delegation did not consider that the United Nations was entitled to compel a people to adopt a given form of government if that people did not wish to do so.

71. Given both the ethnic and the geographic diversity of the populations which were still dependent, it seemed to the Australian delegation that the problems of each of those peoples should be approached in a different way, according to the people concerned. Account should be taken of their varying historical pasts. It must be realized that Africa was not Asia, that Asia was not the Pacific, that each people in those areas was simply itself and that each group of persons having its own history and its own problems must evolve its own solutions. Accordingly, it was the Committee's duty to ensure that the solutions contemplated corresponded to the particular circumstances of each group of population concerned; it would therefore need to take as a basis the information previously supplied to the Committee on Information from Non-Self-Governing Territories. That information was valuable since it had bearing, not only on the political aspects of development, but on the economic and social spheres by which political independence

was governed. The Soviet Union representative had observed that it was important for the colonial territories to accede to economic as well as to political independence. Progress towards independence should certainly be based so far as possible on economic and social progress, without, however, the latter becoming a determining factor. The Trusteeship Council would also constitute, for the Committee, an important source of information. But whereas the Trusteeship Council had over the years adopted detailed resolutions, the Committee could avoid that procedure and expedite its work by registering, as often as possible, consensuses of opinion.

72. With regard to the smaller Territories, he thought it would be well to study them by groups, as that might facilitate objective consideration. It would be unrealistic not to recognize that many such Territories had problems peculiar to them, deriving, for example from a Territory's small size, its position and the small numbers of its population. It must be conceded that certain functions could not be discharged by small national groups, whereas with larger groups it might be otherwise. Thus in the case of Gambia the maximum degree of independence could be attained only if there were some degree of interdependence. In that eventuality, every restriction on absolute independence likewise involved restriction of the independence of the other Territory or Territories concerned, for there could be no association without the abandonment of certain rights by all the groups which had opted for that formula.

73. It was therefore difficult to define what true independence was, and to determine the moment at which the desired self-government was secured. The Committee would probably have to define the way in which the self-determination of peoples could be expressed. The Australian delegation thought it could best be expressed through a parliament elected by universal adult suffrage. Given all those difficulties, he considered that the Committee should never forget that there could be no uniform solution for the very varied problems presented by the smaller Territories.

74. As for the basic question of relations between races in the Territories administered by his country, he pointed out that, in those Territories, Australia had eliminated every form of racial discrimination. In Papua and New Guinea, the populations of all races worked together, and in equal freedom, to frame the common destiny of the country which they regarded as their motherland. In the political sphere, they were in process of electing, with no distinction of race, creed or colour and on the basis of a single electoral list, a parliament in which the majority would be an indigenous one. That showed that the administering Power had constantly concerned itself with the populations as human beings and not as members of a given race. Australia thought that that was the angle from which the Committee should work.

75. The representative of Italy said that, because of the short time available to the Special Committee, it was to be feared that the latter would be unable to examine in detail all the Territories under its mandate. It should however make as complete an inventory as possible of the current problems of decolonization, in order that the General Assembly should have, at its nineteenth session, the necessary information enabling it to decide on a further course of action towards the application of the Declaration on the granting of independence to colonial countries and peoples.

76. The first problem before the Committee was to establish a list of priorities; it should decide whether to deal first of all with the Territories which had never been considered, or whether it would be better to deal with important problems which had already been examined by the General Assembly and the Special Committee but had not yet been solved and constituted serious obstacles to complete decolonization. The report of the Special Committee to the General Assembly had emphasized that the Territories still to be examined would have priority in 1964. In the Italian delegation's view, the Committee should, while beginning the consideration of new Territories, deal with those examined at previous sessions and follow their political and constitutional evolution.

77. As for the procedure to be adopted during the session, it might be well to study all the Territories in plenary meeting, as had been done at the first two sessions. However, given the special nature of the Territories that remained to be examined, there might be a certain value in the establishment of sub-committees. It might for example be decided to regard as small Territories those whose population was less than 500,000 and to entrust their consideration to sub-committees, while larger and more populated Territories would be studied directly in plenary meeting. The sub-committees would have the task of making a preliminary study of the situation in a group of territories and would submit a report to the Committee. Each sub-committee should be asked to study a group of Territories which belonged to a given geographical region, in which similar political and economic conditions prevailed, and which, perhaps, were administered by the same Power. Each sub-committee would be given a specific time-limit in which to complete its task and report to the Committee. He thought that, if the method of work he proposed were followed, the Committee could finish its business before the next session of the General Assembly.

78. The representative of the United Kingdom of Great Britain and Northern Ireland said that it had been customary in the past for the United Kingdom delegation to make a general statement on its colonial policy at the outset of its work. He did not believe that it was necessary or appropriate for him to do so in any detail at the current session, particularly as the basic features of United Kingdom policies, both towards the Special Committee and towards the British Territories remained the same. Nevertheless, in view of the somewhat distorted picture painted by the representative of the Soviet Union at the previous meeting, he would like to recall one or two salient features. In the first place, the policy of the United Kingdom Government rested squarely on Article 73 of the Charter. Although that Article was no longer quoted or referred to as often as in former years, it remained fundamental to any consideration of colonial questions by the Organization. Subsequent resolutions of the General Assembly including resolutions 1514 (XV) and 1541 (XV), significant though these were, could not supersede it or diminish its effect.

79. The two main points which emerged from Article 73, and which were the basis of his Government's policy were, first, that the interests of the inhabitants of the Non-Self-Governing Territories were paramount, and secondly that the responsibility for their political, economic, social and educational advancement was that of the Administering Power concerned. That was a grave responsibility and one which was fully

accepted by his Government; but it was a responsibility towards the people of the Territories concerned and not towards some other country or group of countries.

80. Thus the United Kingdom Government accepted, as a sacred trust, the obligation to promote to the utmost the well-being of the inhabitants of the Non-Self-Governing Territories. But the process of bringing Territories to self-government, and the speed at which that could be achieved, varied with factors such as their size and geographical position, their natural resources and stage of economic development. Those factors were crucial and it served no useful purpose to pretend that they did not exist or that reference to them constituted an attempt to raise obstacles to independence. It was such factors as those that had determined that Ceylon should become independent before Malaya, Malaya before Nigeria and so on. Those formerly dependent Territories had attained independence before resolution 1514 (XV) had been passed; others had done so since, and would continue to do so.

81. In his statement at the previous meeting, the representative of the Soviet Union had noted that some 50 million of the 100 million people under colonial rule at the time of the adoption of the Declaration in 1960 had now achieved their independence. He thanked the representative of the Soviet Union for his unexpected tribute to the success of British colonial policy, for he was sure that it would not have escaped his notice that most of the Territories which had achieved independence since the adoption of the Declaration had been British ones.

82. There was nothing surprising in the fact that the process of advancement to self-government and independence was a gradual one. In view of the responsibilities embodied in the Charter it could not be otherwise. The United Kingdom Government had no interest in retaining those responsibilities for longer than was necessary. But, on the other hand, it would not be rushed into taking hasty decisions which would be harmful to the interests of the peoples concerned.

83. The representative of the Soviet Union had once again stated that preparations for independence were unnecessary. The Soviet representative liked to have it both ways. If a Territory was not yet independent, he attacked measures taken by the administering Powers to train indigenous personnel for administrative posts and to promote economic development as means designed to delay their independence; on the other hand, after a Territory had become independent, he attacked the continued presence of expatriate officers and the provision of economic and technical assistance as neo-colonialism.

84. The representative of the Soviet Union had noted that suggestions had been made in the General Assembly that the Committee might postpone discussion of Territories in dispute between individual countries and had rejected this because, he said, the interests of the indigenous inhabitants might suffer. While agreeing with him that the interests of the indigenous inhabitants must be paramount, the United Kingdom delegation also believed that, in the case of some Territories, those interests might be better served if discussion of the Territory in question was, in fact, postponed. He would also like to remind the representative of the Soviet Union that the course he proposed might, in certain instances, prove to be rather embarrassing to the Soviet Union, as in the case of the island Territories in the Pacific, acquired by the Soviet Union after the last war.

85. His delegation was rather surprised that the representative of the Soviet Union should have raised the question of what he described as "unequal and devious treaties" and would like to reply to him with a quotation:

"In raising questions of this kind, do you intend to raise all the questions of unequal treaties and have a general statement? Has it even entered your heads what the consequences would be? Can you seriously believe that this will do any good?"

That quotation, which the Soviet representative no doubt recognized, was from the newspaper *People's Daily* published in Peking on 8 March 1963, and referred to certain treaties under which China was forced to cede vast areas to Russia. The representative of Yugoslavia, in his statement, had recalled that his country had fought for centuries for its freedom and independence against the domination of more powerful neighbours; and it was salutary to be reminded that imperial rule had not been confined to domination over the seas, but could be extended over land as well.

86. With regard to the question of methods and procedures, and the organization of the Committee's work, his delegation considered that the methods and procedures followed by the Committee in previous years had, in general, proved satisfactory, and that the Committee should not lightly consider changing methods which had been tested and found to be suited to needs of the Committee. He recalled that the Committee had originally agreed that it should endeavour to conduct its work in such a way that it would be able to reach agreement without the need for voting.

87. On the question of petitions and the hearing of petitioners, his delegation wished to reaffirm its objection in principle to such procedures, which it believed were only applicable to petitions and petitioners from Trust Territories. However, he did not wish to repeat that reservation in regard to each request for a hearing, and would like the present statement to be taken as covering any requests which would be considered in the course of the Committee's work in 1964.

88. With regard to the way in which the Committee should tackle its task in 1964, including the order of priority for the various Territories on the list, his delegation understood from the course of preliminary discussions with various members of the Committee, before the formal meetings began, that there was a general desire, reflecting to a large extent the views expressed in the General Assembly, to take up new Territories, particularly those in the Caribbean and Pacific areas, which had not previously been considered by the Committee; and that after the Committee had disposed of those Territories, it might then review developments in those Territories which it had already considered in 1963. As there was a considerable body of feeling in the Committee which would prefer to break new ground rather than retrace old paths, he thought it would be of great assistance to the Committee if, before taking any decision on the order of priority, it requested the Working Group to consider the whole list of Territories and make recommendations.

89. However, to judge from the views that had been expressed at the previous meeting, a number of delegations had already reached rather different conclusions about the order of priority. The representative of the Soviet Union had proposed that, before taking up any of the new Territories, the Committee should review developments in all the Territories previously

considered by the Committee, and had mentioned a number of them by name, including Southern Rhodesia. The United Kingdom delegation had to state frankly that it did not consider that to be a profitable course for the Committee to follow or one that would allow it to make significant progress with its work. In particular, it did not see any reason to accept the suggestion that the situation in Southern Rhodesia required the Committee's urgent attention. There had been no change in the position over the constitutional future of Southern Rhodesia which would warrant such urgent attention; the question remained a matter for negotiation between the United Kingdom and Southern Rhodesian Governments; and no decisions on that had been taken by his Government. Needless to say, his delegation's position on the competence of the Committee to discuss Southern Rhodesia, which was well known to members of the Committee, remained unchanged from previous years.

90. In any case, he would have thought that it was quite sufficient for the present for a decision to be taken on the first Territory to be discussed, and that that would give time to the Working Group to make recommendations about the second and subsequent items, after due consideration of the various factors involved. However, a proposal had been made at the previous meeting in a cursory fashion by the representative of Syria, that the Committee should also, and without delay, decide that the second Territory to be discussed should be Aden.

91. The situation in Aden was quiet; all but three of the persons detained after the bomb incident had been released; and the person accused of throwing the bomb had been formally charged and was in custody awaiting trial. Daily life in Aden was proceeding normally; local political parties and trade union movements were functioning freely.

92. His delegation wished to co-operate with the Committee. That was why they had agreed to serve on the Committee, to provide it with information on the basic political structure and on the recent constitutional developments in the British Territories. His delegation had taken careful note of the views and suggestions which had been put forward by members of the Committee, and had co-operated in various other ways; for example, his Government had on two occasions received sub-committees of the Committee in London at the highest level, and Mr. Amachree, the Under-Secretary of the Department of Trusteeship and Non-Self-Governing Territories had recently visited a number of British Territories in Africa at the invitation of the British Government.

93. His delegation had made it clear from the outset that they extended that co-operation in the confidence that they would find ready understanding of what they were hoping to achieve in the British Territories, and a general recognition of what they had already done. Unfortunately, that confidence had not been reciprocated in the past by all members of the Committee. If the Committee had no confidence whatsoever in the *bona fides* of any of the administering Powers, and if it was dedicated to the proposition that all colonial rule, irrespective of the administering Power or of the Territory concerned, was based on violence, injustice and exploitation, then clearly the prospects of fruitful co-operation between the administering Powers and the other members of the Committee were not good.

94. The views of the Committee, and particularly those of its Chairman, were carefully considered by

the United Kingdom Government, and he felt bound to say that some of the statements that had been made so far at that session were not likely to commend themselves to his Government. Nevertheless, his delegation would continue to co-operate with the Committee, on the same basis as before, and as a full, equal and voluntary member of it. The objective of his delegation, and that of most members of the Committee, was the promotion of the interests of the peoples of the Non-Self-Governing Territories, and members should work together with that consideration always uppermost in their mind.

95. The representative of Tunisia said that the Special Committee should evaluate the application of its previous work and take a new approach to its activities in the light of General Assembly resolutions 1956 (XVIII) and 1970 (XVIII). Although he recognized that visiting missions were an extremely useful means of learning more about the situation in the various Territories, they should not be brought into being, even though the necessary funds were available, unless the circumstances so required. Recalling that some visiting missions had in the past been unable to fulfil their purpose because of the attitude of the administering Powers, he expressed the hope that those Powers would be able to overcome their reluctance and would heed the appeals that had been addressed to them by the General Assembly at its eighteenth session. He referred in particular to resolution 1956 (XVIII) in which the administering Powers had been requested to facilitate the task of the Sub-Committees and visiting groups instructed by the Special Committee to go to the Territories under its mandate. If organized with the assistance of the administering Powers, visits of that kind could not constitute interference in the internal affairs of those Powers. Furthermore, in order to be nearer to the petitioners and spare them travel which was costly and which sometimes involved risks, the Committee might give thought to holding its final session away from Headquarters. The time and place of that session should be decided on fairly far in advance so that those who might be able to provide the Committee with information and facilitate its task could do so.

96. It was important that the Committee should be able in 1964 to deal with all the Territories coming within the scope of resolution 1514 (XV). The Working Group should therefore draw up as complete a list of those Territories as possible without delay, and in so doing should take into account its previous work, the information furnished by the administering Powers and the petitions received by the Secretariat. In order to save time for the Committee, the Working Group might examine all the small Territories and report to the Committee on its recommendations and conclusions. The administering Powers and any other delegation which for special reasons might be interested in that work should, of course, be invited either to become part of the Working Group or to apprise the Group of its views.

97. With regard to the Territories which the Committee had considered in 1963, it was important to determine to what extent the resolutions, whether passed by the General Assembly or the Security Council, had been complied with and whether the process of their liberation was making satisfactory progress. Priorities would have to be established in the light of the General Assembly resolutions and the happenings in the Territories in question.

98. He was in favour of immediate attention being given to the situation in Southern Rhodesia and Aden and in any other Territory where events were running counter to the implementation of the provisions of resolution 1514 (XV).

99. The representative of Tanganyika congratulated the Chairman on his opening statement and assured him that Tanganyika would relentlessly pursue its efforts for the abolition of colonialism and racialism. Unambiguous statements, such as those which had been made by the representative of the Soviet Union and certain other representatives, gave new hope to the millions of persons whom the colonialists continued to terrorize in Southern Rhodesia, Angola, Mozambique, Portuguese Guinea, South West Africa and elsewhere. He hoped that before the end of 1964 the colonial Powers would match their words with deeds by abolishing the shameful colonial system.

100. He felt that the Special Committee should give priority to its consideration of the questions of Southern Rhodesia and Aden. The Working Group could in the meantime establish priorities for the consideration of the other Territories. With regard to South West Africa, it must be plain to everybody that the racist Government of South Africa was increasing its repression and exploitation of the indigenous population.

101. The representative of Syria said that the colonial Powers were trying to postpone the inevitable demise of colonialism by aggravating the situation in the dependent Territories. Since the adoption of General Assembly resolution 1514 (XV), some progress had been made but the majority of the colonial Territories had still not attained their goal of independence. His delegation supported the idea of establishing sub-committees and sending visiting missions to the Territories concerned. It could agree with the United States delegation that visiting missions should be sent only if the agreement of the administering Power was obtained. Opposition by the administering Power would be contrary to the provisions of the Charter and should not prevent the Special Committee from fulfilling its mandate. If necessary, petitioners from the Territories could be heard in neighbouring countries.

102. The arguments put forward by the United Kingdom representative at the preceding meeting were unconvincing. The proposal that the Territory of Aden should be discussed after Southern Rhodesia was not the idea of the Syrian delegation alone but had been supported by the majority of delegations in the Committee. The United Kingdom delegation had not given any valid reasons to support its opposition to the discussion of Aden. It seemed that the conscience of the United Kingdom Government was not clear on that score. The General Assembly had given the Committee a definite mandate to discuss Aden; moreover, the Territory had been discussed at the eighteenth session of the General Assembly. The continued existence in Aden of an unconstitutional régime preventing free expression and the attainment of independence was a matter which called for consideration by the Committee. The United Kingdom could not hope by its attitude to alter the ethnic composition of the population of Aden. That Territory was an integral part of Yemen, from which it had been separated by unequal treaties.

103. The representative of Mali said that while the Special Committee had made a notable contribution to the process of decolonization, many tasks still awaited

it. In tackling those tasks, the Committee should follow a flexible procedure suited to the changing methods and forms adopted by colonialism. His delegation supported the remarks made by the Cambodian representative on the organization of work. A complete list should be made of all the dependent Territories, divided into geographical groups, and the Committee should give priority to the Territories it had not yet considered. The situation in the other Territories could be kept under review by sub-committees and brought to the attention of the Committee if necessary.

104. His delegation supported the idea of appointing study groups to consider Territories in different geographical areas, provided that the groups were open to all members of the Committee who wished to participate in their work. Whenever possible, the groups should work in the Territories concerned or in neighbouring countries, with the agreement of the Governments of the countries concerned. The success of previous visits to the Territories and the difficulties encountered by petitioners who wanted to come to New York showed the desirability of such visits. In that connexion, it was essential to have the full co-operation of the administering Powers. Petitioners who were able to come to New York should be heard and questioned by the Committee and then put into contact with the study groups dealing with their Territories. The recommendations of the study groups would be analysed at plenary meetings of the Committee, at which proposals would be drawn up for submission to the General Assembly.

105. The representative of Sierra Leone noted that in the past the response of some of the administering Powers to the spirit and letter of General Assembly resolution 1514 (XV) had been disappointing. He appealed for co-operation during the present session of the Special Committee. The conscience of mankind was offended by the spectacle of the conditions prevailing in the Territories which were not yet independent, and the situation in Southern Rhodesia, in particular, was a travesty of democracy. Full and complete independence should be granted to all the Territories.

Decisions

106. At the 220th meeting, the Special Committee decided that the Working Group, composed of the officers of the Special Committee (Mali, Uruguay, Cambodia and India) and the representatives of Bulgaria, Iraq, Italy and Sierra Leone, established in 1963 (A/5446/Rev.1, chapter I, paragraph 25) should be continued in 1964 with the same membership.

107. At the same meeting, the Special Committee decided that the Sub-Committee on Petitions established in 1962 and continued in 1963 should be further continued in 1964 with the same membership, namely Australia, Ethiopia, India, Madagascar, Poland, Tunisia and Venezuela.

108. At the 222nd meeting, the Special Committee decided to consider Southern Rhodesia and Aden as the first two items on its agenda for 1964. It further decided that the Working Group should consider and make recommendations concerning the procedures and priorities for the consideration of other Territories included in the preliminary list approved by the Special Committee in 1963, taking into account the suggestions made during the debate on the organization of work.

109. On the recommendation of the Working Group contained in its seventh report (A/AC.109/L.104), the Special Committee, at its 234th meeting, decided that the Territories already considered by the Special Committee in 1962 and 1963 should be considered by the Special Committee directly in plenary meetings. These, including Southern Rhodesia and Aden referred to above, are:

- (1) Southern Rhodesia
- (2) Aden
- (3) South West Africa
- (4)–(10) Territories under Portuguese administration:
 - Angola, including the Enclave of Cabinda
 - Mozambique
 - Guinea called Portuguese Guinea
 - Cape Verde Archipelago
 - São Tomé and Príncipe and their dependencies
 - Macau and dependencies
 - Timor and dependencies
- (11) Malta
- (12) Fiji
- (13) Northern Rhodesia
- (14) Nyasaland
- (15)–(17) Basutoland, Bechuanaland and Swaziland
- (18) British Guiana
- (19) Gambia
- (20) Gibraltar
- (21)–(24) Fernando Póo, Ifni, Río Muni and Spanish Sahara.

110. The Special Committee decided further that the Territories not yet considered by it should be divided into three groups as follows, and referred to three Sub-Committees for consideration and report to the Special Committee:

Group I referred to sub-Committee I

- (1) Mauritius
- (2) Seychelles
- (3) St. Helena

Group II referred to Sub-Committee II

- (4) Trust Territory of Nauru
- (5)–(6) Papua and the Trust Territory of New Guinea
- (7) Cocos (Keeling) Islands
- (8) Trust Territory of the Pacific Islands
- (9) Guam
- (10) American Samoa
- (11) Cook Islands
- (12) Niue
- (13) Tokelau Islands
- (14) New Hebrides
- (15) Gilbert and Ellice Islands
- (16) Pitcairn Islands
- (17) Solomon Islands
- (18) Brunei
- (19) Hong Kong

Group III referred to Sub-Committee III

- (20) British Honduras
- (21) Falkland Islands (Malvinas)

- (22) Bermuda
- (23) Bahamas
- (24) Turks and Caicos Islands
- (25) Cayman Islands
- (26) Antigua
- (27) Dominica
- (28) Grenada
- (29) Montserrat
- (30) St. Kitts-Nevis-Anguilla
- (31) St. Lucia
- (32) St. Vincent
- (33) Barbados
- (34) British Virgin Islands
- (35) United States Virgin Islands

111. On the recommendation of the Working Group the Special Committee also decided to entrust to Sub-Committee I the task of considering, in co-operation with the Secretary-General and the agencies of the United Nations, the implications of the activities of the mining industry and the other international companies having interests in South West Africa, in order to assess their economic and political influence and their mode of operation, and of reporting to the Special Committee. This study was requested by the General Assembly in paragraph 8 of its resolution 1899 (XVIII).

D. MEETINGS OF THE SPECIAL COMMITTEE AND ITS WORKING GROUP AND SUB-COMMITTEES

Special Committee

112. The Special Committee held 101 meetings during 1964, as follows: First session, 219th to 278th meetings, 25 February to 3 July 1964. Second session, 279th to 319th meetings, 8 September to 15 December 1964.

Working Group

113. During the period covered by this report, the Working Group held thirteen meetings and submitted eight reports.¹

Sub-Committee on Petitions

114. The Sub-Committee re-elected Mr. Mahmoud Mestiri (Tunisia) and Mr. Leonardo Díaz González (Venezuela) as Chairman and Vice-Chairman respectively. From 22 May 1964 when Mr. Mestiri left New York, Mr. Díaz González acted as Chairman.

115. During the period covered by this report, the Sub-Committee on Petitions held fifteen meetings and submitted fifteen reports to the Special Committee.² These reports dealt with the Sub-Committee's consideration of 428 communications, which included thirty-two requests for hearings.

116. In its fifty-fifth report the Sub-Committee also recommended the adoption by the Special Committee of

a draft resolution on petitions concerning South West Africa.

117. At its 319th meeting on 15 December 1964, the Special Committee decided that the Sub-Committee on Petitions should be continued with the present membership and terms of reference in order to handle any petitions or requests for hearings received before the next session of the Special Committee.

Sub-Committee I

118. Sub-Committee I held fifteen meetings and submitted three reports on the items referred to it for consideration.³

Sub-Committee II

119. Sub-Committee II held forty meetings and submitted six reports on the items referred to it for consideration.⁴

Sub-Committee III

120. Sub-Committee III held thirty-nine meetings and submitted four reports on the items referred to it for consideration.⁵

Sub-Committee on Southern Rhodesia

121. The Sub-Committee on Southern Rhodesia established by the Special Committee was in London from 30 May to 5 June 1964 and submitted a report to the Special Committee in June 1964.⁶

122. At its 295th meeting on 27 October 1964 the Special Committee decided to invite the Sub-Committee on Southern Rhodesia to keep the situation in Southern Rhodesia under review, to establish renewed contacts with the United Kingdom Government, and to report to the Special Committee as soon as possible.

123. At its 315th meeting on 17 November 1964, the Special Committee considered an oral report submitted by the Chairman of the Sub-Committee. By taking note of this report, the Special Committee agreed to authorize the Sub-Committee to keep the situation under review and to maintain contact with the United Kingdom with a view to the fulfilment of its mandate.

Sub-Committee on Aden

124. By a resolution adopted at its 243rd meeting on 9 April 1964 (A/AC.109/64), the Special Committee established a Sub-Committee on Aden. The Sub-Committee visited Cairo from 4 to 11 July 1964, where it heard a number of petitioners. It submitted its report to the Special Committee on 30 October 1964.⁷

125. At its 314th meeting, following its consideration of the report of the Sub-Committee on Aden, the Special Committee adopted a resolution (A/AC.109/108) by which it decided to maintain the Sub-Committee with the same terms of reference.

Sub-Committee of Good Offices on British Guiana

126. By a resolution adopted at its 270th meeting on 23 June 1964 (A/AC.109/86), the Special Com-

¹ A/AC.109/L.104, A/AC.109/L.106, A/AC.109/L.123, A/AC.109/L.131, A/AC.109/L.146, A/AC.109/L.149, A/AC.109/L.158 and A/AC.109/L.172/Rev.1.

² A/AC.109/L.100 and Corr.1, A/AC.109/L.101, A/AC.109/L.109, A/AC.109/L.110, A/AC.109/L.112, A/AC.109/L.113, A/AC.109/L.115, A/AC.109/L.116, A/AC.109/L.121, A/AC.109/L.127, A/AC.109/L.130 and Corr.1, A/AC.109/L.134, A/AC.109/L.147, A/AC.109/L.157 and Corr.1 and 2, A/AC.109/L.165 and Corr.1.

³ A/AC.109/L.119, A/AC.109/L.140 and Corr.1 and A/AC.109/L.154.

⁴ A/AC.109/L.136, A/AC.109/L.136/Add.1, A/AC.109/L.136/Add.2 and Corr.1, A/AC.109/L.136/Add.3 to 5.

⁵ A/AC.109/L.125 and Corr.1 to 3, A/AC.109/L.125/Add.1 and Corr.1, A/AC.109/L.125/Add.2 and 3, and Corr.1, Add.4.

⁶ For details, see chapter III.

⁷ For details, see chapter VI.

mittee established a Sub-Committee of Good Offices on British Guiana.⁸ At its 315th meeting on 17 November 1964 the Special Committee considered an oral report submitted by the Chairman of the Sub-Committee. By taking note of this report, the Special Committee agreed to authorize the Sub-Committee to keep the situation under review and to offer its good offices, if it was acceptable to the parties concerned, with a view to the

implementation of the resolutions of the General Assembly and of the Special Committee on British Guiana.

E. CONSIDERATION OF TERRITORIES

127. During the period covered by this report the Special Committee considered the Territories mentioned in Section C, paragraph 109 in the following order:

<i>Territory</i>	<i>Meetings</i>
(1) Southern Rhodesia	223 to 233, 245 to 249, 252, 254 to 255, 258 to 259, 262 to 263, 268 to 269, 271 to 273, 277 to 278, 286, 294 to 296, 315
(2) Aden	232, 234 to 243, 253 to 254, 256, 258, 262, 303, 312
(3) South West Africa	244 to 245, 252 to 253, 255, 257, 259 to 262, 276
(4) Malta	246, 250 to 252
(5) British Guiana	254, 256, 264 to 270, 292
(6)-(12) Territories under Portuguese administration	264, 268, 272, 274 to 277, 283 to 285
(13) Gibraltar	280 to 288, 291
(14)-(17) Fernando Póo, Ifni, Río Muni and Spanish Sahara	284 to 285, 288 to 291
(18)-(20) Basutoland, Bechuanaland and Swaziland	287, 292 to 294, 296 to 299
(21)-(22) Northern Rhodesia and Gambia....	293
(23) Fiji	293, 296 to 303
<i>Territories referred to Sub-Committee I</i>	
(24)-(26) Mauritius, Seychelles and St. Helena	245, 299 to 300, 302 to 304
<i>Territories referred to Sub-Committee II</i>	
(27)-(29) Cook Islands, Niue and Tokelau Islands	244, 301, 303 to 304
(30) American Samoa	301, 303 to 306
(31) Guam	301, 303 to 304, 306 to 307
(32)-(35) Trust Territory of Nauru, Papua and Trust Territory of New Guinea and Cocos (Keeling) Islands	253, 255, 301 to 304, 308 to 309
(36)-(39) New Hebrides, Gilbert and Ellice Islands, Pitcairn Islands and the Solomon Islands	301 to 304, 309
(40) Trust Territory of the Pacific Islands	301 to 304, 309 to 311
<i>Territories referred to Sub-Committee III</i>	
(41) Falkland Islands (Malvinas)	253, 303, 307, 311
(42)-(51) Virgin Islands of the United States, British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados	303, 311, 312
(52)-(55) Bermuda, Bahamas, the Turks and Caicos Islands and the Cayman Islands	258, 260, 286, 303, 312

128. Details of the Special Committee's consideration of the above Territories and its conclusions and recommendations thereon are given in chapters III to XX and XXIII to XXV of this report.

129. Nyasaland was not considered by the Special Committee since it acceded to independence as Malawi on 6 July 1964.⁹

⁸ For details, see chapter VII.

⁹ See Twelfth Report of the Working Group, A/AC.109/L.149, para. 4.

130. Because of lack of time, Sub-Committee II was unable to consider two of the sixteen Territories referred to it. Statements concerning these two Territories, namely Brunei and Hong Kong, made in the Special Committee, are given in chapters XXI and XXII respectively.

131. Of the sixteen Territories referred to Sub-Committee III one, namely British Honduras, was not considered by it because of lack of time. Information on this Territory is contained in chapter XXVI.

F. CONSIDERATION OF OTHER QUESTIONS

132. The General Assembly, in paragraph 8 of its resolution 1899 (XVIII) of 13 November 1963, requested the Special Committee to consider, in co-operation with the Secretary-General and the agencies of the United Nations, the implications of the activities of the mining industry and the other international companies having interests in South West Africa, in order to assess their economic and political influence and their mode of operation, and to report on these questions to the General Assembly at its nineteenth session.

133. The Special Committee, at its 234th meeting on 25 March 1964, decided to request Sub-Committee I to consider this question and to report to it.

134. After considering the report of Sub-Committee I, the Special Committee, at its 306th meeting on 10 November 1964, adopted its report on this question to the General Assembly. This report has been submitted to the General Assembly in a separate document (A/5840).

135. The Special Committee, in its resolution on Territories under Portuguese administration (A/AC.109/90) adopted on 3 July 1964, requested Sub-Committee I of the Special Committee, with the assistance of the Secretary-General, to study the activities of foreign economic and other interests, which are impeding the implementation of the Declaration on the granting of independence in the Territories under Portuguese administration. The Special Committee expects to complete this study in 1965.¹⁰

136. The General Assembly, by resolution 1970 (XVIII) of 16 December 1963, decided to dissolve the Committee on Information from Non-Self-Governing Territories and entrusted its functions to the Special Committee. In this connexion, the Special Committee considered an item on Information on Non-Self-Governing Territories transmitted under Article 73 e of the Charter. Details of the Special Committee's consideration of this item are contained in chapter II of this report.

List of Territories to which the Declaration is applicable

137. The Special Committee, in its report to the General Assembly at its eighteenth session, drew the Assembly's attention to a preliminary list which it had prepared, of Territories to which the Declaration is applicable. At the same time the Assembly was informed that, because of lack of time, it was unable to consider the list of "all other Territories which have not yet attained independence" and that the question would be considered during 1964.¹¹

138. The Working Group of the Special Committee devoted a number of meetings to the consideration of this question. It was, however, not able to make recommendations on specific Territories to be included in the list.

139. In its fourteenth report,¹² the Working Group informed the Special Committee of its consideration of this question and recommended that the Special Committee take due note of the following two documents:

(1) Letter dated 12 November 1964 from the Permanent Representative of Somalia, requesting the

Special Committee to include the question of French Somaliland on the agenda of its current session (A/AC.109/107);

(2) Declaration adopted by the Conference of Non-Aligned Countries which has been circulated as a document of the General Assembly (A/5763).

140. In the same report the Working Group also informed the Special Committee that it had decided to continue consideration of the question and to report to the Special Committee.

141. The fourteenth report of the Working Group was considered by the Special Committee at its 317th meeting. After discussion, the Special Committee approved the report as a whole by a roll-call vote of 15 to 3 (United Kingdom, United States and Australia) with 6 abstentions (Chile, Denmark, Iran, Italy, Madagascar and Venezuela).¹³

142. The Special Committee, in approving the report, took due note of the two documents referred to above and agreed to the Working Group continuing consideration of the question of preparing the list of "all other territories which have not yet attained independence".

G. RELATIONS WITH OTHER UNITED NATIONS BODIES

The Security Council

143. The General Assembly, in its resolution 1956 (XVIII) of 11 December 1963, invited the Special Committee to apprise the Security Council of any developments in any Territory examined by it which may threaten international peace and security.

(a) *Southern Rhodesia*

144. By operative paragraph 9 of its resolution of 23 March 1964 (A/AC.109/61) the Special Committee drew "the immediate attention of the Security Council to the explosive situation in Southern Rhodesia, which constitutes a serious threat to international peace and security". The text of this resolution was transmitted to the President of the Security Council on 26 March 1964 (S/5626).

145. By operative paragraph 4 of its resolution of 26 June 1964 (A/AC.109/83 and Corr.1), the Special Committee drew "the immediate attention of the Security Council to the report submitted by the Sub-Committee on 17 June 1964 and particularly to the conclusions and recommendations contained therein". The text of this resolution and the report of the Sub-Committee were transmitted to the President of the Security Council on 30 June 1964 (S/5789).

146. In a statement of consensus adopted on 27 October 1964, the Special Committee drew "once again... the attention of the Security Council to the question of Southern Rhodesia". The report of the Special Committee concerning Southern Rhodesia, in which this statement of consensus is contained (chapter III, paragraph 617) was transmitted to the President of the Security Council on 22 December 1964.

(b) *Aden*

147. By operative paragraph 3 of its resolution of 11 May 1964 (A/AC.109/74) the Special Committee

¹⁰ See chapter V.

¹¹ A/5446/Rev.1, chapter I, paras. 27 to 30 and annex I.

¹² A/AC.109/L.172/Rev.1.

¹³ Prior to the vote on the report as a whole, the Special Committee voted on a United States amendment to paragraph 4 and took a separate vote on paragraph 5. For details of the voting and reservations made by individual delegations, see A/AC.109/SR.317.

called "the attention of the Security Council to the dangerous situation prevailing in the area as a result of recent British military actions against the people of the Territory". The text of this resolution was transmitted to the President of the Security Council on 12 May 1964 (S/5693).

(c) *South West Africa*

148. By operative paragraph 6 of its resolution of 21 May 1964 (A/AC.109/77 and Corr.1), the Special Committee drew "the attention of the Security Council to the critical situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security and a clear violation of the Charter of the United Nations". The text of this resolution was transmitted to the President of the Security Council on 27 May 1964 (S/5722).

(d) *Territories under Portuguese administration*

149. By operative paragraph 4 of its resolution of 3 July 1964 (A/AC.109/90), the Special Committee drew "the immediate attention of the Security Council to the deteriorating situation in the Territories under Portuguese administration with the view to its taking appropriate measures to secure compliance by Portugal with the relevant resolutions of the General Assembly and the Security Council". The text of this resolution was transmitted to the President of the Security Council on 7 July 1964 (S/5803).

The Trusteeship Council

150. In accordance with paragraph 8 of General Assembly resolution 1654 (XVI) which requested the Trusteeship Council to assist the Special Committee in its work, the President of the Trusteeship Council, in a letter dated 1 July 1964 (A/AC.109/89) addressed to the Chairman, informed the Special Committee that the Council at its thirty-first session examined conditions in the Trust Territories of the Pacific Islands under United States administration, and of Nauru and New Guinea under Australian administration. The letter stated that the conclusions and recommendations of the Trusteeship Council, as well as the observations of the members of the Trusteeship Council representing their individual opinions only, were contained in its report to the Security Council on the Trust Territory of the Pacific Islands (S/5783) and in its report to the General Assembly on Nauru and New Guinea.¹⁴

The specialized agencies

151. Collaboration of the specialized agencies with the Special Committee has been established by the presence of representatives of the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) at meetings of the Special Committee.

H. REVIEW OF WORK¹⁵

152. By resolution 1956 (XVIII), the General Assembly requested the Special Committee to con-

tinue to seek the best ways and means for the immediate and total application of the Declaration to all territories which have not yet attained independence and to report to the Assembly not later than at its nineteenth session. By the same resolution, the General Assembly requested the administering Powers to give their full co-operation to the Special Committee.

153. During the debates at the eighteenth session of the General Assembly, which led to the adoption of resolution 1956 (XVIII), several delegations expressed concern at the delay in the implementation of the Declaration which, as had been pointed out by the Special Committee in an earlier report, was an expression of the universal desire to expedite the process of the liberation of colonial peoples. The hope was expressed by some that full implementation of the Declaration might be achieved by 1965, the twentieth year of the United Nations, which has been designated as International Co-operation Year. The attention of the Special Committee was also drawn by many delegations to the need for it to give particular consideration to the small, island, colonial territories which had not been previously examined and to recommend ways and means for the speedy implementation of the Declaration in this regard.

154. The Special Committee wishes to report to the General Assembly that, in the course of its work in 1964, it examined the implementation of the Declaration in respect of fifty-five territories. These include several small territories to which the Committee's attention was drawn at the eighteenth session and which had never before been considered individually. However, the Special Committee recognizes, that, in spite of its having met almost continuously from February to December 1964, it has not been able to complete the task entrusted to it by the General Assembly.

155. The Special Committee noted with satisfaction the attainment of independence during the year by three of the Territories which had been the subject of consideration by the General Assembly and by the Special Committee, namely Nyasaland (Malawi), Malta, and Northern Rhodesia (Zambia). However, the serious concern, previously expressed in General Assembly resolution 1956 (XVIII), regarding the delay in the total application of the Declaration continued to be felt. This has also been reflected in important resolutions and declarations concerning decolonization in general and in relation to individual territories by the Assembly of Heads of African States and Governments at its first ordinary session in July 1964, and by the Second Conference of Heads of State or Government of Non-Aligned Countries in October 1964.

156. At the outset of its work, the Special Committee considered that its examination of the Territories would be facilitated by full information on the steps taken by the administering Powers to implement the Declaration. Accordingly, the Chairman on behalf of the Special Committee wrote identical letters to the Permanent Representatives of Australia, France, New Zealand, Portugal, South Africa, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America requesting information on the constitutional progress that had been made in the Territories under their administration since the adoption of the Declaration and on the measures which have been taken, or were being contemplated, to implement the Declaration. With the exception of the Government of South Africa, from which no response has

¹⁴ Official Records of the General Assembly, Nineteenth Session, Supplement No. 4 (A/5804).

¹⁵ For details of the views or reservations of individual delegations on matters reviewed in this section, see chapters III to XXV relating to specific Territories.

been received, and the Government of Portugal, whose response was negative in character, the administering Powers submitted information or indicated their readiness to furnish information at the appropriate time in statements to the Committee.¹⁰ This information was taken into account by the Special Committee in its consideration of the Territories concerned.

157. By letter dated 20 October 1964 addressed to the Chairman of the Special Committee the representative of the United Kingdom transmitted to the Committee a calendar of constitutional advance summarizing the main developments in the Territories for which the United Kingdom Government was responsible covering the period September 1963 to October 1964. At its 319th meeting the Special Committee decided to reproduce the letter of the representative of the United Kingdom and the enclosed calendar of constitutional advance as an annex to the present report (annex I).

158. As in previous years, the Special Committee gave extensive consideration to the larger Territories in Africa as well as to Aden and British Guiana which represent some of the most difficult colonial problems.

159. The question of Southern Rhodesia was thus the subject of priority consideration and of several resolutions adopted by the Committee. While the United Kingdom Government continued to participate in the work of the Committee and received the Sub-Committee on Southern Rhodesia in London for discussions, it maintained its initial position that it had not the competence to implement the various resolutions of the General Assembly and the Special Committee on the question. At the same time, the United Kingdom Government reaffirmed its intention of granting independence to Southern Rhodesia only on a basis acceptable to the people of the Territory as a whole, and recently announced measures it would take if the present Southern Rhodesia Government resorted to a unilateral declaration of independence. No progress has, however, been made by the United Kingdom Government towards the basic objectives of the resolutions of the General Assembly and Special Committee; namely, the establishment of complete democratic freedom and equality of political rights, and the convening of a fully representative conference to devise constitutional arrangements, on the basis of universal adult suffrage, for independence at the earliest possible date. In view of the continuing deterioration of the already explosive situation in the Territory to which it has drawn the attention of the Security Council, the Special Committee is convinced of the urgent need to take effective steps to implement the resolutions of the General Assembly and Special Committee.

160. As regards the Territories under Portuguese administration, the Government of Portugal persisted in its refusal to implement the measures called for in the resolutions of the Security Council and the General Assembly and it continued to disregard its obligation to transmit information under Article 73 e of the Charter. Further, it again rejected the invitation of the Special Committee to co-operate with it in its consideration of the Territories. On the basis of its previously-expressed position regarding the status of these Territories, that Government recently carried out certain changes which, however, only affect representation in local legislative and administrative organs, the competence of which is rigidly circumscribed, and participa-

tion of territorial representatives in certain central bodies, the role of which is purely consultative. Thus these changes did not effect any modification of the constitutional relationship between Portugal and the Territories. Nor do they represent any progress in the direction laid down in the resolutions. Further, the Portuguese Government has not taken any steps to discontinue its acts of repression or to establish conditions for the free functioning of political parties in the Territories. In the view of the Special Committee, this grave situation requires consideration, by the Security Council, of appropriate measures to secure compliance by Portugal with the resolutions. Meanwhile, the Special Committee has initiated a study of the activities of foreign economic and other interests which are impeding the application of the Declaration in these Territories and their accession to independence.

161. With regard to South West Africa, the Government of South Africa maintained its refusal to co-operate in the work of the Special Committee. In flagrant disregard of the resolutions of the General Assembly concerning South West Africa, the South African Government intensified the application of *apartheid* policies in the Territory. It also declared its intention to proceed with the implementation of the recommendations of the Commission of Enquiry into South West Africa Affairs 1962-1963, the ultimate effect of which would be the partition and disintegration of the Territory, and its absorption into South Africa. Further, the South African Government refused to permit the establishment in the Territory of an office of a United Nations Technical Assistance Representative. Some of the responsibility for South Africa's continued violation of the United Nations Charter and the Mandate, as well as the resolutions of the General Assembly, must rest with those States which have failed to take the measures envisaged in paragraph 7 of General Assembly resolution 1899 (XVIII). Those States which also condone and acquiesce in the support given to South Africa by their nationals who own and operate mining and other international companies in the Territory bear an additional share of the responsibility. In this connexion, the Special Committee has submitted a separate report in accordance with paragraph 8 of General Assembly resolution 1899 (XVIII) on the implications of the activities of the mining industry and other international companies having interests in South West Africa. The Special Committee has drawn the attention of the Security Council to the critical situation in the Territory which continues to be a serious threat to international peace and security.

162. The non-implementation of the Declaration in certain other Territories and the conditions of grave tension consequently prevailing in them were also a matter of serious concern to the Special Committee. In Aden, the maintenance by the United Kingdom Government of a state of emergency and the carrying out of military operations caused a deterioration in the situation and led to increased tension in the area. However, the United Kingdom Government refused to agree to a visit to the Territory by the Sub-Committee on Aden and, moreover, declined to receive it in London for discussions with a view to implementing the resolutions of the General Assembly and Special Committee concerning the Territory. Consequently, the Sub-Committee was denied the opportunity to discharge effectively the tasks entrusted to it. The Constitutional Conference held in June and July 1964, from which

¹⁰ For text of Chairman's letter and replies thereto, see A/AC.109/71, and Add.1 to 4.

representatives of several important sections of the population were excluded, was not in keeping with the resolutions on Aden; nor were the subsequent elections, which were held on the basis of a restricted franchise and in an atmosphere characterized by constraint and restriction of political freedom. In this connexion, it may be recalled that the establishment of an effective United Nations presence before and after these elections as requested by the General Assembly in its resolution 1949 (XVII) has also not been possible. In order to resolve the present dangerous situation and to ensure the prompt application of the Declaration, immediate measures require to be taken by the United Kingdom Government to implement the resolutions of the General Assembly and the Special Committee concerning the Territory.

163. Again, as regards British Guiana, the United Kingdom Government declined to permit a visit to the Territory by the Sub-Committee of Good Offices established by the Special Committee and failed to take the necessary measures to grant immediate independence to the Territory. Meanwhile, the conditions of disharmony, unrest and conflict in the Territory persisted. While noting that it is the intention of the United Kingdom Government to convene a constitutional conference as soon as possible after the elections to decide on a date for independence, the Special Committee considers that the solution to the problems of the Territory lies in the complete and immediate implementation of the relevant resolutions of the General Assembly and Special Committee.

164. Another important question affecting the implementation of the Declaration, which engaged the attention of the Special Committee, related to the smaller Territories in the Atlantic and Pacific Ocean areas and in the Caribbean. The Special Committee is convinced that the provisions of the Declaration are fully applicable to these Territories and that appropriate measures to this end should be taken without delay, in accordance with the freely expressed wishes of the people. At the same time, as was apparent during the Committee's consideration of these Territories, the task of formulating concrete recommendations for the total application of the Declaration was sometimes hampered by the lack of adequate information on the political, economic and social situation in the Territories concerned and as to the opinions, wishes and aspirations of the people. This consideration is of particular significance in view of the problems arising from the small size and population, geographical location and limited natural resources of many of these Territories.

165. For this reason, the Special Committee wishes to lay special stress on the importance of sending out visiting groups. Visiting missions would be of invaluable assistance to the Special Committee in obtaining first-hand information on the political, economic and social situation in the Territories concerned, in ascertaining the views of the people as regards their future and, where necessary, in bringing together through the use of good offices different political elements and thus to help them in attaining the goals laid down in the Declaration. As pointed out in the last report of the Special Committee, the carrying out of such functions by visiting missions does not amount to interference in the internal affairs of a Territory, nor does it detract from the responsibility of the administering Power for the internal administration of that Territory. On the contrary, it flows from the responsibilities of the United

Nations deriving from the provisions of the Charter and from the Declaration. The Special Committee, therefore, wishes to reiterate that, by refusing access to a visiting group established by the Special Committee to a Territory to which the Declaration is applicable, the administering Power concerned is denying the Special Committee one of the most effective means of discharging the tasks assigned to it by the General Assembly.

166. Another question affecting the implementation of the Declaration, which the Special Committee had to deal with, was that raised by disputes regarding sovereignty over certain Non-Self-Governing Territories. The Special Committee is convinced that the Declaration is fully applicable to such Territories and believes that such disputes can be peacefully resolved through negotiation, in keeping with the provisions of the Declaration and bearing in mind the interests of the peoples.

I. FUTURE WORK

167. In the light of the considerations set out above and taking into account the tasks still to be carried out, the Special Committee is of the opinion that the General Assembly should provide for the further examination during 1965 of the situation with regard to the implementation of the Declaration in the Territories already considered by the Special Committee as well as in those Territories that have not yet been considered. To that end, and in view of the valuable experience gained by the Special Committee during the last three years, the Special Committee considers that it would be desirable that its mandate be continued.

168. In this connexion, the Special Committee recommends to the Secretary-General and to the General Assembly to make the necessary provisions in order to facilitate the work of the Special Committee. In particular, provision should be made in the 1965 budget to cover the expenses of the activities of the Special Committee, including the cost of sub-committees or visiting groups, and for United Nations supervision of elections and other forms of consultation of the wishes of the inhabitants of colonial territories. In its conclusions and recommendations on specific territories contained in the various chapters of the report, the Special Committee has made reference to the need for visits to several of the Territories considered by it.

169. In its report on the Cook Islands, Niue and Tokelau Islands under New Zealand administration, the Special Committee has recommended that the people of these Territories should be enabled to express their wishes in accordance with the provisions of resolution 1514 (XV) through well-established democratic processes under United Nations supervision. At the general elections, scheduled to take place in the Cook Islands in early 1965, the chief issue will be the future status of the Territory. If the General Assembly approved that these elections be supervised by the United Nations, it would be necessary to make the necessary arrangements for such supervision as a matter of urgency.

170. The administering Powers should once again be requested to afford the Special Committee their fullest co-operation and, in particular, to facilitate visits to Territories, as the Committee may consider necessary, by Sub-Committees and visiting groups. The Special Committee also recommends that the General Assembly should urge the administering Powers concerned to co-operate with the United Nations with a view to the

establishment of United Nations presence, as called for in the relevant resolutions, in South West Africa and Aden as well as in such other territories as the General Assembly may consider necessary and desirable.

171. With regard to the Territories to which the Declaration is applicable, which have not yet been considered by the Special Committee, it is the intention of the Committee to consider them next year as a matter of priority. The Special Committee would also review the situation in the Territories already considered by

it in the light of the resolutions that might be adopted by the General Assembly at its nineteenth session and taking into account further developments in each of these territories.

J. APPROVAL OF THE REPORT

172. This report as a whole was adopted by the Special Committee at its 319th meeting, on 15 December 1964.

CHAPTER II

INFORMATION ON NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER AND RELATED QUESTIONS

1. By its resolution 1970 (XVIII) of 16 December 1963, the General Assembly dissolved the Committee on Information from Non-Self-Governing Territories and transferred certain of its functions, notably in regard to the study of information transmitted in accordance with Article 73 e of the Charter, to the Special Committee of Twenty-Four.

2. In a note (A/AC.109/L.97) of 14 February 1964, the Secretary-General drew the attention of the Special Committee to resolution 1970 (XVIII) and made suggestions concerning the procedures which the Committee might wish to follow. This note was considered by the Special Committee at its 219th and 220th meetings.

3. In compliance with the provisions of operative paragraph 5 of resolution 1970 (XVIII) and in accordance with the procedures suggested by the Secretary-General, the latest information transmitted by the Administering Members under Article 73 e of the Charter was used in the preparation of working papers on each Territory for the Special Committee. This information was taken into account by the Committee in its examination of the Territories concerned and is reflected in the chapter of the Committee's report dealing with each Territory.

4. At its 315th meeting on 17 November 1964 the Special Committee resumed its consideration of the Secretary-General's note, together with a report by the Secretary-General (A/AC.109/L.155) on the information which had been transmitted under Article 73 e of the Charter up to 30 September 1964 and on the action which had been taken in implementation of resolution 1970 (XVIII).

5. In the course of the debate the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America drew attention to further information which had been transmitted after 30 September 1964.

6. The representative of India said that the Committee had, in his opinion, adequately and completely discharged the responsibilities entrusted to it by making use of the information transmitted under Article 73 e in its working papers on the various Territories which would be included in its report to the General Assembly. The debates clearly indicated that the Committee had paid close attention to this information and the resolutions which it had adopted reflected the interest which it had taken in the economic, social and educational problems of the Non-Self-Governing Territories.

7. He regretted that the Government of Portugal had again failed to transmit any information in pursuance of Article 73 e of the Charter and of the resolutions of the General Assembly concerning the transmission of information by Administering Members. The Special Committee had once again to take note of the disregard by the Portuguese Government of the requests and resolutions of the United Nations. He hoped that the Government of Portugal would change its attitude and co-operate with the United Nations.

8. The representative of India also hoped that all Administering Members, which were required to do so, would transmit full and complete information on all the Territories under their administration which were declared by the United Nations to be Non-Self-Governing Territories.

9. At the 315th meeting, the Special Committee approved the Secretary-General's note and took note of the report, both of which it decided to include in its report to the General Assembly. These documents are reproduced as appendices I and II below.

APPENDIX I

Functions entrusted to the Special Committee relating to information on Non-Self-Governing Territories transmitted under Article 73 e of the Charter

Note by the Secretary-General

1. The General Assembly, at its eighteenth session, by resolution 1970 (XVIII) adopted on 16 December 1963, decided to dissolve the Committee on Information from Non-Self-Governing Territories. In the same resolution, the General Assembly:

"4. *Invites* Member States which have or which assume responsibilities for the administration of Territories whose peoples have not yet attained a full measure of self-government to transmit or continue to transmit to the Secretary-General information as prescribed under Article 73 e of the Charter, as well as the fullest possible information on political and constitutional development;

"5. *Requests* the Special Committee to study this information and take it fully into account in examining the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples in each of the Non-Self-Governing Territories, and to undertake any special study and prepare any special report it may consider necessary in addition to its activities under General Assembly resolutions 1654 (XVI) and 1810 (XVII);

"6. *Requests* the Secretary-General to continue to provide the Special Committee with all the facilities and personnel necessary for the implementation of the present resolution."

2. The attention of the Special Committee is drawn to the following points, which it may wish to take into account in carrying out the additional functions entrusted to it by resolution 1970 (XVIII).

I. TRANSMISSION OF INFORMATION BY ADMINISTERING MEMBERS

3. Operative paragraph 4 of resolution 1970 (XVIII) invites the Administering Members to transmit or continue to transmit to the Secretary-General information as prescribed under Article 73 e of the Charter, as well as the fullest possible information on political and constitutional development.

4. According to previous General Assembly resolutions,^a Members transmitting information under Article 73 e of the Charter are required to send to the Secretary-General annually the most recent information at their disposal, as early as possible and at the latest within a maximum period of six months following the expiration of the administrative year in the Non-Self-Governing Territories concerned.

5. The Secretary-General proposes to submit to the Special Committee each year a report giving the dates on which information under Article 73 e as well as information on political and constitutional developments is transmitted by the Administering Members concerned.

6. The Special Committee may wish to consider at an appropriate time in the course of its work during the year, the question of fulfilment by all Administering Members concerned of their obligation under Article 73 e. For this purpose, it may wish to include in its agenda an item entitled "Transmission of information under Article 73 e: Report of the Secretary-General".

II. STUDY OF THE INFORMATION TRANSMITTED BY ADMINISTERING MEMBERS

7. In operative paragraph 5 of resolution 1970 (XVIII), the Special Committee is invited to study the information transmitted and to take it fully into account in examining the situation in each Territory with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples.

8. Under the procedures established by the Special Committee, the Secretariat is required to submit to it working papers giving information on each of the Territories coming within the scope of its work. In the past, these working papers contained information mainly on political and constitutional developments, although information on economic matters was also included in some cases. Since the Special Committee is now called upon to study the information transmitted by the Administering Members and to take it fully into account in examining the situation with regard to the implementation of the Declaration in each of the Non-Self-Governing Territories, the working papers on individual Territories will be expanded to include, in a concise form, information on economic, social and educational conditions transmitted by the Administering Members.

9. In addition, information transmitted by the Administering Members, in its original form, will be made available on request to the Members. It will also be made available to the specialized agencies as necessary.

10. If the above procedure in regard to the treatment of the information is approved by the Special Committee, it is suggested that preparation of full summaries^b of the Article 73 e information be discontinued.

III. SPECIAL STUDIES AND SPECIAL REPORTS

11. General Assembly resolution 1970 (XVIII) also invites the Special Committee to undertake, in respect of the information transmitted by the Administering Members, any special study and prepare any special report which it may consider necessary in addition to its activities with regard to the

implementation of the Declaration on the granting of independence to colonial countries and peoples. The Special Committee may wish to consider the need for special studies or reports in respect of Non-Self-Governing Territories in general or in respect of individual Territories, as and when necessary.

IV. COLLABORATION OF UNITED NATIONS ORGANS AND THE SPECIALIZED AGENCIES

12. Under Article 73 of the Charter, Members of the United Nations responsible for the administration of Non-Self-Governing Territories, undertake:

"to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic and scientific purposes set forth in this Article".

The paragraphs which follow describe in outline the collaboration between United Nations organs and the specialized agencies.

A. Economic and Social Council

13. From an early date liaison was established with the Economic and Social Council in connexion with information relating to Non-Self-Governing Territories, and an interchange of information between the Council and the Committee set up by the General Assembly to examine the information transmitted under Article 73 e was formalized in resolution 220 (III) of 3 November 1948. It subsequently became the practice to inform the former Committee on Information from Non-Self-Governing Territories of relevant studies and decisions taken by the Economic and Social Council and for the Assembly to transmit to the Council the Committee's special reports on economic, social and educational conditions.

B. Specialized agencies

14. The agreements between the United Nations and the International Labour Organisation, the Food and Agriculture Organization and the United Nations Educational Scientific and Cultural Organization which came into effect on 14 December 1946, and the agreement between the United Nations and the World Health Organization, which came into effect on 10 July 1948, each contain an article whereby the agency "agrees to co-operate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of the Non-Self-Governing Territories".

15. Since 1946, the General Assembly has adopted a number of resolutions inviting the collaboration of the specialized agencies in regard to the information transmitted under Article 73 e of the Charter. In resolution 66 (I), for instance, the General Assembly invited ILO, FAO, UNESCO and WHO to send representatives in an advisory capacity to the meeting of the *Ad Hoc* Committee which met in 1947.

16. In 1947 and 1948, a general pattern was established providing for the collaboration of the specialized agencies in the work relating to Non-Self-Governing Territories. In resolution 145 (II) of 3 November 1947, the General Assembly invited the Secretary-General to enter into relations with the secretariats of the specialized agencies in order to provide for the continued assistance of the specialized agencies in dealing with the information transmitted under Article 73 e.

17. Since 1948, representatives of ILO, FAO, UNESCO and WHO have continued to participate in the work of the former Committee on Information from Non-Self-Governing Territories.

18. As a further step in ensuring that the advice, expert knowledge and experience of the specialized agencies would be used to the best advantage, the General Assembly also invited them to communicate to the United Nations information within their fields of competence. Under resolution 221 (III) of 3 November 1948, for example, the General Assembly invited the specialized agencies to inform any special committee,

^a Resolutions 66 (I) of 14 December 1946, 142 (II) of 3 November 1947 and 218 (III) of 3 November 1948.

^b See resolutions 142 (II) and 218 (III).

which the General Assembly may appoint, of the progress of any work undertaken by them which includes within its scope economic, social and educational conditions affecting Non-Self-Governing Territories. In resolution 330 (IV), the General Assembly requested UNESCO to inform it annually of measures taken towards the elimination of illiteracy in the Territories. Again, under resolution 331 (IV) of 2 December 1949, the General Assembly requested the appropriate international bodies to take full account of conditions in the Non-Self-Governing Territories in work undertaken by them in the economic, social and educational fields, and invited the specialized agencies concerned to communicate annually to the United Nations information on the progress of the work in these fields which would be of service in Non-Self-Governing Territories, including information on the extent to which their services have been provided for any of the Non-Self-Governing Territories.

C. Technical assistance

19. In 1948, by resolution 220 (III), the General Assembly drew the attention of the Administering Members to the arrangements for technical assistance approved by the Economic and Social Council, and invited the Secretary-General "to inform any special committee which the General Assembly may appoint of the extent and nature of such technical assistance rendered to the Non-Self-Governing Territories at the request of the Administering Members".

20. Following the establishment of the Expanded Programme of Technical Assistance, the Secretary-General was requested, in resolution 336 (IV) of 2 December 1949, to keep the Committee on Information informed of the nature of the technical assistance which was accorded to Non-Self-Governing Territories by specialized international bodies.

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* *

21. The various reports called for in the resolutions mentioned in paragraphs 13 to 20 above were in the past considered by the Committee on Information from Non-Self-Governing Territories which reported on them to the General Assembly. The Special Committee may wish to continue the collaboration with the Economic and Social Council and the specialized agencies, as envisaged in these resolutions, to consider any reports received by it on matters covered by these resolutions, and to report to the General Assembly as necessary.

22. It may be recalled in this connexion that a number of activities undertaken by the Economic and Social Council and the specialized agencies are of special interest to Non-Self-Governing Territories, including, for instance, those relating to industrialization, training of personnel for administration and other duties, housing and urban development as well as activities in connexion with the United Nations Development Decade, the promotion of agrarian reform, literacy campaigns and the supply of food, the world campaign for universal literacy and the world campaign against hunger, disease and ignorance. The Special Committee may therefore wish to invite the Economic and Social Council and the specialized agencies concerned to continue to give particular attention to the needs of the Non-Self-Governing Territories in connexion with these and other activities in the economic, social and educational fields, and to extend their assistance to the Non-Self-Governing Territories in all possible ways.

APPENDIX II

Information on Non-Self-Governing Territories transmitted Under Article 73 e of the Charter and related questions Report of the Secretary-General

Introduction

1. At its eighteenth session, the General Assembly, by resolution 1970 (XVIII), adopted on 16 December 1963, decided to dissolve the Committee on Information from Non-

Self-Governing Territories. In the same resolution, it requested the Special Committee of Twenty-Four to study the information transmitted under Article 73 e of the United Nations Charter. The relevant operative paragraphs of resolution 170 (XVIII) read as follows:

"4. *Invites* Member States which have or which assume responsibilities for the administration of Territories whose people have not yet attained a full measure of self-government to transmit or continue to transmit to the Secretary-General information as prescribed under Article 73 e of the Charter, as well as the fullest possible information on political and constitutional development;

"5. *Requests* the Special Committee to study this information and take it fully into account in examining the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples in each of the Non-Self-Governing Territories and to undertake any special study and prepare any special report it may consider necessary in addition to its activities under General Assembly resolutions 1654 (XVI) and 1810 (XVII);"

2. In a note (A/AC.109/L.97) of 14 February 1964, the Secretary-General drew the attention of the Special Committee to resolution 1970 (XVIII) and made suggestions concerning the procedures which the Special Committee might wish to follow in discharging the additional functions devolving upon it as a result of the dissolution of the Committee on Information from Non-Self-Governing Territories.

3. In his statement at the 219th meeting of the Special Committee, the Secretary-General referred to the above note and requested the Committee to express its views on the manner in which it proposed to carry out these additional functions. During the ensuing discussion on the organization of the Special Committee's work, some representatives referred to the note and endorsed suggestions contained therein.

4. This report deals, under separate headings, with each of the topics contained in the Secretary-General's note and also gives the dates on which information was transmitted by Administering Members as stipulated in Article 73 e of the Charter.

TRANSMISSION OF INFORMATION UNDER ARTICLE 73 e OF THE CHARTER

5. Member States transmitting information under Article 73 e of the Charter are required to send to the Secretary-General annually the most recent information at their disposal, as early as possible and at the latest within a maximum period of six months following the expiration of the administrative year in the Non-Self-Governing Territories concerned.

6. The administrative year varies in different Territories. In Territories administered by the United Kingdom of Great Britain and Northern Ireland, France and Spain it corresponds with the calendar year, but in Territories administered by New Zealand it extends from 1 April to 31 March, while in the case of Territories administered by Australia and the United States of America it extends from 1 July to 30 June. The table at the end of this report shows the dates on which the information called for in Article 73 e was transmitted to the Secretary-General during the period 1 January 1963 to 30 September 1964. The Territories included in the table are those listed in the report of the Committee on Information from Non-Self-Governing Territories to the General Assembly at its eighteenth session.^a

7. The information transmitted under Article 73 e follows in general the standard form approved by the General Assembly and includes information on geography, history, population, economic, social and educational conditions. In the case of territories under the administration of Australia, New Zealand and the United States of America, the annual reports of the Territories, which also included information on constitutional matters, were transmitted. Additional information on political

^a Official Records of the General Assembly, Eighteenth Session, Supplement No. 14 (A/5514), part one, annex II.

and constitutional developments in Territories under United Kingdom administration was also transmitted in 1963.^b

STUDY OF THE INFORMATION

8. In compliance with the provisions of operative paragraph 5 of resolution 1970 (XVIII) and in accordance with the procedure suggested in paragraphs 8 and 10 of the Secretary-General's note (A/AC.109/L.97), the information transmitted by Administering Members under Article 73 c of the Charter was used in the preparation of working papers on each Territory for the Special Committee. Since it is the practice of the Special Committee to take into account the latest information available on each Territory at the date of its examination, and since the Committee is in session during a large part of the year, this procedure enabled the Special Committee to take into account information which was transmitted during 1963 and 1964.

SPECIAL STUDIES AND SPECIAL REPORTS

9. Up to 30 September 1964, the Special Committee had not made any special studies or prepared any special reports which involved the use of information transmitted under Article 73 c.

COLLABORATION OF UNITED NATIONS ORGANS AND THE SPECIALIZED AGENCIES

10. It was the practice for the Committee on Information from Non-Self-Governing Territories to transmit to the Economic and Social Council any special reports on economic, social and educational conditions in Non-Self-Governing Territories prepared by it and to receive information on any studies or decisions by the Council which were relevant to the Committee's work. Up to 30 September 1964, the Special Committee had not completed any study of this nature, although a study on the implications of the mining industry and of other international companies having interests in South West Africa was being prepared by Sub-Committee I. Likewise, although many of the items discussed by the Council at its thirty-seventh session were of concern to developing countries in general, none was specifically related to matters under consideration by the Special Committee.

11. Collaboration of the specialized agencies with the Special Committee has been established by the presence of representatives of the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the Food and Agricultural Organization (FAO) at meetings of the Special Committee.

12. In accordance with General Assembly resolution 330 (IV) of 2 December 1949, UNESCO transmitted the text of its annual report for 1963-1964 on measures taken towards the elimination of illiteracy in the Non-Self-Governing Territories. The report on this subject for the period 1962-1963 is contained in document A/AC.35/L.373.

^b *Ibid.*

13. Since the subject matter does not relate to any specific item on the agenda of the Special Committee, the report by UNESCO for the period 1963-1964 has not been circulated pending a decision by the Special Committee on the procedures for dealing with reports of this nature.

TECHNICAL ASSISTANCE

14. In resolutions 220 (III) of 3 November 1948 and 336 (IV) of 2 December 1949, the General Assembly requested that the Committee on Information from Non-Self-Governing Territories be kept informed of technical assistance rendered to these Territories by the United Nations and the specialized agencies.

15. Details of the technical assistance rendered to Non-Self-Governing Territories during 1963 under the Expanded Programme of Technical Assistance are available in the annual report of the Technical Assistance Board to the Technical Assistance Committee (E/3871/Rev.1). It was stated in the report that the total cost of projects in operation under the Expanded Programme in 1963 amounted to \$39,498,502, of which \$1,311,144 was expended on projects in Non-Self-Governing Territories. The cost of regional projects, many of which were of interest to Non-Self-Governing Territories, amounted to \$1,426,035 in the case of Africa, \$1,063,733 in the case of Asia and the Far East, \$1,503,883 for the Americas and \$542,992 for the Middle East. Inter-regional projects accounted for \$2,039,904.

16. Technical assistance to Non-Self-Governing Territories by specialized agencies under regular and other programmes, including the malaria eradication programme of WHO, amounted to \$580,837 in 1963. Detailed information on the assistance furnished to the three Territories of Basutoland, Bechuanaland and Swaziland, which are the object of special concern in the light of General Assembly resolution 1954 (VIII) of 11 December 1963, is set out in document A/AC.109/98.

17. Apart from the Expanded Programme and the regular programmes of technical assistance referred to above, there are special programmes established by the General Assembly specifically for the purpose of providing training for inhabitants of Non-Self-Governing Territories. The first of these was established by General Assembly resolution 845 (IX) of 22 November 1954, whereby the General Assembly invited Member States to extend to the inhabitants of Non-Self-Governing Territories offers of facilities for study and training not only at university level but also, and in the first place, at the post-primary, technical and vocational levels. Other programmes were established under General Assembly resolutions 1808 (XVII) of 14 December 1962 and 1973 (XVIII) of 16 December 1963, for the training of indigenous people of Territories under Portuguese administration, and under resolutions 1705 (XVI) of 19 December 1961 and 1901 (XVIII) of 13 November 1963 for the training of South West Africans.

18. The special programmes referred to in the preceding paragraph are the subject of separate items on the provisional agenda of the General Assembly at its nineteenth session, when reports by the Secretary-General on the implementation of the several resolutions will be examined.

TABLE

DATES OF TRANSMISSION OF INFORMATION UNDER ARTICLE 73 c^a

(1 January 1963 to 30 September 1964)

(This table includes all Territories listed in Annex II of the report of the Committee on Information from Non-Self-Governing Territories to the eighteenth session of the General Assembly (A/5514)).

	Date of transmission	
	for 1962	for 1963
Australia (1 July-30 June):		
Cocos (Keeling) Islands.....	24 May 1963	13 February 1964
Papua	6 February 1964 ^b	
France (calendar year):		
Comoro Archipelago ^c	—	
French Somaliland ^c	—	
New Hebrides (Condominium with the United Kingdom)	23 April 1964	
New Zealand (1 April-31 March of following year):		
Cook Islands	29 January 1964	
Niue Island	29 January 1964	
Tokelau Islands	29 January 1964	
Portugal:		
Angola, including Cabinda.....	—	
Cape Verde Archipelago.....	—	
Guinea (Portuguese)	—	
Macau and dependencies.....	—	
Mozambique	—	
São Tomé and Príncipe and dependencies....	—	
Timor (Portuguese) and dependencies.....	—	
Spain (calendar year):		
Fernando Póo	26 February 1963	29 June 1964
Ifni	26 February 1963	29 June 1964
Río Muni	26 February 1963	29 June 1964
Spanish Sahara	26 February 1963	29 June 1964
United Kingdom (calendar year):		
Aden	28 October 1963	
Antigua	5 September 1963	14 September 1964
Bahamas	22 August 1963	
Barbados	18 June 1963	
Basutoland	18 July 1963	
Bechuanaland	6 December 1963	20 August 1964
Bermuda	25 September 1963	
British Guiana	17 July 1963	14 July 1964
British Honduras	29 July 1963	22 June 1964
British Virgin Islands.....	16 December 1963	
Brunei	3 July 1963	30 June 1964
Cayman Islands	5 April 1963	
Dominica	29 July 1963	21 August 1964
Falkland Islands	3 July 1963	23 June 1964
Fiji	9 April 1963	12 May 1964
Gambia	12 August 1963	
Gibraltar	29 April 1964	20 August 1964
Gilbert and Ellice Islands.....	6 May 1963	17 June 1964
Grenada	14 June 1963	10 September 1964
Hong Kong	7 June 1963	
Jamaica	—	
Kenya	3 July 1963	
Malta	—	
Mauritius	19 June 1963	22 June 1964
Montserrat	23 October 1963	20 August 1964
New Hebrides (condominium with France) ..	2 August 1963	23 June 1964
North Borneo	1 July 1963	
Northern Rhodesia	25 July 1963	
Nyasaland	30 July 1963	
Pitcairn Islands	25 May 1963	13 May 1964
St. Helena	29 May 1963	12 June 1964

Table (continued)

	Date of transmission	
	for 1962	for 1963
St. Kitts-Nevis-Anguilla	2 March 1964	
St. Lucia	18 December 1963	
St. Vincent	9 September 1963	10 September 1964
Sarawak	—	
Seychelles	14 June 1963	14 September 1964
Singapore	—	
Solomon Islands	21 June 1963	23 June 1964
Southern Rhodesia	—	
Swaziland	20 March 1964	
Trinidad and Tobago	—	
Turks and Caicos Islands	18 July 1963	
Uganda	—	
Zanzibar	26 September 1963	
United States of America (1 July-30 June):		
American Samoa	18 February 1964	
Guam	30 April 1963	
Virgin Islands of the United States	30 April 1963	
<i>Information transmitted between 30 September and 30 November 1964</i>		
	Date of transmission	
	for 1963	
Australia:		
Papua		25 November 1964
New Zealand:		
Cook Islands		27 November 1964
Niue Island		27 November 1964
Tokelau Islands		27 November 1964
United Kingdom:		
Aden		28 October 1964
Bahamas		28 October 1964
Barbados		20 October 1964
Basutoland		10 November 1964
Bermuda		13 October 1964
British Virgin Islands		9 October 1964
Cayman Islands		9 October 1964
Gambia		13 October 1964
Hong Kong		30 October 1964
St. Kitts-Nevis-Anguilla		30 October 1964
St. Lucia		23 November 1964
Swaziland		30 November 1964
Turks and Caicos Islands		2 November 1964
United States of America:		
Guam		13 November 1964
Virgin Islands of the United States		13 November 1964

^a Includes Territories which have since become independent.

^b For period 1961-1962.

^c On 27 March 1959, the Government of France notified the Secretary-General that this Territory had attained internal autonomy and, consequently, the transmission of information thereon had ceased as from 1957.

CHAPTER III

SOUTHERN RHODESIA

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963, BY THE SECURITY COUNCIL AND BY THE GENERAL ASSEMBLY DURING ITS EIGHTEENTH SESSION

1. Following the adoption by the General Assembly at its seventeenth session of resolution 1760 (XVII) on 31 October 1962, the Special Committee again considered the question of Southern Rhodesia at its meetings in 1963. At the conclusion of the general debate, the Special Committee decided to set up a

Sub-Committee to visit London and undertake conversations with the Government of the United Kingdom concerning Southern Rhodesia.

2. The Sub-Committee on Southern Rhodesia, composed of representatives of Mali, Uruguay, Syria, Sierra Leone, Tanganyika, and Tunisia, visited London from 20 to 26 April and unanimously adopted its report¹

¹ Official Records of the General Assembly, Eighteenth Session, Annexes, Addendum to item 23, document A/5446/Rev.1, chapter III, Appendix.

on 8 May 1963. The Sub-Committee gained the impression that the United Kingdom Government intended to seek, through persuasion, a compromise solution aimed at widening the franchise but not in a way desired by Africans nor according to the terms of General Assembly resolutions. The Sub-Committee was of the opinion, *inter alia*, that the United Kingdom, consistent with its obligations to protect the interests of the majority of the Territory's inhabitants, should take a more direct and positive position concerning future action. It believed that there would be serious repercussions if the present stalemate was allowed to continue. Therefore, in the absence of any favourable developments in the immediate future, it recommended that the Special Committee should consider ways and means of dealing with the question on an urgent basis. It believed that such means might include: consideration of the question at a special session of the General Assembly; drawing the situation to the attention of the Security Council; and requesting the Secretary-General to draw the attention of the United Kingdom to the seriousness of the situation and to continue to lend his good offices in accordance with the mandate given to him by the General Assembly in resolution 1760 (XVII).

3. On 5 June, the Secretary-General submitted to the Special Committee a further report (A/AC.109/33/Add.1) in accordance with paragraph 4 of General Assembly resolution 1760 (XVII) by which he was requested to "lend his good offices to promote conciliation among the various sections of the population of Southern Rhodesia by initiating prompt discussions with the United Kingdom Government and other parties concerned, with a view to achieving the objectives set out in this and all the other resolutions of the General Assembly on the question of Southern Rhodesia, and to report to the Assembly at its present session as well as to the Special Committee...". This report contained letters exchanged between the Secretary-General and the Permanent Representative of the United Kingdom to the United Nations. In his letter dated 26 February 1963 the Secretary-General enquired once again about the views of the Government of the United Kingdom in connexion with paragraph 4 of the resolution in order that he might take them fully into account before considering any further action in implementation of that paragraph. In his reply dated 21 May 1963, the Permanent Representative of the United Kingdom stated that as a result of previous exchanges between his Government on the one hand, and the Sub-Committee of the Special Committee and the Secretary-General on the other, his Government's attitude towards that resolution should be abundantly clear. He also stated his Government's belief that the Secretary-General would understand the difficulties which lay in the way of compliance with that resolution being contemplated.

4. After considering the report of the Sub-Committee on Southern Rhodesia, the Special Committee, on 20 June 1963, adopted a resolution² which called upon the United Kingdom Government to abrogate the 1961 Constitution, to hold without delay a constitutional conference in which representatives of all political parties of Southern Rhodesia would take part with a view to making constitutional arrangements for independence on the basis of universal suffrage including the fixing of the earliest date for independence, and to declare unequivocally that it would not transfer the powers and attributes of sovereignty to any government con-

stituted under the 1961 Constitution. It recommended that, if developments necessitated and circumstances warranted, a special session of the General Assembly should be convened to consider the situation in the Territory; and that in any event, the question of Southern Rhodesia should be placed on the agenda of the eighteenth regular session of the General Assembly as a matter of high priority and urgency. Finally, it drew the attention of the Security Council to the deterioration of the explosive situation which prevailed in Southern Rhodesia.

5. The text of this resolution was transmitted on 21 June 1963 to the United Kingdom Government, the President of the Security Council and the President of the fourth special session of the General Assembly. On 26 June 1963, the Chairman of the Special Committee transmitted to the President of the Security Council the Special Committee's report on Southern Rhodesia (S/5378).

6. On 2 August 1963, the representative of Ghana, Guinea, Morocco and the United Arab Republic addressed to the President of the Security Council a communication (S/5382) drawing attention to the refusal of the United Kingdom to comply with General Assembly decisions on Southern Rhodesia and protesting the proposed transfer to the Government of that Territory of extensive powers, including the control of substantial military forces recruited on a racial basis. According to this communication, these circumstances posed an immediate and grave danger to the peace and security of the African continent. A meeting of the Security Council should therefore be convened in order to take appropriate measures. This request was subsequently endorsed by the representatives of twenty-eight other African States (S/5409).

7. The Security Council considered this matter at its 1064th to 1069th meetings between 9 and 13 September 1963. On 13 September 1963 the Council failed to adopt, because of the negative vote of a permanent member, a draft resolution co-sponsored by Ghana, Morocco and the Philippines which would have invited the United Kingdom not to transfer any powers and attributes of sovereignty to Southern Rhodesia until a fully representative government had been established. The draft resolution would also have invited the United Kingdom Government not to transfer to Southern Rhodesia armed forces and aircraft as envisaged by the Central African Conference in June 1963. The vote was 8 in favour to 1 against (United Kingdom) with 2 abstentions (France and the United States).

8. At its eighteenth session, the General Assembly, on the recommendation of the Fourth Committee, adopted two resolutions on the question of Southern Rhodesia. On 14 October 1963, it adopted resolution 1883 (XVIII), which was similar to that which failed of adoption in the Security Council.

9. During its consideration of the question of Southern Rhodesia, the Fourth Committee, in October 1963, heard statements by Mr. Robert Mugabe, Secretary-General of the Zimbabwe African National Union and Mr. George Silundika, Secretary of Publicity, Zimbabwe African People's Union.³

10. On 11 October 1963, in response to a request concerning the action taken by the Secretary-General in the matter of Southern Rhodesia since his last report and on the action envisaged in the future, the Under-

² *Ibid.*, chapter III, para. 282.

³ *Ibid.*, Eighteenth Session, Fourth Committee, 1442nd and 1449th meetings.

Secretary for Trusteeship and Information from Non-Self-Governing Territories made a statement to the Fourth Committee. In this statement he recalled the two reports of the Secretary-General on the implementation of operative paragraph 4 of General Assembly resolution 1760 (XVII) and informed the Committee that in view of the terms of the reply received from the Permanent Representative of the United Kingdom, and having regard to the Special Committee's own examination of the reports of the Subcommittee and of the Secretary-General, as well as to the subsequent discussions in the Security Council, it had not been possible to take additional steps for the implementation of paragraph 4 of that resolution. The Secretary-General had, however, maintained continuous contact with the Permanent Representative of the United Kingdom. The Under-Secretary also referred to a statement made by Mr. Butler, then Minister responsible for Central African Affairs, in the United Kingdom House of Commons on 16 July 1963. In this statement Mr. Butler had told the House of Commons that while the matter of the independence of Southern Rhodesia was open, the United Kingdom Government had not got further than the suggestion that it would look to the Southern Rhodesia Government to submit proposals for any amendments of the Constitution which would result in broadening the basis of representation of the Legislature to take effect as soon as practicable.

11. On 6 November 1963, the General Assembly adopted resolution 1889 (XVIII), recommended to it by the Fourth Committee, on this question. The operative paragraphs of this resolution were as follows:

"The General Assembly,

"

"..."

"1. Approves the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, particularly its conclusions and recommendations, and expresses appreciation for its work;

"2. Reaffirms the inalienable right of the people of Southern Rhodesia to self-determination and independence;

"3. Expresses its appreciation to the Secretary-General for his efforts in connexion with the question of Southern Rhodesia;

"4. Expresses deep regret that the Government of the United Kingdom of Great Britain and Northern Ireland has not implemented the various resolutions of the General Assembly on Southern Rhodesia;

"5. Calls upon the Government of the United Kingdom not to accede to the request of the present minority government of Southern Rhodesia for independence until majority rule based on universal adult suffrage is established in the Territory;

"6. Once more invites the Government of the United Kingdom to hold without delay a constitutional conference in which representatives of all political parties of the Territory will take part with a view to making constitutional arrangements for independence, on the basis of universal adult suffrage, including the fixing of the earliest possible date for independence;

"7. Urges all Member States, in particular those having the closest relations with the Government of the United Kingdom, to use their influence to the

utmost with a view to ensuring the realization of the legitimate aspirations of the peoples of Southern Rhodesia;

"8. Requests the Secretary-General to continue to lend his good offices to promote conciliation in the Territory, as stated in paragraph 4 of resolution 1760 (XVII), and to report both to the General Assembly during the eighteenth session and to the Special Committee on the results of his efforts;

"9. Decides to keep the question of Southern Rhodesia on the agenda of its eighteenth session."

12. On 11 December 1963, the Secretary-General submitted to the Assembly a report⁴ on the implementation of operative paragraph 8 of this resolution. In his report, the Secretary-General stated that he had submitted the text of resolution 1889 (XVIII) to the Permanent Representative of the United Kingdom on 8 November 1963 and subsequently discussed the question with him. On 10 December 1963, the Secretary-General had received in reply a letter from the Permanent Representative of the United Kingdom recalling the difficulties in the way of his Government's compliance with the United Nations resolutions on Southern Rhodesia. His Government acknowledged the honest concern shown by many Members of the United Nations about the future of Southern Rhodesia and thought it right to inform the United Nations of its policy regarding Southern Rhodesia's constitutional status. His Government's intention was to work towards a solution to the problems which faced the Territory in a manner best calculated to achieve such a solution. In conclusion, the report stated that, bearing in mind the mandate given by the General Assembly, the Secretary-General had also undertaken conversations with representatives of African countries in the hope that the Organisation of African Unity might assist in preparing the ground for initiating discussions with the other parties concerned.

B. INFORMATION ON THE TERRITORY

1. General

13. Information on the Territory is already contained in the Special Committee's first report on Southern Rhodesia,⁵ which was considered by the General Assembly at its resumed sixteenth session, and in its reports for the seventeenth and eighteenth sessions of the General Assembly.⁶ Supplementary information on recent developments is set out below.

2. Status of the Territory

14. On 11 February 1964, in reply to a question concerning a reported decision that the United Kingdom Government would henceforth refrain from officially referring to Southern Rhodesia as a Colony, the Secretary of State for Commonwealth Relations and for the Colonies gave the following reply:

"We usually try to avoid, as far as possible, the use of the term 'Colony' when referring to territories which have reached an advance stage of internal self-government. There is no constitutional significance in this. Mr. Field drew my attention to

⁴ *Ibid.*, Eighteenth Session, Annexes, agenda item 75, document A/5664.

⁵ *Ibid.*, Sixteenth Session, Annexes, agenda item 97, document A/5124.

⁶ *Ibid.*, Seventeenth Session, Annexes, addendum to item 25, document A/5238, chapter II; *ibid.*, Eighteenth Session, Annexes, addendum to item 23, document A/5446/Rev.1, chapter III.

the fact that we had on some occasions departed from this practice in respect of Southern Rhodesia. I assured him that if that was so, it was unintentional."

3. Political development

The question of independence

15. Following the visit, mentioned in the Special Committee's last report, of Mr. R. A. Butler, the United Kingdom Minister responsible for Central African Affairs, to Central Africa in January and February 1963, he had discussions with representatives of the Federal Government and of the Governments of Northern and Southern Rhodesia with the object of finding a basis on which a conference on the future association between the Territories might be held. In the light of the views expressed in these discussions, the United Kingdom Government accepted in March 1963 the principle that any Territory which so wished could secede from the Federation.

16. The Government of Southern Rhodesia did not oppose the principle of secession but made an immediate and formal request for the granting of independence on the first date on which either of the other Territories, Northern Rhodesia, or Nyasaland, was allowed to secede or obtained its independence. The Southern Rhodesian Government also declared that, without an undertaking to this effect, it would not attend the proposed conference.

17. The United Kingdom Government replied that although it accepted in principle that Southern Rhodesia, like the other Territories, would proceed through the normal processes to independence, it would not be possible to make Southern Rhodesia a fully independent country whilst it remained in the Federation, which was not itself independent. Discussions about the broad lines of a future relationship between the Territories were therefore necessary before Southern Rhodesia could be in the constitutional position to move to full independence. When this stage was reached, the United Kingdom Government would expect to convene a conference to discuss financial, defence, constitutional and other matters prior to independence.

18. The Southern Rhodesian Government was unable to accept this view and repeated its request in April 1963. While recognizing the desirability of discussions between the Territories on future relationship, it insisted on the prior recognition of its right to independence. It could not accept the idea of a subsequent conference to discuss financial, defence, constitutional and other matters before independence, since it had been entirely responsible for its own financial affairs and defence before the Federation came into being, and since, with regard to constitutional matters, the United Kingdom's reserve powers had been eliminated under the 1961 Constitution.

19. The United Kingdom Government's reply in May 1963 was that there were matters of mutual interest, including the exercise of the powers for amending Southern Rhodesia's Constitution, which had to be discussed if the transfer of sovereignty on the grant of independence was to be effected in an orderly manner. Further, none of the members of the Federation would become independent while the Federation remained in existence and the Federation could be brought to an end only by United Kingdom legislation. If the Southern Rhodesian Government would co-operate in discussing matters which must be resolved before in-

dependence could be granted, the United Kingdom Government would undertake to enter into negotiations with Southern Rhodesia on the subject of independence not later than the date on which similar negotiations were initiated with either of the other Territories.

20. The response of the Southern Rhodesian Government was to ask that Southern Rhodesia be given full independence not later than the date of the dissolution of the Federation, that pre-independence discussions should take place and that agreement be reached on all requirements for independence before the conference on dissolution. The United Kingdom Government then proposed that discussions on Southern Rhodesia's independence should begin in London without delay and that, at the same time, invitations be issued to the Governments concerned to attend a conference on the orderly dissolution of the Federation and on future links between the Territories.

21. Discussions accordingly took place in London at the end of May 1963 between Mr. R. A. Butler and Mr. Winston Field, the Prime Minister of Southern Rhodesia, but agreement was not reached on the basis for the grant of independence. In a subsequent message to Mr. Butler, Mr. Field stated that the terms suggested by the United Kingdom as a basis for independence were unacceptable to the Southern Rhodesian Government and invited him to discuss the question further, in Southern Rhodesia. Mr. Butler agreed to meet Mr. Field at Victoria Falls prior to the conference on dissolution scheduled to start there on 28 June 1963, and on the understanding that, at this meeting, discussion would be resumed of the question of broadening the basis of representation in the Southern Rhodesian Legislature and of future development of policy on non-discrimination.

22. In a speech to the Southern Rhodesian Parliament on 18 June 1963, Mr. Field restated the reasons for Southern Rhodesia's demand for independence. He recalled that during his discussions with the United Kingdom Government, he had encountered little opposition on the validity of Southern Rhodesia's claim to independence but the United Kingdom Government had rejected a suggestion that the bill enabling the dissolution of the Federation should include powers to grant all the Territories independence at the same time. The United Kingdom had also stipulated that certain constitutional changes be made which would lead to more representative government, although the existing Constitution had been negotiated by the United Kingdom Government for this very purpose and accepted as such. He had been informed that there was opposition to independence for Southern Rhodesia under the present Constitution from members of the Commonwealth, particularly some of the new members. The older Commonwealth countries, Australia, Canada, and New Zealand, had also expressed to him the hope that Southern Rhodesia would move towards a franchise whereby the African would have the same rights as the European. His Government, for its part, was prepared to consider changes in the "B" roll franchise, to simplify it so that the system of voting might be understood by all.

23. At the Victoria Falls Conference, which was attended by representatives of the Federal Government, the Governments of Northern and Southern Rhodesia and observers from Nyasaland, general agreement was reached that arrangements should be made for the orderly and speedy transfer of Federal responsibilities to the Territories, and that where practicable the trans-

fer of particular services should be effected in advance of the dissolution of the Federation. The Conference established two main Committees, which, as inter-governmental negotiating bodies, would study and recommend solutions to the complex problems involved. The Conference was also able to reach agreement on guide-lines for these Committees on a number of matters. Among these was the reversion of the control of the armed forces to the pre-Federation position when the dissolution took effect, with the air force accruing to Southern Rhodesia, as well as arrangements to permit members of the forces to opt in which Territory they wished to serve.

24. In a speech to the House of Commons on 11 July 1963, Mr. Butler stated that the position with regard to independence for Southern Rhodesia had been left open, following the exchange of letters described above. So far as the United Kingdom Government was concerned, the position was still one for further consideration. The House was also informed that the conversations which took place with Mr. Field at Victoria Falls were simply an examination of the problem without any undertakings or pledges by Mr. Butler.

25. Addressing the annual congress of the Rhodesian Front on 20 September 1963, Mr. Field affirmed that, though the United Kingdom was being unco-operative in the matter, the issue of Southern Rhodesia's independence had not been dropped, but that it was necessary first to complete the exercise of dissolving the Federation. The congress unanimously adopted a resolution expressing support for the Prime Minister in his determination to secure independence for Southern Rhodesia, provided no conditions were attached and the 1961 Constitution remained unaltered. On 26 September 1963, following the announcement of the date for Nyasaland's independence, Mr. Field reiterated that if independence was accorded to one Territory, it should be accorded to all on the break-up of the Federation.

26. At the annual congress of the Rhodesia National Party on 4 October 1963, Sir Edgar Whitehead, Leader of the Opposition, expressed himself in favour of a negotiated independence within the Commonwealth. He also said that an African majority government was not called for as the country was not ready for this, but that the Africans must be given greater representation in Parliament.

27. On 25 October 1963, before the departure for London of Mr. Ian Smith, the Southern Rhodesian Minister of the Treasury, for talks with the United Kingdom Government, Mr. Field declared that Southern Rhodesia would request further urgent discussions with the United Kingdom on independence, and might have to make firm proposals itself if nothing definite emerged. He would continue to negotiate, but not to the extent of handing over authority to those as yet unfitted and untrained for it.

28. Commenting on his talks with United Kingdom Ministers, Mr. Smith said, on 7 November 1963, that the United Kingdom Government had not yet opened any line of advance towards Southern Rhodesia's independence. If this was not settled before Nyasaland's independence, the Southern Rhodesian electorate might turn against the Government. On 12 November 1963, the Prime Minister of the United Kingdom told the House of Commons, in reply to questions about Southern Rhodesia, that his Government accepted the principle that the majority should rule, but that minorities should be protected; this principle would apply if the

question of independence for Southern Rhodesia came up for consideration after the dissolution of the Federation.

29. On 15 November 1963, the Commonwealth Relations and Colonial Secretary stated in a speech to the House of Commons that the United Kingdom Government was prepared to grant independence to Southern Rhodesia in the same circumstances as it had granted it to other British Territories. In particular, the United Kingdom Government looked for a widening of the franchise so as to give greater representation to the Africans who constituted nine-tenths of the population but had less than a quarter of the seats in Parliament. He further explained that, in order not to cause injury to the unity of the Commonwealth, its members would have to be consulted as to the terms on which independence within the Commonwealth would be granted to Southern Rhodesia.

30. However, replying to a question in the Southern Rhodesian Parliament on 21 November 1963, Mr. Field denied that the question of Southern Rhodesia's independence was one for Commonwealth consultation. Asked what changes he would be prepared to make to the Constitution before independence, he said that certain changes to the "B" roll were being proposed and that his Government was considering every approach.

31. Opening a parliamentary debate on the Southern Rhodesia independence question on 26 November 1963, Mr. Smith remarked he had gained the impression from his discussions in London that the United Kingdom Government was thinking in terms of African majority rule in five years. In his Government's opinion, however, independence under the present Constitution was essential for political stability and the recovery of economic confidence. He urged that, in view of the United Kingdom's record of broken pledges, Southern Rhodesia should stand up for its rights. Mr. Field, in his turn, stated that the Southern Rhodesian Government was prepared to continue discussions with the United Kingdom but that a negotiated settlement before the general elections in the United Kingdom would be nothing but a hand-over to African nationalism at the next Southern Rhodesian elections. Also addressing the House, Sir Edgar Whitehead warned that, if the Government took illegal and unconstitutional action to achieve independence, Southern Rhodesia would crash within six months. A long-term solution, in his view, must rest with all the people and not with one section of the community.

32. On 3 December 1963 in the United Kingdom House of Commons, the Prime Minister, Sir Alec Douglas-Home stated, in answer to questions, that the Commonwealth Relations and Colonial Secretary was in touch with the Commonwealth Prime Ministers on the question. On 19 December 1963, he explained in reply to another question that what had been suggested was not that other Commonwealth countries should share in a decision concerning Southern Rhodesia but that they might be able to help towards a solution.

33. The dissolution of the Federation came into effect on 1 January 1964. Nyasaland will become independent on 6 July 1964 and Northern Rhodesia is also expected to attain independence during the year. According to an announcement previously made by the Federal Ministry of Defence, the agreements reached between the Territories and the United Kingdom Government provided for the following disposition of the Federation's armed forces to take effect from the

date of dissolution. The Royal Rhodesian Air Force, slightly reduced in strength to about seventy-five aircraft, would revert to Southern Rhodesian control. In addition, Southern Rhodesia would have a squadron of the Special Air Services Regiment, comprising about 150 fully trained parachute commandos. The Selous Scouts armoured car squadron would be disbanded and its members be offered positions in other units. The regular army of Southern Rhodesia would consist of two brigades, each comprising a regular infantry battalion and an active Territorial battalion. The total strength of the regular army would be about 3,400 men, amounting to just under one half of the Federal regular army.

34. In a New Year broadcast, Mr. Field referred to the financial costs of dissolution and to his previous warning of the necessity to face up to some belt-tightening. He also expressed willingness to undertake informal talks with the Opposition on the question of independence. He affirmed that his Government must attempt to secure a negotiated settlement of the question but that if this was not possible, it would have to think again.

35. On 10 January 1964, Sir Edgar Whitehead again warned that a unilateral declaration of Southern Rhodesian independence would bring complete disaster and that the outside world would not recognize the régime founded upon it. He criticized the Government for trying to negotiate independence without bringing in outside parties. Meanwhile, Mr. Smith, now Deputy Prime Minister and Minister for the Treasury, was quoted as saying that if Southern Rhodesia declared its independence, there would be no belt-tightening. Indeed the days of belt-tightening would be over and the attendant excitement in financial circles would be short-lived. Whatever the United Kingdom Government said or did would not make the slightest difference to Southern Rhodesia's intention to get independence.

36. On 18 January 1964, Mr. Joshua Nkomo, President of the People's Caretaker Council, declared that he would never allow the granting of independence to the minority Government of Mr. Field and urged that all Africans be prepared to resist a unilateral declaration of independence by the present régime.

37. On 24 January 1964, Mr. Eddison Zvogbo, Secretary of the Zimbabwe African National Union, warned at a public meeting that if the Southern Rhodesian Europeans seized independence unconstitutionally, the Africans would take it as an act of war and would immediately engage in unconstitutional modes of struggle to liquidate that state.

38. Mr. Field visited London on 24 January for a few days in order to discuss with the United Kingdom Government his Government's demand for independence. No official *communiqué* was issued, but according to reports Mr. Field indicated that, in view of the clamour of certain elements in his party for a unilateral declaration of independence, he would find it difficult to continue as Prime Minister unless he obtained a clear statement of the United Kingdom policy in the matter. It has been reported that Mr. Field's proposals, in keeping with his pledge to make no constitutional changes during the life of the present Parliament, did not include any substantial changes in the "A" roll franchise, which affects 50 per cent of the sixty-five seats in the Legislature nor in the Land Apportionment Act which provides for racial restrictions on the ownership of land. According to reports, the United Kingdom Government, on the other hand, con-

tinued to insist that Commonwealth acquiescence was important for any grant of independence to Southern Rhodesia. In order to obtain this, the franchise should be widened sufficiently to give a political voice to the majority, and to provide for majority rule in about five years, rather than in twelve or fifteen which the Southern Rhodesian Government thinks would apply under present franchise qualifications. The United Kingdom Government was also reported to desire the removal of discriminatory clauses in the Land Apportionment Act. These talks failed to resolve the deadlock.

39. At a press conference on his return on 2 February 1964, Mr. Field said that he would negotiate with the United Kingdom Government up to the point where no further negotiation was possible and the point where it would bear no further fruitful result. That stage, in his view, had not yet been reached.

40. Mr. Kenneth Kaunda, the Prime Minister of Northern Rhodesia, pledged on 5 February 1964 that his Government would do anything within its power to help the United Kingdom Government control any situation that might arise in Southern Rhodesia should the latter declare itself independent unilaterally. In that event there would be civil war in the Territory and his Government would sever all relations with Southern Rhodesia irrespective of the economic sacrifices involved.

41. During the middle of February, Mr. Field visited South Africa for talks with the Government of the Republic. On that occasion, a South African newspaper sympathetic to the Government suggested that precipitate action by Southern Rhodesia would merely increase its difficulties with the United Kingdom and the African nationalists, and that the statesmanlike thing was to persist in negotiations for a peaceful settlement. It has been reported that Mr. Field's visit did not yield any pledges of support from Mr. Verwoerd for a unilateral declaration of independence.

42. On 20 February 1964, Sir Alec Douglas-Home told the House of Commons, in answer to questions, that the United Kingdom Government was trying to reach agreement with the parties concerned on the next step to be taken, and expressed the hope that there would be no question of unconstitutional action by Southern Rhodesia.

43. Meanwhile the belief seems to be growing among the colleagues and supporters of Mr. Field that further negotiations with the United Kingdom will produce nothing acceptable to them and accordingly the pressures on him to take action, preferably before the United Kingdom general election, by a unilateral declaration of independence are increasing. Mr. John Gaunt, the Minister of Mines, has been quoted as saying that it was the duty of Southern Rhodesia to take whatever action was necessary before the United Kingdom Government destroyed the country. Mr. Smith has been reported as arguing for a swift decision, though, according to him, all the constitutional avenues must be explored before the broader field is considered. Mr. William Harper, the Minister of Transport and Power, is also said to be advocating action independently of the United Kingdom, without any provocative declarations.

44. On 25 February 1964 Sir Humphrey Gibbs, the Governor, said in the Speech from the Throne at the opening of Parliament:

"My Prime Minister had the opportunity last month of having personal and private discussions with the British Prime Minister and the Secretary of State for Commonwealth Relations on independence for Southern Rhodesia. It is now plain that the British Government are not prepared to be brought to any conclusion except on the most extravagant terms; not because of misgivings about my Government's competence or ability to govern in the interests of the country or the logic and rightness of my Ministers' case but because they wish to placate at all costs those members of the Commonwealth who have declared openly their hostility to my Government and country.

"My Ministers consider they have done their utmost and there is no obligation upon them to initiate further discussions."

45. In the ensuing debate, Sir Edgar Whitehead said, *inter alia*, that he could not sympathize with any nationalist movement at all and that the task of solving the country's pressing problems could not be done by either race alone. The African nationalists had no policy other than to obtain control of the Government and no policy for future development if they ever achieved that control. Referring to the outflow of Europeans from Southern Rhodesia, he said there was nothing in the Speech from the Throne to change the mind of any one planning to leave the country or to influence any one leaning towards nationalism to seek something better.

46. In a speech at the same meeting, Mr. Field stated that for the first time he really knew what the United Kingdom Government's point of view was and that it was thoroughly wrong. He pointed out that the country was no longer the self-governing "Colony of Southern Rhodesia" but just "Southern Rhodesia". Referring to Commonwealth susceptibilities about Southern Rhodesia attaining independence under the present Constitution, he said that Southern Rhodesian membership of the Commonwealth must go by the board if this impeded its progress to independence. His Government did not recognize the right of any one to interfere in the affairs of Southern Rhodesia nor would it tolerate any such interference. Thenceforth, the Government would pursue its own course within the framework of the Southern Rhodesian Constitution, and act as a Government owing allegiance to the Crown and not to any particular United Kingdom Government. Further, his Government regarded as legally binding on the United Kingdom Government the convention that the Constitution could not be amended without the consent of the Southern Rhodesian Government. With regard to his Government's demand for independence now, he said that this did not necessarily mean independence immediately. Reason and logic were on the side of this demand and all that was holding up the final act was the desire to appease certain members of the Commonwealth, be they Communist or otherwise. His Government had not accepted defeat on the independence issue, but realized there was much to be done in other directions, including the achievement of a really strong economy.

47. A Government Member of Parliament, Mr. D. W. Lardner-Burke, gave notice on 27 February 1964 that he would introduce a motion on 11 March 1964 which would in effect seek legislative recognition for the convention that the United Kingdom Parliament does not legislate for Southern Rhodesia except with the Southern Rhodesian Government's consent.

48. At a press conference outside Salisbury the same day, Mr. Nkomo said that the Africans were British citizens and members of the Commonwealth and intended to remain so. If Mr. Field's Government decided to achieve independence by leaving the Commonwealth, the Africans would fight side by side with United Kingdom troops to restore legal government in the country and enter into negotiations to bring about majority rule and independence thereafter.

49. At the same time, commenting on Mr. Field's speech, the Rev. Sithole claimed that Mr. Field was merely trying to avoid serious charges of rebellious conduct.

Political parties

50. On 9 July 1963, it was reported from Dar-es-Salaam that seven members of the twelve-man executive of the banned Zimbabwe African Peoples Union (ZAPU) had decided to depose Mr. Joshua Nkomo as party leader and had elected the Rev. Ndabaningi Sithole as interim president until a Rev. Ndabaningi be held. Dissatisfaction with Mr. Nkomo's leadership was given as the reason for this decision. The Rev. Ndabaningi Sithole has taken a leading part in the organization of all three African nationalist parties successively banned in Southern Rhodesia. A member of his group stated that the change of leadership would mean a more militant approach to independence and that it might be necessary to use methods other than constitutional ones. The following day, however, it was announced from the ZAPU headquarters in Dar-es-Salaam that the Rev. Ndabaningi Sithole and three other members of the party executive associated with him had been suspended by Mr. Nkomo, who remained party leader.

51. On 8 August 1963, it was announced that the Rev. Ndabaningi Sithole had formed a new party, the Zimbabwe African National Union (ZANU) of which he had become Chairman with a party executive comprising his three associates. At a press conference, Mr. Nkomo said he had invited these leaders to a conference for discussions. They, however, declined to attend and urged their followers to boycott the conference. Subsequent attempts to bring about a reconciliation have met with little success.

52. In a policy statement issued on 21 August 1963, the Rev. Ndabaningi Sithole announced plans for turning Southern Rhodesia into a Republic of Zimbabwe within the fraternity of African States and the Commonwealth. He urged that, in future, Southern Rhodesian institutions must reflect the will of the Africans, while respecting the rights and aspirations of minority groups. A ZANU Government would repeal the Unlawful Organisations Act, the Law and Order (Maintenance) Act, and all other repressive and discriminatory legislation, and would establish a retroactive Bill of Rights. A strong national army would be formed to assist in the liberation of Africa from colonialism.

53. On 5 September 1963, Mr. Nkomo announced the formation of the "People's Caretaker Council", of which he would be President, with a sixteen-man cabinet and local committees. His choice of title was said to be due to his pledge, when ZAPU was banned in September 1962, not to form a new party.

54. The Secretary-General of ZANU, Mr. Robert Mugabe, was received by Mr. Butler at the end of September 1963. In a letter he delivered to the Minister, ZANU protested the United Kingdom Govern-

ment's lack of concern for the interests of the Africans, as exemplified by its decision to strengthen the military position of the Southern Rhodesian Government on dissolution. The letter demanded that the United Kingdom should impose a new Constitution in keeping with the wishes of the majority before dissolution and that, meanwhile, the United Kingdom should withhold all financial aid, as well as control over the armed forces, from Southern Rhodesia.

55. There have been reports of considerable divergence of views in Mr. Field's Rhodesian Front between those who favour an early unilateral declaration of independence under the present Constitution and those who see the need for negotiated settlement, with or without African participation. Similar developments are said to have taken place within Sir Edgar Whitehead's Rhodesian National Party. The executives of one party branch were recently reported to have resigned in protest against Sir Edgar Whitehead's advocacy of multi-racial policies and his tendency to placate African nationalism. There have been hints of the formation of a new centre party and reports of the possible return to political life of Sir Roy Welensky, the retired Prime Minister of the dissolved Federation.

Recent legislation

56. The proposed amendment to the Law and Order (Maintenance) Act, 1961, to which reference is made in chapter III, paragraph 29 of the last report of the Special Committee, (A/5446/Rev.7) was passed through its final stages by the Southern Rhodesian Parliament on 20 March 1963. This amendment, embodied in the Law and Order (Maintenance) Amendment Act provided, *inter alia*, for a mandatory death sentence for certain offences, including the throwing of explosives and petrol bombs, as well as increased penalties for other offences. It also made permanent the existing temporary ban on the holding of public meetings on Sundays and public holidays.

57. On the same day, the Southern Rhodesian Parliament passed the Unlawful Organisations (Amendment) Act, which empowered the Governor to order former leaders of banned organizations to resign from other organizations, gave the police greater powers of search and seizure in such cases, and made it an offence to be in possession of documents or insignia relating to an unlawful organization.

58. The Preservation of Constitutional Government Act was also passed on 20 March 1963. It provided for sentences of up to twenty years imprisonment for persons convicted of organizing, either inside or outside the country, bodies whose aim is to overthrow the Government by unconstitutional means. It also extended the provisions of the Law and Order (Maintenance) Act so that the penalties for certain offences under that Act, such as inciting illegal strikes, making subversive statements, publishing false news or threatening violence will apply when Southern Rhodesian residents commit them outside the country. The Act also provided for sentences up to five years for persons convicted of setting up bodies in Southern Rhodesia which aim at the unconstitutional overthrow of any State.

59. In a Speech from the Throne to Parliament on 25 February 1964, the Governor stated that the split in the ranks of African nationalists had resulted in increased crime, particularly in the African townships and indicated that the Government would seek renewal

of the Preventive Detention Act and the Unlawful Organisations Act, both of which are due to expire on 14 May 1964. Both measures were introduced five years ago.

Arrests and trials of nationalist leaders

60. On 1 April 1963, Mr. Nkomo was sentenced in Lusaka to six months' imprisonment on conviction of an offence under the Law and Order (Maintenance) Act; the offence involved wrongfully and unlawfully assaulting, resisting or obstructing police officers in the execution of their duty. On 19 July 1963, this conviction and sentence were quashed in an appeal hearing and he was found guilty, cautioned and discharged on an alternative charge of assault, which the Court described as trivial. Two other associates convicted along with Mr. Nkomo similarly won their appeals.

61. On 28 October 1963, Mr. Nkomo was sentenced at Gwelo to nine months' imprisonment, with five months suspended if the offence was not repeated within three years, for making a subversive statement in August. His offence related to a statement attributed to him that Germans and Italians had been given land from which Africans had been evicted after the First World War, and that the Government desired the nationalists to form another political party so that it could be banned and its assets sold. Having appealed, he was granted bail, provided he did not leave the country.

62. On 7 November 1963, the Southern Rhodesian Government prohibited Mr. Nkomo from attending or addressing public gatherings other than religious services for three months, and his People's Caretaker Council was barred from convening such meeting for a similar period. Mr. Clifford W. Dupont, Minister of Justice, stated that he considered this action necessary for the maintenance of law and order.

63. On 20 December 1963, Mr. Nkomo was again sentenced at Bulawayo to nine months' imprisonment, with six months suspended if he was not convicted of an offence under the Law and Order (Maintenance) Act within three years, for publishing a subversive statement. This statement was that the violence complained of by the Southern Rhodesian Government was a direct natural reaction against the country's Nazi and Fascist régime. He was granted bail, pending an appeal.

64. On 2 January 1964, Mr. Nkomo was banned by the Broadcasting Corporation from appearing on a television personality programme on which Mr. Field and Sir Roy Welensky had previously been featured. The grounds given were that Mr. Nkomo was currently under a ban from making public appearances.

65. On 28 January 1964, Mr. Nkomo was sentenced at Umtali to six months' imprisonment, with three months suspended for three years, for holding the police to contempt or lack of esteem during a speech in October. He was granted bail pending an appeal. While in court he was served with an order banning him indefinitely from entering any tribal trust lands in Southern Rhodesia. He was also reported to have been banned from going within fifteen miles of Salisbury for three months. On 18 February 1964, he was arrested and charged in Salisbury with contravening the order banning him from tribal trust land. He was released on bail.

66. On 28 July 1963, the Rev. Ndabaningi Sithole was arrested and charged with distributing a subversive document. He was remanded on bail and on 6 September 1963 his bail was forfeited for failing to comply with its conditions. Mr. Robert Mugabe, the Secretary-General of ZANU, was also arrested, on 19 December 1963, and charged under the Law and Order (Maintenance) Act on three counts related to allegedly subversive statements made outside Southern Rhodesia. Bail was refused.

67. Actions involving other African political personalities include a sentence of one year's imprisonment for writing a subversive statement, imposed on Mr. Eddyson Sambo, a leader of the Zimbabwe National Party on 1 July 1963; the holding for trial of Mr. Patrick Matimba, President of that party from 2 July 1963, on charges of inciting others to harm people and to set fire to homes with petrol or inflammable liquid; the conviction on 23 October 1963 and imprisonment for twelve months of Mr. Phincas F. Sithole for possession of an alleged subversive document; and the sentencing of Mr. Stephen Nkomo, brother of Mr. Joshua Nkomo, to imprisonment for four months for illegally possessing a pistol and a fine of £5 or one month's imprisonment for having a copy of a banned publication.

68. Since July 1963 there have been clashes between the supporters of Mr. Nkomo and the Rev. Ndabaningi Sithole and other outbreaks related to the trials of nationalist leaders. It is estimated that between January and December 1963, there have been about fifty cases of arson and similar offences punishable under the Law and Order (Maintenance) Act. Between November 1963 and January 1964, serious disturbances, mainly in the African townships, which have had to be dispersed by the police, sometimes with the use of tear-gas and emetic gas, have become more frequent; one such disturbance, in Salisbury on 28 January 1964, led to the shooting of two Africans and the wounding of several by the police and the arrest of sixty-eight. There were sixteen incidents involving explosives, thought to be cases of sabotage, in November and December 1964. The most serious of these was the blowing up of part of a railway line near Bulawayo: most of the other targets have been public buildings and installations. There have also been a few cases of bomb-throwing at policemen. It has been reported that, during February, hundreds of Africans were arrested in surprise raids. The arrested persons, according to Mr. Clifford Dupont, have been placed under restriction, in accordance with the security laws permitting summary detention, "in order to protect Africans from intimidation and robbery by terrorists and hooligans".

Other developments

69. On 11 February 1964, the Southern Rhodesia Constitutional Council, which was set up to examine and report on any Act that is inconsistent with the declaration of rights in the Constitution, reported that, in its view, the Land Apportionment Act is an Act which, in express terms and with penal sanctions, enforces racial discrimination. The Council questioned the value of the declaration of rights so long as one of these rights, the right to freedom from discrimination in regard to ownership and occupation of land, was specifically denied by the Act. Such discrimination, in the Council's opinion, was based on an imputation of inferior status to one race, which was sufficient to invite a conflict. Further, the implementation of the Act had

caused actual material prejudice in the financial sense to all races in Southern Rhodesia.

70. The Government is not obliged, however, to take any action on any laws thus criticized by the Council which were passed before the 1961 Constitution came into effect. The Land Apportionment Act falls within this category.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

71. The Special Committee considered the question of Southern Rhodesia at its 223rd to 233rd meetings between 6 and 24 March 1964.⁷

1. Report of the Secretary-General

72. On 5 March 1964, the Secretary-General submitted to the Special Committee a report (A/AC.109/57) on the implementation of operative paragraph 8 of General Assembly resolution 1889 (XVIII). In his report, the Secretary-General stated that since his last report of 11 December 1963 (A/5664), he had maintained continuous contact with the Permanent Representative of the United Kingdom and had had informal discussions on this matter with United Kingdom Ministers and senior officials visiting New York. He had also kept in close touch with developments in Southern Rhodesia and their bearing on his mandate. During his visit to the Territory in January-February 1964, the Under-Secretary for Trusteeship and Non-Self-Governing Territories, Mr. Godfrey K. J. Amachree, had an opportunity for informal contact, in the spirit of the resolution, with political leaders, both African and European, and with officials.

73. The Secretary-General further stated that on the basis of these contacts and discussions, he was not in a position to report any progress in the promotion of conciliation among the various sections of the population of the Territory in the sense desired by the General Assembly.

74. Finally, the Secretary-General said that he was now awaiting information as to the outcome of the approaches, mentioned in his last report, which he had made to representatives of African countries, in the hope that the Organization of African Unity might assist in preparing the ground for initiating discussions with a view to achieving the objectives of the resolutions of the General Assembly on the question of Southern Rhodesia.

2. Written petitions

75. The Special Committee had before it the following written petitions concerning Southern Rhodesia:

<i>Petitioner</i>	<i>Document No.</i>
Zimbabwe African National Union Women's Organization.....	A/AC.109/PET.187
Three petitions from Mr. C. S. Lombard, Mr. S. Makoni and Miss J. G. Todd.....	A/AC.109/PET.188
Mr. Silundika, Zimbabwe African People's Union (ZAPU).....	A/AC.109/PET.189
The Rev. Ndabaningi Sithole, President, Zimbabwe African National Union (ZANU).....	A/AC.109/PET.190

⁷ See sections E and G for an account of the discussions which took place on Southern Rhodesia at subsequent meetings of the Special Committee.

3. General statements by members

76. The representative of the United Kingdom said that the question of Southern Rhodesia had been discussed on a number of occasions in the General Assembly, in the Fourth Committee and in the Committee of Twenty-Four. On each occasion his delegation had explained its view that the United Nations had no authority to intervene in the affairs of Southern Rhodesia. His delegation maintained its position on that issue. He was making this statement without prejudice to the usual reservations of the United Kingdom on the matter and simply in order to give the Committee an account of the existing state of relations between the United Kingdom Government and the Southern Rhodesian Government.

77. His Government was not the administering Power in Southern Rhodesia and his delegation could not therefore discuss the internal affairs of that country. He was glad to note that his country's position in this context was beginning to be understood, and was grateful to the Ambassador of Iraq for recognizing that fact in the Committee on 3 March 1964, even if the Ambassador himself did not fully accept it.

78. Since the question had been discussed in the Fourth Committee at the eighteenth session of the General Assembly, the agreement reached last June to dissolve the Federation of Rhodesia and Nyasaland, known as the Victoria Falls Agreement, had been largely implemented. The three countries formerly comprising the Federation were now leading a separate existence as Northern Rhodesia, Nyasaland and Southern Rhodesia. All three had full self-government and the first two were preparing for independence. Nyasaland would celebrate her independence on 6 July 1964 and discussions were going on with the Northern Rhodesian Government which would doubtless lead to early independence for that country. As was well known, Southern Rhodesia had been fully self-governing for a very long time. It was not surprising therefore that its Government should have wished to obtain independence for that country at approximately the same time as the other two territories with which it was formerly federated. However, as his colleagues were aware, it had long been the desire of the United Kingdom Government that certain changes should be made in the political structure of Southern Rhodesia which would result in broadening the franchise and in allowing its people to participate more directly in the political life of the country. Now Her Majesty's Government in the United Kingdom, for reasons fully explained by Sir Patrick Dean in the Security Council on 10 September, 1963 (1066th meeting) had neither the right in law nor the means in practice to interfere in the internal affairs of Southern Rhodesia. Consequently, his Government had taken the only action open to it in the circumstances. It had made known to the Government of Southern Rhodesia that before granting independence to that country it looked to its Government to propose appropriate changes to its political structure. Mr. Butler, then First Secretary of State for Central African Affairs, had explained the position in two statements to the House of Commons last year. On 18 June 1963 he had said:

"The position has not yet been reached which would enable Her Majesty's Government to arrive at a decision on the question of Southern Rhodesia's independence"

and when questioned on 6 July 1963 he had explained the position further in the following terms:

"...while the matter (i.e., the independence of Southern Rhodesia) is open we have not got any farther than the suggestion we made there that we would look to the Southern Rhodesian Government to make proposals to us for any amendments of their Constitution which would result in broadening the basis of representation of the legislature to take effect as soon as practicable... That is where the matter lies".

79. That was where the matter lay in July 1963 and—although time had passed and much had been said on the subject—that was really where, basically, the matter was still lying. The question of broadening the franchise was still fundamental.

80. Mr. Sandys had explained the position in a statement to the House of Commons on 15 November 1963. Having said that certain territories had not achieved independence because in one way or another they had presented special problems, in most cases an economic one, he had continued:

"There are certain territories whose independence is delayed for other reasons. Of these the problem of Southern Rhodesia is undoubtedly the most urgent and most difficult. Southern Rhodesia, we must remember, has for over forty years enjoyed complete internal self-government. Up to the creation of the Federation she was responsible for her own defence... and was represented by a High Commissioner in London. I hope that those outside who always tell us that we ought to interfere, and do this or that in Southern Rhodesia, will realise that there is not a single official or soldier in Southern Rhodesia responsible to the British Government. We have long ago accepted the principle that Parliament at Westminster does not legislate for Southern Rhodesia except at its request.

"It is understandable that the Government and Parliament of Southern Rhodesia should also wish to see their country take its place without further delay among the independent nations of the Commonwealth. We have made it clear that we are prepared to grant independence to Southern Rhodesia in the same circumstances as we have granted it to other British territories. In particular, we look for a widening of the franchise so as to give greater representation to the Africans who constitute nine-tenths of the population, but have less than a quarter of the seats in Parliament."

81. Mr. Winston Field, the Prime Minister of Southern Rhodesia, had made a private visit to the United Kingdom towards the end of January 1964 where he had had discussions about the future of his country with the United Kingdom Prime Minister and with the Commonwealth Secretary. Those discussions were confidential—he was sure members of the Committee would understand that they could not be otherwise—and neither the United Kingdom Government nor the Southern Rhodesia Government had given details about them. Mr. Sandys had said, in the House of Commons, on 30 January 1964:

"...I have been having talks with the Prime Minister of Southern Rhodesia. This is obviously a most difficult and delicate subject, and I think that until any conclusion is reached it is better that I should not make partial statements about these matters."

When asked for an assurance that no departure had been made from Government policy on the question of independence for Southern Rhodesia as already stated in the House, he had said: "There has been no change." When Mr. Field returned to Salisbury at the beginning of February he had stated, with regard to the discussions on independence he had had in London: "The stage has not yet been reached where negotiations are no longer possible."

82. That view was, of course, shared by the United Kingdom Government. The United Kingdom Prime Minister had been asked about it in the House of Commons on 27 February 1964 and had replied that he "would wish to see a negotiated settlement of this matter. The present constitution contains the principle of majority rule. It was a matter of timing". In answer to a further question about Her Majesty's Government's present policy, Sir Alec Douglas-Home had said:

"I think that the Prime Minister of Southern Rhodesia said that he did not feel that he should initiate any more conversations. There are two opinions as to whether further conversations can be useful. I hope he will agree that they will be."

In that connexion, he believed it had been reported that Mr. Field had taken back to Salisbury Her Majesty's Government's terms for independence. That was quite untrue. His Government had not set out such conditions. Indeed, that would not be an appropriate procedure for conducting discussions between the two Governments. Nor had there been any "secret agreement". Indeed, as must be clear to all, there had been no agreement at all.

83. He had chosen to set out the position in that manner, by way of quotations from statements by Ministers of the United Kingdom Government; so that the Committee might know exactly what his Government's position was, what it had done and what it had not done. It would be clear from what he had said that there had been no change in the constitutional status of Southern Rhodesia. It must also be clear that the discussions or negotiations between the United Kingdom Government and the Southern Rhodesian Government were difficult and delicate and that if agreement was to be reached, great care and patience would be required. The responsibility in the matter lay with the two Governments concerned. His Government's ultimate aims were similar to those of other members of the Committee, but his Government did not believe that they could, in the existing circumstances, be achieved by precipitate action. Peace and orderly development in Southern Rhodesia were at stake. It was his Government's belief that the problems would be approached by all concerned with prudence, wisdom and restraint.

84. The representative of India observed that the question of Southern Rhodesia was one of the most urgent ones now before the United Nations since the situation there was grave and potentially dangerous. The United Kingdom delegation's statement of 6 March 1964 had come as a great disappointment to those who believed that the United Kingdom had sole and final responsibility for Southern Rhodesia until such time as that territory attained the goal set in General Assembly resolution 1514 (XV). The United Kingdom representative had again taken the position that the United Nations had no authority to intervene in the affairs of Southern Rhodesia, although that view had been rejected not only by the Committee and its

predecessor, the Committee of Seventeen, but also by the Fourth Committee and the General Assembly as indicated by the voting on General Assembly resolution 1883 (XVIII). In particular, General Assembly resolution 1747 (XVI) had clearly stated that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter. Had the United Kingdom not cast its vote against the resolution introduced by the Ghanaian, Moroccan and Philippine delegations in the Security Council in September 1963, affairs in Southern Rhodesia would not have reached the present state of crisis.

85. The United Kingdom representative had stated in the Security Council on 9 September 1963 that steady progress was being made in Southern Rhodesia. That assertion required some explanation, inasmuch as the United Kingdom refused to accept the view that Southern Rhodesia was a Non-Self-Governing Territory or to state categorically that power would not be transferred to the white racist minority. He referred, in that connexion, to the mysterious declaration of the United Kingdom Government that Southern Rhodesia would be granted independence in the same circumstances as the granting of independence to other British territories. Although the United Kingdom Government had spoken vaguely of its hope that the franchise would be broadened in Southern Rhodesia so as to grant proper representation to the African population, it did not appear from the information in the hands of the Secretariat (paras. 1 to 70 above) that any substantial changes were in prospect. The United Kingdom Prime Minister's statement on 27 February 1964 that the present constitution of Southern Rhodesia contained the principle of majority rule meant very little in the light of the territory's peculiar electoral system based on "A" and "B" rolls which did not incorporate the principle of "one man, one vote". The Prime Minister had also said that "It is a matter of timing". Here there were differences of approach to the conception of timing. However, the vast majority of the people of Southern Rhodesia were not prepared to wait indefinitely; General Assembly resolution 1514 (XV) must be implemented immediately.

86. He wanted the United Kingdom Government to make a categorical statement that power would not be transferred to the minority government. He wished to know why the United Kingdom Government had not made arrangements for holding elections on the basis of universal adult suffrage or convened a fully representative constitutional conference which could solve the problems of the Non-Self-Governing Territory of Southern Rhodesia. Instead, it continued to maintain that it could not interfere in the affairs of Southern Rhodesia, although Sir Garfield Todd, a former Prime Minister of the territory, thought otherwise. The repressive legislation continued to darken the lives of the people of Southern Rhodesia.

87. The Government of Southern Rhodesia was persecuting African nationalists under the repressive Law and Order (Maintenance) Act and had forbidden meetings of the People's Caretaker Council, headed by Mr. Joshua Nkomo and prevented all political activity by the African people. Many had been arrested and detained without trial and force was being used even against women and children. More repressive legislation was being threatened. Two Africans had already been sentenced to death under the mandatory "hanging clause" of the Law and Order (Maintenance) Act; and three more were being tried; according to a

letter published recently in the British magazine *The Spectator*, one of them had been involved only indirectly in an unsuccessful attack. The letter in *The Spectator* also pointed out that only the United Kingdom Government without breach of the constitutional convention, could adopt legislation empowering the Governor of Southern Rhodesia to exercise the prerogative of mercy, which he was now prevented from doing except on the advice of the Southern Rhodesian Cabinet. The representative of India appealed to the United Kingdom Government to act by exercising the prerogative of mercy to save the lives of those condemned under the Law and Order (Maintenance) Act. He recalled in that connexion that Mr. Dupont, the Southern Rhodesian Minister of Law and Order, had recently made the offensive statement that the leaders of the indigenous population lacked brains and that the territory was confronted by "a carefully planned campaign of... the enemies of constitutional government and Western civilization"; it was doubtful, however, that Mr. Dupont knew what "constitutional government" and "Western civilization" really meant.

88. The situation in Southern Rhodesia had gone from bad to worse because of the passive role played by the United Kingdom Government, which had permitted the Territory's white minority Government to ride roughshod over the wishes of the African population. The United Kingdom Government had constantly yielded to the Southern Rhodesian Government of Mr. Winston Field. Just recently, for example, the United Kingdom Colonial Secretary had confirmed the fact that Southern Rhodesia was no longer to be referred to as a colony, even though the Southern Rhodesian Constitution of 1923 and the constitution of the defunct Federation of Rhodesia and Nyasaland both defined it as such. Responsibility for the present grave situation lay with the United Kingdom, which had disregarded the efforts of various United Nations bodies to suggest methods of bringing about an improvement and in turn had accused the many members of the United Nations of lacking common sense and of abusing the functions of United Nations bodies.

89. The Southern Rhodesian minority Government continued to press the United Kingdom Government to grant independence to the Territory. Moreover, Mr. Field was reported to have stated in the Southern Rhodesian Parliament that Southern Rhodesia would withdraw from the Commonwealth if continued membership impeded its progress towards independence. That was on the same lines as the Governor's speech which endorsed the Government's policy of discontinuing discussion with the Government of the United Kingdom on the problems of Southern Rhodesia, which was a preliminary step in the unilateral declaration of independence by the settler régime. He had also declared on 26 February 1964 that his Government did not recognize the right of anyone to interfere in the affairs of Southern Rhodesia and that it owed allegiance to the British Crown rather than to any particular United Kingdom Government, a statement with ominous implications. He wanted to know what the United Kingdom Government proposed to do in these circumstances. There was obviously a serious danger of a unilateral declaration of independence by the Field Government, a reality underscored by the recent moves in the Southern Rhodesian Parliament to amend the present constitution resulting in the abridgement of the powers of the Crown; as Mr. Mboya, the Kenyan Minister of Justice, had pointed out recently, the

United Kingdom's failure to act in such a case would harm relations between the African people and the Commonwealth and would jeopardize the position of white settlers in the African-ruled States of East and Central Africa. The crucial question was whether the United Kingdom Government would use force in the event of a unilateral declaration of independence by Mr. Field, which would constitute an act of rebellion against the Crown. The United Kingdom should inform the Field Government in categorical terms that independence would not be granted to Southern Rhodesia until all the Territory's inhabitants received full and equal rights. In his statement at the last session of the General Assembly (1222nd meeting), Sir Alec Douglas-Home had affirmed the United Kingdom's commitment to the principle of majority rule; yet, the minority was permitted to rule in Southern Rhodesia, and independence was being denied to British Guiana, which was ruled by a majority Government.

90. The representative of India suggested that the United Kingdom Government, which constantly asserted its belief in moderation and constitutional methods, should call a constitutional conference at which representatives of both the Field Government and the African nationalists could work out a new, democratic constitution providing for elections based on universal adult suffrage. The United Kingdom Government should make it clear that continued intransigence on Mr. Field's part would result in the immediate freezing of Southern Rhodesia's foreign reserves and the withdrawal of imperial preferences and loan guarantees, and that a unilateral declaration of independence would cause the termination of all United Kingdom assistance. Such action would unquestionably bring about a change in the attitude of the Field Government. He recalled in that connexion that the United States representative in the Committee, speaking on 25 March 1963, had urged the United Kingdom to exert its special influence in Southern Rhodesia, regardless of what its legal authority might be.

91. The United Kingdom had sufficient experience in such matters to find a solution in Southern Rhodesia that was in keeping with its age-old democratic traditions. Of particular importance was the immediate termination of repressive measures and the unconditional release of all political prisoners, so that normal political activity could take place in the territory. The peace and orderly development not only of Southern Rhodesia but of the whole of southern Africa were at stake. If the United Kingdom Government acted with foresight and boldness, it could still save the situation and earn the friendship of millions of people in Africa and throughout the world. But if they failed, there would be unrest and discord for years to come.

92. The representative of Iraq said that the Committee's decision to give high priority to the question of Southern Rhodesia was justified by the continued deterioration of the situation in that Territory. With the dissolution of the Central African Federation at the beginning of 1964, the minority Government in Southern Rhodesia had received a substantial part of the Federal army's armed forces and equipment. That had unquestionably helped to make the position of the Southern Rhodesian Government more intransigent and defiant, while the African majority had reacted with protest demonstrations resulting in bloodshed and the arrest of hundreds of African political leaders. The African population was rapidly coming to the conclusion that it could achieve its just aspirations only

through violence, and an outbreak of violence in the Territory would have serious repercussions throughout the African continent, which regarded Southern Rhodesia as an African problem that transcended all others. What made the situation particularly intolerable was the ability of a small settler minority to wield such disproportionately great influence in the councils of governing and financial circles in the United Kingdom.

93. An overwhelming majority of the Members of the United Nations held the United Kingdom responsible for the affairs of Southern Rhodesia. The argument that certain constitutional principles prevented the United Kingdom Government from interfering in the Territory's domestic affairs was untenable, for the United Kingdom had undertaken international obligations that must take precedence over constitutional principles. Moreover, the principle of not legislating for self-governing colonies could not be invoked in the case of Southern Rhodesia, whose government was not based on the consent of the governed, as in Canada, Australia and New Zealand, but maintained itself by terror and oppression.

94. In its effort to speed the attainment of independence by Southern Rhodesia in accordance with the wishes of the population, the Committee must be guided by the relevant resolutions of the General Assembly. In its most recent resolution, 1889 (XVIII), the Assembly called upon the United Kingdom not to grant independence to the Territory until majority rule based on universal adult suffrage was established and to hold a fully representative constitutional conference. There was nothing to prevent the United Kingdom Government from issuing an immediate statement with the pledge not to grant independence to Southern Rhodesia until majority rule was established. Yet, the statements of United Kingdom representatives on the matter continued to be vague and ambiguous. Mr. Sandys, the United Kingdom Colonial Secretary, had stated on 15 November 1963 that the United Kingdom was prepared to grant independence to Southern Rhodesia in the same circumstances as it had been granted to other British territories; that could only mean after majority rule had been established. However, Mr. Sandys had gone on to speak merely of "a widening of the franchise so as to give greater representation to the Africans"—a formula that could mean anything at all. Once independence was granted, the settler Government could ignore its earlier promises and amend the constitution so as to prevent the Africans from ever achieving a majority in Parliament. The Committee must therefore use all available means to obtain from the United Kingdom Government a solemn undertaking that independence would under no circumstances be granted until majority rule was firmly and irrevocably established in Southern Rhodesia. The United Kingdom must also state clearly that it would do everything in its power to prevent a unilateral declaration of independence by Southern Rhodesia's minority government.

95. He had been greatly disappointed by the United Kingdom representative's statement at the 223rd meeting, which had given the Committee no new information. Far from adopting a more sympathetic attitude towards African aspirations, the United Kingdom Government seemed to be trying to appease the Southern Rhodesian government of Mr. Winston Field. For example, whereas that Government's reply to the Secretary-General in 1962 (A/5396) had suggested that the United Kingdom might be in a position to

give the Secretary-General fuller information in the future, its reply in 1963 (A/5664) had all but closed the door to that possibility.

96. A solemn declaration by the United Kingdom Government, undertaking not to grant independence before majority rule was firmly established, would help to ease tension and offer a better chance for progress. Unaccompanied by action to deal effectively with the essence of the problem, however, such a declaration would be insufficient. It would merely freeze the existing situation, for the Field government, having abandoned hope of early independence on its own terms, might well be content to maintain the *status quo* so long as the United Kingdom Government clung to the myth of constitutional principles which prevented it from interfering.

97. The United Kingdom Government was reported to have proposed a broadening of the franchise providing for an African majority within five years. A four-point programme, reported to have been prepared for presentation during Mr. Field's visit to London in January 1964, was said to have included a broadening of the franchise for the lower and upper rolls, an increase in African representation in Parliament from fifteen to twenty-two, a blocking third of sixty-five members in the House, and repeal of the Land Apportionment Act and other racially discriminatory legislation. Such a proposal had possibly been made and rejected; in any event, he did not believe that it would be acceptable to the Africans. What the African majority demanded was the establishment of majority government now rather than at some future date to be determined by the settler minority. The United Kingdom Government had the means to exert sufficient political, moral and, in particular, economic pressure to induce the Southern Rhodesian Government to accept peacefully a rapid change from minority to majority rule. The question was whether it was prepared to do so instead of using legalistic arguments to justify inaction.

98. His delegation felt that the Committee should first seek to obtain a solemn, clear undertaking from the United Kingdom Government not to grant independence to Southern Rhodesia until majority rule was firmly and irrevocably established. It might be advisable in that connexion to send a small sub-committee to London for further talks with the Government. The Committee should also continue its efforts, with the United Kingdom Government, to initiate steps leading to the abrogation of the 1961 Southern Rhodesian constitution and the convening of a constitutional conference to draft a new constitution providing for majority rule. The sub-committee might also be asked to explore those possibilities. If all such efforts failed, the Committee could avail itself of the right given to it by the General Assembly to apprise the Security Council of the situation.

99. The representative of the Union of Soviet Socialist Republics said that the question of Southern Rhodesia was still before the United Nations and a matter of concern to the African peoples because of the determined effort being made by the United Kingdom colonialists to preserve their rule over Southern Rhodesia, which they regarded as a military and political base and as a bulwark in the struggle against the African national liberation movement. Supported by public opinion throughout the world, the Africans of Southern Rhodesia were striving to obtain freedom

and independence—legitimate rights already enjoyed by most African peoples.

100. Recent developments had shown that on the question of Southern Rhodesia the United Kingdom Government intended to continue its policy of disregarding the decisions of the United Nations and the will of an overwhelming majority of its Members. The United Kingdom Government had failed to comply with General Assembly resolutions 1883 (XVIII) and 1889 (XVIII) and had turned a deaf ear to appeals and warnings from the representatives of many countries, especially African countries, in the Security Council and at the eighteenth session of the General Assembly. Following the dissolution of the Central African Federation on 31 December 1963, it had transferred to Southern Rhodesia seven squadrons of aircraft, four infantry battalions and armoured units consisting exclusively of white troops, thus creating a threat not only to the indigenous inhabitants of Southern Rhodesia but also to the neighbouring independent countries and to Africa as a whole.

101. Having strengthened Southern Rhodesia's racist Government militarily, the United Kingdom was now preparing to transfer full authority to the racists and proclaim the independence of Southern Rhodesia. The parties to the conspiracy, in an attempt to mislead world opinion and absolve the United Kingdom of all blame, were pretending that the initiative for Southern Rhodesia's independence was coming from so-called rebels in the present Southern Rhodesian Government. On 1 December 1963, *The Observer* had reported that Mr. Field, the Southern Rhodesian Prime Minister, would make the Territory independent in the first half of 1964 and that only the date and the exact procedure remained to be decided. In that connexion, attention should also be drawn to the clear-cut statements made in December 1963 by Sir Roy Welensky, the former Prime Minister of the Central African Federation.

102. The white settler Government of Southern Rhodesia enjoyed the support of an influential lobby within the British Conservative Party and of powerful London banking circles. The role played by four closely interlinked foreign companies—the Anglo American Corporation, the Rhodesia Selection Trust (46 per cent of whose stock was owned by American Metals Climax, a United States company), the British South Africa Company and Tanganyika Concessions Ltd.—had long been recognized. Writing in the January 1964 issue of *International Affairs*, Mr. Kenneth Younger, a former Minister of State at the Foreign Office, described how at different times in the United Kingdom's history major companies had sought to impose certain policies on the Government.

103. At the beginning of February 1964, Mr. Field had visited London and South Africa. As he had stated on 6 February upon his return, his purpose in going to London had been to make it clear that no one could interfere with or suspend Southern Rhodesia's constitution; that refuted the contention of the United Kingdom that it could not intervene in the affairs of Southern Rhodesia. As a result of the visit to London, the term "colony" was no longer being applied to Southern Rhodesia. The purpose of the visit to South Africa had been to obtain guarantees of South African support when the United Kingdom joined the Southern Rhodesian Government in proclaiming the Territory's independence. According to Press reports, Mr. Field had discussed with Mr. Verwoerd, the South African

Prime Minister, the question of forming a union of Southern Rhodesia and South Africa.

104. At the same time that they were making preparations at the international level for Southern Rhodesia's independence, the Territory's racists were trying to strengthen their domestic position by methods largely borrowed from South Africa, such as the enactment of emergency legislation, the dissolution of political parties, the persecution of indigenous political leaders, executions, and the breaking up of meetings. In December 1963, the Rev. Ndabaringi Sithole, the leader of the Zimbabwe African National Union, and Mr. Nkomo, the Leader of the People's Caretaker Council, had been sentenced to prison for publishing and disseminating subversive literature. Mr. Nkomo had been rearrested on 18 February 1964, when hundreds of Africans had been rounded up and many of them sent to concentration camps. The authorities were continuing their attacks on democratic rights and freedoms, including the freedom of the press; even white-controlled publications were being threatened. Unemployment was growing and, according to the 7 September 1963 issue of the United States magazine *The Nation*, the average living standard of the African inhabitants of Southern Rhodesia was less than one-fortieth as high as that of the Europeans.

105. Racial discrimination permeated all spheres of State and public life in Southern Rhodesia. In February 1964, the Constitutional Council of Southern Rhodesia, an organ set up under the notorious 1961 constitution, had itself found that the Land Apportionment Act was the embodiment of racial discrimination. Yet, the magazine, *Statist* had expressed the opinion on 21 February 1964 that the Act would not be amended because it was a prop of Mr. Field's policy of refusing to placate African nationalism.

106. The repressive actions of the Southern Rhodesian authorities, which were meeting with increasing resistance by the national liberation movement, were gradually inflaming the situation to the point of an explosion. Responsibility for that fact and for the preparations to proclaim Southern Rhodesia independent without transferring power to the indigenous inhabitants rested squarely with the United Kingdom, which was refusing to grant the legitimate rights and aspirations of Southern Rhodesia's African inhabitants and was preparing the way for the virtual transformation of the Territory into a second Republic of South Africa.

107. The granting of independence to Southern Rhodesia under existing conditions was opposed by an overwhelming majority of the States Members of the United Nations, by the entire membership of the British Commonwealth, and by all Asian, African and Latin American countries, as well as the socialist States. Warnings of the serious consequences of the United Kingdom's policies towards Southern Rhodesia had been voiced at the Conference of the African Ministers for Foreign Affairs at Lagos and by spokesmen of the indigenous inhabitants of the Territory.

108. It was thus clear that an explosion might occur at any moment and that the peace and security of the entire area were in jeopardy.

109. Under those circumstances, the United Kingdom might have been expected to take a different approach from the one it had adopted at the Committee's 223rd meeting, when the United Kingdom representative had merely repeated the trite assertion—long since

refuted—that the United Nations was not entitled to interfere in Southern Rhodesia's internal affairs and that the United Kingdom was powerless to take any action regarding Southern Rhodesia because of a special relationship existing between the two countries. The United Kingdom representative had thus disregarded the General Assembly resolutions concerning Southern Rhodesia and the historic Declaration on the granting of independence to colonial countries and peoples, which was applicable to Southern Rhodesia. He should not have overlooked the fact reported in *The Washington Post* on 23 February 1964 that in the past thirty-five years the United Kingdom had amended eighty Southern Rhodesian bills and that no important law and no law affecting non-Europeans could be adopted in Southern Rhodesia without prior consultation with London. Indeed, everything that happened in Southern Rhodesia happened with the consent and approval of the United Kingdom Government, and nobody would be convinced of the contrary by the endless repetition of discredited arguments.

110. The United Kingdom representative had spoken of the desirability of broadening the franchise in Southern Rhodesia and enabling the indigenous inhabitants to participate more directly in political life. It was as though Southern Rhodesia's African inhabitants—supported by the entire world with the exception of the United Kingdom itself, some of its allies and the Republic of South Africa—had not been demanding universal suffrage on the principle of "one man, one vote", the establishment of representative legislative and executive organs under a democratic constitution, the transfer of full powers to those organs, and the granting of independence to the country. Although the United Kingdom representative had professed to be reporting to the Special Committee "in a spirit of co-operation", he had failed to mention the fact that the United Kingdom had not complied with any of the General Assembly resolutions concerning Southern Rhodesia.

111. In the view of his delegation, the Special Committee's main task under the present circumstances was to frustrate the plans of the Administering Power and of Southern Rhodesia's racists for granting independence to that Territory under the present colonial régime of exploitation. The time had come for the United Kingdom to state unequivocally that Southern Rhodesia would not be granted independence so long as power remained with a handful of white settlers. Furthermore, the situation in Southern Rhodesia was so explosive and so grave a threat to peace in Africa that it called for immediate consideration by the Security Council.

112. His delegation supported the demand of the African States and the people of Southern Rhodesia for the immediate revocation of the racist constitution of 1961 the establishment of representative organs of the indigenous inhabitants through general elections based on universal and equal suffrage, and the transfer of full powers to those organs. It advocated immediate independence, accompanied by the transfer of full powers to the indigenous inhabitants, and the immediate, unconditional abolition of colonialism in Southern Rhodesia in accordance with the Declaration on the granting of independence to colonial countries and peoples.

113. The representative of Tanganyika said that it was contradictory for the United Kingdom delegation to argue, on the one hand, that its Government would

have to hand over independence to Southern Rhodesia as it had in the case of many former colonies and, on the other hand, that the United Kingdom was not the Administering Power in Southern Rhodesia. As far as the Tanganyikan delegation was concerned, the United Kingdom was the administering Power and would remain so until independence was granted to the majority of the Territory's inhabitants. In the meantime, it bore a heavy responsibility for the grave events taking place in Southern Rhodesia.

114. The situation in the Territory had continued to deteriorate. The minority settler régime was waging a campaign of terror against the African people. Following the dissolution of the Central African Federation, the régime of Prime Minister Field had been generously equipped with powerful war matériel with which it could intensify its repression of the African inhabitants. United Nations efforts to prevent the transfer of dangerous weapons and other attributes of power to Mr. Field's irresponsible clique had been blocked only by the United Kingdom's veto in the Security Council. The Committee and the United Nations must make a further vigorous effort to break that vicious circle and bring about an immediate solution of the problem.

115. Since Mr. Field's assumption of power, the harassment, humiliation and repression long inflicted on Africans in Southern Rhodesia had proceeded at a greatly accelerated pace. Scarcely a week passed without reports of mass arrests of Africans and of the prosecution and imposition of restrictions on nationalist leaders. On 19 February 1964, *The New York Times* had reported the arrest of Mr. Joshua Nkomo, the leader of the People's Caretaker Council. *The Times* of London of 29 February 1964 had reported further action against Mr. Nkomo. An article published in *The Observer* on 1 March 1964 had asserted that the United Kingdom Government could wield powerful political and economic weapons in Southern Rhodesia without deploying a single soldier. *The New York Times* had reported on 5 March 1964 that some 15,000 African school-children had stayed away from classes in Salisbury on the third day of a growing boycott.

116. Mr. Field had added fuel to the flames by his irresponsible utterances, especially after his recent visits to London and to his patron Mr. Verwoerd of South Africa. On 8 February 1964, *The Star* of Johannesburg had reported Mr. Field as saying that while in London he had obtained agreement that the Territory would no longer be referred to as a colony; when asked to define Rhodesia's status, he had said that he "would rather answer that question in a few months' time". On 27 February 1964, *The Times* of London had quoted Mr. Field as saying that if Southern Rhodesia's membership in the Commonwealth impeded its progress towards independence, "then Commonwealth membership must go". Commenting on that statement, *The Observer* of 1 March 1964 had said that the white settlers of Southern Rhodesia were growing restless and regarded the country as independent in all but name.

117. Mr. Field spoke for men who, intoxicated by the doctrine of the "white man's burden" and the *Herrenvolk* mentality, had decided to make a last-ditch stand against African nationalism. However, African nationalism was part of the movement for the emancipation of mankind everywhere, and it would soon neutralize such stubborn remnants of the era of darkness as Mr. Field and his colleagues, Mr. Verwoerd and Mr. Salazar. Sir Roy Welensky, another champion

of European settler domination, had recently been forced to face the realities of the African liberation movement, and his artificial Federation had been dissolved. Now Nyasaland and Northern Rhodesia were self-governing, with governments elected by the majority of the people, and would soon attain full independence. Mr. Field and his régime were destined to suffer the same fate as Sir Roy Welensky. The freedom movement would smash even the fortified walls of Mr. Verwoerd in South Africa.

118. The Committee should once again condemn the denial of basic human rights to the Africans of Southern Rhodesia and assure them that the United Nations supported them in their struggle. The African States would act on the present issue in accordance with the decisions taken at the Addis Ababa Conference and reaffirmed subsequently at Lagos and elsewhere. The United Nations should continue to bring the full weight of its authority to bear in the matter; it could not permit men like Mr. Field to go on jeopardizing world peace. It was not too late for the United Kingdom to take action to avert catastrophe in Southern Rhodesia.

119. His delegation hoped to join with others in putting forward more specific proposals.

120. The representative of Cambodia said that the constituent elements of the question of Southern Rhodesia were colonialism and racial discrimination. The essence of the question lay in the fact that 250,000 Europeans, helped by discriminatory measures in many spheres of life and particularly in respect of the franchise, were ruling the country in disregard of the wishes of the 3 million indigenous African inhabitants.

121. His delegation's point of view on the question was clear from the fact that Cambodia was a co-sponsor of General Assembly resolutions 1747 (XVI), 1760 (XVII), 1883 (XVIII) and 1889 (XVIII). In its opinion, the best way to remedy the situation—consistent with the principles of the United Nations Charter and of the Declaration on the granting of independence to colonial countries and peoples—would be to convene without delay a constitutional conference, to be attended by representatives of all political parties of the Territory aimed at making the necessary constitutional arrangements for independence on the basis of universal adult suffrage. That recommendation had been made repeatedly since 1962 by the overwhelming majority of the States Members of the United Nations. He was disappointed to see in the report of the Secretary-General (A/AC.109/57) that the Secretary-General was not in a position to report any progress in the promotion of conciliation among the various sections of the population of the Territory in the sense desired by the General Assembly.

122. In the meantime, the situation in the Territory had been deteriorating. Mr. Field's standpoint had been made quite clear: he did not accept United Nations intervention; he was opposed to any amendment of the 1961 Constitution; and, if the United Kingdom did not grant independence to Southern Rhodesia, he proposed to proclaim it unilaterally.

123. That the United Nations was fully entitled to intervene in the question of Southern Rhodesia was not in doubt. The question of Southern Rhodesia concerned matters within the purview of the Charter: racial discrimination, the denial of fundamental human rights and rights of citizenship to an entire population, and the denial of the right to self-determination. Moreover, the serious situation resulting from the non-

application of the principles of the Charter was likely to disturb international peace and security; the United Nations could not remain indifferent to that. The assertion repeated by the United Kingdom representative at the 223rd meeting that the United Nations was not competent to intervene in the affairs of Southern Rhodesia was inconsistent with the fulfilment of the obligations assumed by the United Kingdom as a Member of the United Nations.

124. The United Kingdom bore responsibilities as the administering Power and should clearly indicate to Mr. Field's Government that Southern Rhodesia would not be granted independence so long as political rights, including the right to vote, were withheld from the population as a whole. The United Kingdom's responsibility had been admitted by that country's representative himself, who had said at the 223rd meeting that "the responsibility in the matter [lay] with the two Governments concerned".

125. With reference to future action, he felt, first, that the steps suggested at the 224th meeting by the Iraqi and Indian representatives should be borne in mind. Secondly, all Member States which had the principles of the Charter and the abolition of colonialism at heart could begin by clearly defining their reaction to a possible unilateral proclamation of independence by Mr. Field, and, perhaps, follow such a statement with more specific action such as the severance of economic and cultural relations with the present Government in Southern Rhodesia. Lastly, there remained the possibility of bringing the matter before the Security Council and, if necessary, of convening an extraordinary session of the General Assembly.

126. Past General Assembly resolutions were still valid and should be carried out. At the same time Member States should take a firm attitude and be ready to intervene, individually or collectively, should a serious crisis develop. His delegation could not agree to a situation in which the 3 million indigenous African inhabitants of Southern Rhodesia were left at the mercy of a minority, and would support any suggestion designed to safeguard the rights of the people of Southern Rhodesia and to enable them freely to express their wishes.

127. The representative of Syria said that, despite the vague promises made by the United Kingdom Government to the Sub-Committee sent to London by the Special Committee, the situation in Southern Rhodesia appeared to be developing in a way which conflicted with the objectives of General Assembly resolution 1514 (XV) and which might create a threat to peace in Africa. The two remaining obstacles to Africa's irresistible movement towards liberation from colonialism and the abolition of racial discrimination were the efforts of certain colonial Powers such as Portugal to maintain their position, and the outmoded policy of *apartheid* pursued by the Government of South Africa. The situation in Southern Rhodesia was one in which Europeans were disregarding the interests of the African inhabitants as they clung to privileges acquired by wrongful means.

128. In a document circulated at the request of the United Kingdom delegation,⁸ the Southern Rhodesian Government had suggested that the white settlement of Southern Rhodesia had represented the advance of civilization and had been justified by an earlier invasion

⁸ *Ibid.*, Eighteenth Session, Annexes, agenda item 75, document A/C.4/606.

of the Territory by the Matabele tribe. Quite apart from the fact that the Matabele had in no sense been strangers to that area, however, intertribal quarrels could not serve to justify outside military intervention. All the European nations had come into being as the result of a long series of tribal conflicts, but in Africa a tiny minority had prevented a similar process of evolution and denied the Africans the right to govern themselves. As Mr. George W. Shepherd, an American professor, had pointed out in his book, *The Politics of African Nationalism*, a high level of civilization had existed in Southern Rhodesia before the arrival of the white settlers. Thus, the whites had conquered a country which already existed as an organized entity but lacked the means of defending itself.

129. Both the ruling party and the Opposition in Southern Rhodesia were in agreement in supporting a policy of racial segregation and European supremacy. A third of the country's land was in the hands of the Europeans, who also controlled industry, the administration of justice and the civil service.

130. Since the dissolution of the Central African Federation, the United Kingdom Government had been preparing to grant independence to Southern Rhodesia without first attempting to modify the present system, which was unfair and unacceptable to a majority of the population. The United Kingdom continued to take the position that the Southern Rhodesian Constitution of 1961 prevented it from intervening in the Territory's affairs. However, the United Kingdom was responsible under that Constitution for Southern Rhodesia's foreign relations—a responsibility that had to be borne in mind when the machinations of the Southern Rhodesian Government conflicted with the United Kingdom's obligations as a Member of the United Nations. It should also be recalled that the 1961 Constitution had confirmed an arrangement made in 1923 under which the Southern Rhodesian Government was permitted to legislate only in matters not affecting the interests of the indigenous population. Thus, the United Kingdom was responsible for ensuring the harmonious development of the majority of the population and, as a permanent member of the Security Council, bore a special responsibility for defending the interests of international peace and security against the effects of the Southern Rhodesian Government's policies.

131. The United Kingdom's passive attitude had encouraged Mr. Field, the Southern Rhodesian Prime Minister, to take a position of intransigence towards even his protectors, and one of bullying arrogance towards the African nationalists. Instead of carrying out its "sacred civilizing mission", the United Kingdom had turned over the country's wealth to the Europeans and was now preparing to sanction a declaration of independence which would bring prosperity to the whites and poverty to the Africans. The present process of development paralleled that which had taken place in Algeria, and would end in the same way.

132. The United Kingdom's continued refusal to intervene on behalf of the African inhabitants of Southern Rhodesia confronted the Committee with an alarming situation. In resolution 1889 (XVIII), the General Assembly had appealed to the United Kingdom for the third time not to grant independence to Southern Rhodesia until majority rule based on universal adult suffrage was established in the Territory. Action must at last be taken to carry out that resolution. He noted that whereas the United Kingdom Government today

refused to compel the rulers of Southern Rhodesia to give just treatment to the African majority, it had allowed Egypt its independence in 1923 only on condition that the United Kingdom retained the right to intervene in Egypt's internal affairs to protect foreign nationals and religious minorities. In both instances, however, the aim was to protect a European minority.

133. If the European rulers of Southern Rhodesia were permitted to make the Territory independent, they would unquestionably pursue a policy of racial discrimination modelled on that of South Africa—an obviously dangerous course of action. They should be reminded that the era of white supremacy was at an end. He called upon the United Kingdom Government, which had assumed the role of guardian of the African inhabitants of Southern Rhodesia, to restore to them the right to determine their own future.

134. The representative of the Ivory Coast said that at a time when about thirty former colonial territories in Africa, which had become independent thanks to the readiness of their former masters to grant their inhabitants their lawful rights, were co-operating in a harmonious manner with the former colonial Powers, whose legitimate interests they recognized and from whom they were receiving aid which was accelerating their development, his delegation was surprised and indignant at the fact that certain Powers should be pursuing policies which might well drive peaceful peoples to extremities.

135. The concern of the United Nations over the possibility of Southern Rhodesia's attaining independence without prior amendment of its Constitution was fully justified; yet the United Kingdom was not only denying the United Nations the right to discuss the problem but was evading its own responsibility by asserting that Southern Rhodesia was already self-governing and had its own Constitution. The United Kingdom could not and should not continue to uphold a legal fiction as a result of which Southern Rhodesian independence would mean delivering the Africans to the mercies of a gang of whites armed to the teeth who were engaged in secret talks with South Africa's nazis.

136. Granting independence to Southern Rhodesia under existing conditions would be tantamount to planting a time bomb in the African continent. The African majority in Southern Rhodesia was conscious of its rights and would defend them to the last. Considering how well armed the whites in Southern Rhodesia were, and how determined they were to deal brutally with the Africans, whose determination was equal to their own, it was clear that any outbreak of violence would mean a bloodbath.

137. In those circumstances, peaceful methods of settling the problem having failed, the peoples of other African countries might well feel obliged to intervene by force of arms in order to restore the balance of forces and see justice done. The result, as was clear from the resolution adopted at the recent conference of the Ministers for Foreign Affairs of the Organization of African Unity at Lagos, would be a war in the heart of Africa; and that would inevitably mean the revision of the treaties of alliance with the United Kingdom. After all, if the western Powers recognized the right of certain Mediterranean States to intervene in Cyprus in defence of a minority of 100,000 persons, should the same right not be conceded to the thirty-four African States seeking to defend 3 million of their brothers oppressed by a minority of 200,000 men.

138. The situation was serious, and the United Kingdom, which admitted that it was responsible for Southern Rhodesia's international relations, could and must act. The delegation of the Ivory Coast called upon the United Kingdom not to transfer international sovereignty to Southern Rhodesia so long as the present Constitution remained unchanged. It agreed with the Iraqi representative that the United Kingdom was entitled to use every means, including force, in opposing a unilateral proclamation of independence by Southern Rhodesia's whites. Because they were confident that the United Kingdom would not acquiesce in such an action, the African delegations urged the United Kingdom Government either to make a public statement that it would oppose any unilateral proclamation of independence by Southern Rhodesia which was not preceded by an amendment of the present Constitution, under which the African majority was deprived of all its rights, or to give the Governments of the States Members of the United Nations assurances to that effect through the diplomatic channel.

139. The representative of Chile observed that, in spite of the General Assembly's adoption of resolution 1883 (XVIII) and 1889 (XVIII) endorsing the views of the Special Committee on the question of Southern Rhodesia, there had been no significant change in the situation and the Southern Rhodesian authorities clearly had no intention of recognizing the rights of the African majority of the population. Unfortunately, the United Kingdom representative's statement had not served to dispel that impression; while the United Kingdom's position in the matter was admittedly difficult and much patience would be required in order to work out an agreement with the Southern Rhodesian Government, the present approach seemed unlikely to prove successful so long as the latter Government refused to make any changes.

140. A unilateral declaration of independence by the Southern Rhodesian Government would create a particularly dangerous situation. While it might seem paradoxical that the United Nations should oppose independence for Southern Rhodesia, it was obvious that independence must be granted to former colonies in a form which, in accordance with General Assembly resolution 1514 (XV), permitted the free expression of the will and desire of the peoples concerned, without distinction as to race, creed or colour. It was for that reason that the General Assembly, in resolution 1889 (XVIII), had called upon the United Kingdom Government not to grant independence to Southern Rhodesia until majority rule based on universal adult suffrage was established in the Territory. A unilateral declaration of independence by the Southern Rhodesian Government would, by creating a State based on minority rule and racial discrimination, threaten the peace and security of Africa and confront the United Nations with a new case comparable to that of South Africa.

141. In view of those considerations, his delegation agreed with the representative of the Ivory Coast that the Committee should request the United Kingdom Government to inform the Southern Rhodesian Government in unequivocal terms that it would not accept a unilateral declaration of independence. The United Kingdom should, at the same time, make a further effort to induce the Southern Rhodesian Government to adopt measures which would enable the majority of the population to play its rightful part in the governing of the country. Apart from existing constitutional limitations, there were substantial economic and other

means available to the United Kingdom for achieving that end, and other members of the Commonwealth could also play a part in the matter. His delegation was confident that the problem of Southern Rhodesia could be solved through intensified efforts along the lines recommended by the General Assembly and the Special Committee.

142. The representative of Tunisia said that on several occasions during the past few years, either in the General Assembly, the Security Council or the Special Committee, the United Nations had considered the situation prevailing in Southern Rhodesia. His delegation had stated its position on that question both in the Committee and in the General Assembly and it had ceaselessly alerted the universal conscience to the tragic fate of the three million Africans subjected to the persecution and tyranny of 230,000 white colonists. The administering Power had done nothing whatever to implement the various resolutions concerning Southern Rhodesia adopted by the General Assembly and its principal organs. Appropriate action under the Charter to deal with that attitude could not be suspended indefinitely. In resolution 1747 (XVI), the General Assembly had affirmed that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter and had requested the United Kingdom to convene a constitutional conference, with the participation of representatives of all political parties, to draft a new constitution for Southern Rhodesia which would ensure the rights of the majority, on the basis of "one man, one vote", in conformity with the Charter and the Declaration on the granting of independence to colonial countries and peoples. The General Assembly had reaffirmed that resolution in resolutions 1755 (XVII) and 1760 (XVII). In May 1963, the meeting of African Heads of State and Government at Addis Ababa had urged the United Kingdom not to transfer sovereignty to a Government which represented a foreign minority and which had been imposed on Southern Rhodesia's African inhabitants by force. They had reaffirmed that if power in that Territory were to be usurped by the white minority they would lend their effective moral and practical support to any legitimate measures which the African nationalist leaders might take for the purpose of recovering that power and restoring it to the African majority. On 20 June 1963, the Special Committee had adopted a resolution (A/5446/Rev.1, chapter III, para. 282) drawing the Security Council's attention to the deterioration of the situation in Southern Rhodesia and calling upon the United Kingdom to implement the General Assembly's resolutions without delay. On 13 September 1963, the United Kingdom had vetoed in the Security Council a draft resolution asking the United Kingdom not to transfer any powers and attributes of sovereignty to Southern Rhodesia until a fully representative government was established and not to carry out the transfer of armed forces and aircraft to Southern Rhodesia envisaged by the Central African Conference of June 1963. At its eighteenth session, the General Assembly noted no slackening of tension. Two resolutions were adopted. General Assembly resolution 1883 (XVIII) had reproduced the provisions of that draft resolution, while General Assembly resolution 1889 (XVIII) had again called upon the United Kingdom to hold a constitutional conference in which representatives of all political parties of the Territory would take part and to abstain from granting independence to any government based

on the Constitution of 1961 and had requested the Secretary-General to report on the results of his efforts to promote conciliation in the Territory.

143. The Tunisian delegation had cherished the hope that the resolutions adopted at the eighteenth session would meet with a better reception and a more encouraging attitude on the part of the Administering Power. But the Secretary-General's report to the Committee (A/AC.109/57) did not justify the slightest hope, and showed beyond a doubt that there had been no change in the attitude of the administering Power. Indeed, in view of the disquieting course of events within the Territory and statements by members of Mr. Field's racist Government, there were grounds for greater apprehension in that region and for fearing the worst. The arrests and repressive measures against the Rhodesian people and Nationalists were at their height. Mr. Joshua Nkomo, whose moderate position was well known, had repeatedly been arrested and imprisoned. Very recently, those convictions had given rise to protest demonstrations during which, according to *The Observer* of 2 February 1964, the police had opened fire on the demonstrators, killing two persons and injuring four. Steps to strengthen the provisions of the racial laws were not being neglected either. In a speech from the Throne, the Governor had announced, on 25 February 1964, that the Government would seek an extension of the Preventive Detention Act and the Unlawful Organization Act, which were to expire on 14 May 1964.

144. These psychological measures of intimidation and repression were not isolated facts. The ultimate aim of the Southern Rhodesian Government headed by Mr. Winston Field was to gain independence for the benefit of the white minority. In February, after his visit to London, Mr. Field had declared that Southern Rhodesia was no longer a colony. He had subsequently stated that "remaining a member of the Commonwealth must go by the board if this impedes our progress to independence". It was clear from those quotations that Mr. Field was looking for means of compelling the administering Power to fall in with his plans and of confronting it with what might be presented as a *fait accompli*. At the same time, he was seeking alliances and with this in mind was paying increasingly frequent visits to the Republic of South Africa, with the object of concluding an "unholy alliance" which would shield him against anyone who might threaten him, even against the administering Power, if necessary.

145. Nevertheless, the United Kingdom continued to refuse to state categorically that it would not grant independence to Southern Rhodesia until a new constitution was adopted revising the electoral law on the basis of "one man, one vote". Africa continued to be gravely disturbed by the course of events in Southern Rhodesia. The recent Conference of Foreign Ministers at Lagos had reiterated these apprehensions and recommended measures for restoring the lawful rights of the Territory's inhabitants and had warned the United Kingdom against the serious consequences of its present policy. The United Kingdom Government had definite responsibilities in Southern Rhodesia which it could not shirk; the constitutional limitations which it invoked in defence of its position were challenged by the British Parliament and, in any case, could not take precedence over its international obligations which it had entered into voluntarily. The Tunisian representative associated himself with the previous speakers who had called on the administering Power to state categorically and

unequivocally that it would not grant independence to Southern Rhodesia until the constitution was amended on the basis of resolutions 1747 (XVI) and 1899 (XVIII); that would be in keeping with the United Kingdom's traditions and with the Devonshire Declaration, in which the United Kingdom Government had proclaimed, forty years previously, that the interests of the indigenous Africans must be considered as paramount and that in the event of a conflict between the interests of the Africans and those of the immigrant races, the African interests must prevail. The situation was so serious that any further temporizing would be detrimental not only to the future of the Rhodesian people but also to relations between Africa and the United Kingdom. The fate of the three and one half million Africans consigned to the horrors of fear and anxiety and subjected to tyranny was of increasing concern to the whole of Africa which had reached the end of its patience and could not continue to stand passively by while that focus of tension threatened the existence of the Rhodesian people and the stability of the entire area. The United Kingdom would have no one to blame but itself if it continued to drive the members of the Committee toward a desperate decision from which violence would ensue.

146. The Special Committee should set up a small group, which might be called a "watchdog committee", to follow events in Southern Rhodesia during the period between the Special Committee's sessions and to draw attention to all movements of forces within that Territory. The United Nations could not allow itself to stand idly by in a dangerous game in which human lives were at stake as well as the peace and security of the entire African continent. The Tunisian delegation would associate itself with the presentation of any concrete measures for dealing with the situation and might have some proposals to make on those lines at the proper time.

147. The representative of Madagascar said that although the United Kingdom representative continued to assert that Southern Rhodesia was not a "Non-Self-Governing Territory" and that his country was not an "administering Power", that question had been settled once and for all by General Assembly resolution 1747 (XVI). The United Kingdom could not hide indefinitely behind a legal fiction or attempt to evade its responsibilities.

148. In the present situation in which the fury and blindness of a minority might precipitate a tragedy at any moment, the Committee should seek ways of preventing the worst from happening. His delegation was of the opinion that previous General Assembly resolutions on the question were still valid and that the first steps to be taken were those embodied in resolutions 1760 (XVII) and 1883 (XVIII). In that connexion his delegation was glad to note that the United Kingdom had not complied with Mr. Field's request for independence.

149. Since the ultimate objective was an independent and sovereign Southern Rhodesia, it was necessary to seek ways and means of giving the African population its fair share in the political life of the country. While his delegation was aware of the difficulties involved, it felt that the desired result could be achieved through the holding of a fully representative constitutional convention in order to draw up a constitution providing for absolute political and legal equality on the principle of "one man, one vote".

150. The question of Southern Rhodesia called for the sincere co-operation of all interested parties and in particular of the United Kingdom whose influence and responsibilities could not be denied. His delegation had always had full confidence in the United Kingdom's desire to free the African peoples; by taking early steps to free Southern Rhodesia in accordance with the wishes of the United Nations and of the people of the Territory, the United Kingdom would only add to its greatness.

151. The representative of Denmark said that if one looked at the situation in Southern Rhodesia in a realistic light, there seemed to be very few avenues of action open to the Committee. While the Southern Rhodesian Government's wish to obtain independence at approximately the same time as Northern Rhodesia and Nyasaland was understandable, the crux of the problem was on the conditions on which independence should be granted.

152. It was a well-known fact that the United Kingdom Government was seeking a widening of the franchise that would give greater representation to the Africans. His Government shared the view that independence should not be granted to Southern Rhodesia, as long as the Territory was not under a Government representing the great majority of the people. Recent development in a former United Kingdom territory had shown the danger of granting independence to a minority Government. The right to self-determination and independence should never be limited to one section or certain sections of the population. The guiding principle should be equal rights for all without distinction as to race, religion or political conviction. That principle should be applied to the whole population of every territory, including Southern Rhodesia.

153. He saw no reason to doubt that the United Kingdom Government was fully aware of its special responsibilities towards the majority of the people of Southern Rhodesia. He hoped that the Southern Rhodesian Government would adjust its policies to the inevitable political and social changes occurring in the world, especially in the immediate vicinity of the Territory.

154. He was still hopeful that the Governments of the United Kingdom and of other countries with close links to Southern Rhodesia would eventually be able to bring moral and political influence to bear so as to ensure swift and peaceful development towards a truly democratic society in Southern Rhodesia. He was aware that there were circles in Southern Rhodesia which hoped that steps would be taken than might be used as a pretext for unilateral action by the Government of Southern Rhodesia. Such a development would be dangerous and inexcusable. At the same time, the Committee should be aware of its special responsibility not to add to the difficulties in the way of a peaceful solution at a time when the parties concerned had not yet exhausted all possibilities of further negotiation. That stage, however, would be reached very soon if everyone, whether in New York, London or Salisbury, did not bear in mind the dangerous consequences which precipitate action could have on the prestige of the United Nations and, what was much more important, on the people of Southern Rhodesia.

155. The Danish Government and people were following developments in Southern Rhodesia with growing concern. He hoped that future developments

would not force his delegation to reconsider its conciliatory attitude.

156. The representative of Yugoslavia expressed regret that the United Kingdom, in its capacity as administering Power had not shown readiness to comply with the General Assembly resolutions on Southern Rhodesia and to apply to the Territory the provisions of the Charter and of the Declaration on the granting of independence to colonial countries and peoples. It had failed to meet the justified demands of the four million African inhabitants of Southern Rhodesia for freedom and independence; as a result, the situation in Southern Rhodesia had deteriorated dangerously and was threatening to lead to the most serious consequences.

157. The General Assembly having found clearly and unequivocally that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter, it was not only the right but also the duty of the United Nations to consider the question of Southern Rhodesia. The argument in favour of the self-governing status of the Territory had no legal, moral or political justification. The overwhelming majority of the population was virtually disenfranchised, denied the most elementary human rights and subjected to degrading conditions of colonial rule imposed by a racist white minority government, which was following in the footsteps of the minority government in South Africa. It was unfortunate that negotiations concerning the future of the Territory had thus far been conducted only with Mr. Field's régime, which did not and could not represent the people of Southern Rhodesia, having been imposed by means of an undemocratic and discriminatory constitution whose repeal had been demanded by the General Assembly. The political future of the people of Southern Rhodesia could not be discussed in terms of such a constitution.

158. Developments in Southern Rhodesia, for which the administering Power had to be held responsible because of its failure to comply with General Assembly resolutions, were moving away from a peaceful solution. That was a most unfortunate trend which had been confirmed by the Secretary-General in his report (A/AC.109/57) on the measures he had taken in pursuance of General Assembly resolution 1889 (XVIII), and even the United Kingdom representative did not deny the absence of progress in Southern Rhodesia. That lack of progress caused his delegation grave concern.

159. The statement by the United Kingdom representative at the 223rd meeting that his Government had neither the legal right nor, in fact, the means to intervene in the internal affairs of Southern Rhodesia in no way reduced the United Kingdom's responsibility in the matter. Indeed, the leaders of ZAPU were convinced that the United Kingdom Government had enough means at its disposal to remove any threat of a unilateral proclamation of independence and to induce Mr. Field's Government to change its policies.

160. In disregard of the General Assembly's recommendations, the United Kingdom Government had proceeded to transfer to Southern Rhodesia military forces formerly under the control of the Central African Federation. Only one further step, the transfer of power and the granting of "independence" to Mr. Field's Government, remained to be taken for another stronghold of racialism and colonialism to have been created in Africa. The indigenous inhabitants would then have no alternative but recourse to force in order to secure

their rights and their independence. The four million Africans of Southern Rhodesia had shown great patience in their search for a just solution. It was entirely understandable, however, that that patience was running out in the face of the United Kingdom Government's unwillingness to comply with General Assembly resolutions and of the policy of terror pursued by the racist minority Government. The leaders of the indigenous inhabitants of Southern Rhodesia had no doubt that, like African people elsewhere, the Africans on Zimbabwe would also obtain their freedom, even at the cost of much bloodshed.

161. Yugoslavia fully supported the legitimate demands of the people of Southern Rhodesia for true independence. Those demands had also been supported by the Conference of the Ministers for Foreign Affairs of the Organization for African Unity recently held at Lagos, and by all those who understood that the long-term interests of European settlers in Africa and the cause of world peace called for independence and the recognition of the equality and brotherhood of all men. A solution which would protect the rights of the minority could be found not by insisting on minority privileges but only by recognizing the inalienable equality of all men. Those who sought to guarantee the minority's privileges were creating conditions in which hatred against the Whites might become so intense that they would not be able to remain in the country.

162. It was not too late to prevent the worst from happening. The General Assembly resolutions pointed the way to the solution of the problem. He felt that the United Kingdom Government would co-operate in assuring their implementation. If, however, the need arose for additional measures to forestall any further deterioration of the situation, his delegation would support the Soviet delegation's recommendation that the matter should once again be referred to the Security Council. The United Nations should give its fullest support to the people of Southern Rhodesia in the attainment of their rights and aspirations.

163. The representative of Uruguay took exception to the statement made in April 1963 by Mr. Duncan Sandys, Secretary of State for Commonwealth Relations and Secretary of State for the Colonies to the effect that he hoped the United Nations would examine the problem of Southern Rhodesia from an intellectual rather than an emotional and political point of view. That was an unfair statement, for the problem had always been studied with the utmost care and objectivity, whether in the plenary General Assembly, the Fourth Committee or the Special Committee. Indeed, if anything was based on emotional and political considerations, it was the position of the United Kingdom itself. He noted that the situation remained as it had been in July 1963 and the crucial problem was therefore still the need to persuade the United Kingdom Government to discharge the responsibilities incumbent upon it under Article 73 of the Charter and General Assembly resolution 1514 (XV). After reviewing the arguments he had developed at the last session of the Fourth Committee (1440th meeting) concerning the competence of the General Assembly, the obligations of an Administering Power and the status of Southern Rhodesia, he observed that there were two circumstances which might constitute grounds for guarded optimism. From Mr. Field's use of the words "extravagant" and "unacceptable" in his statement to the Southern Rhodesia Legislative Assembly on 26 February 1964

concerning the conditions which the United Kingdom had put forward in negotiations for granting independence to the Territory, it would appear that under the vague expression "broadening the franchise" the United Kingdom might have had in mind the establishment of a majority government forthwith. The other possible cause for optimism was the statement of the United Kingdom Prime Minister to the House of Commons that his Government accepted the principle of majority rule (see para. 28 above). If that was a correct description of the United Kingdom's position, it would mean that considerable progress had been made.

164. In the circumstances, he did not think that the Committee could do any more than reiterate the most important points of General Assembly resolution 1889 (XVIII), particularly operative paragraphs 5 and 6 of the resolution. There could be a significant difference between the vote in the Fourth Committee and the decision of the Special Committee on those points, for the action by the Special Committee might well be unanimous. In the opinion of his delegation such a unanimous vote, or consensus, which had been impossible in the past, would be the best contribution that the Special Committee could make at the present time to the cause of the oppressed people of Southern Rhodesia; at the same time it would be in the interests of the administering Power itself, which had always asked for the co-operation of the United Nations. As things stood, there was no assurance that something drastic might not occur which would make further discussion in the United Nations meaningless.

165. The representative of Sierra Leone said that so far as his delegation was concerned the United Kingdom Government was still responsible for the affairs of Southern Rhodesia. It was therefore the duty of the Special Committee not to determine the extent of the United Kingdom Government's accountability for the misdeeds of the Southern Rhodesian oligarchy but to draw attention to the explosive situation in the Territory and impress upon the United Kingdom Government the urgent need for remedial action. The General Assembly had adopted a series of resolutions urging the United Kingdom not to transfer to Southern Rhodesia as at present governed any of the powers or attributes of sovereignty or the armed forces and aircraft inherited from the Federation, and requesting it to hold a conference with a view to making constitutional arrangements for independence on the basis of universal adult suffrage. In spite of those resolutions, the situation continued to deteriorate at an alarming rate. Under the 1961 Constitution mock elections had been held by which a racist, minority, settler régime had come to power. Among the most objectionable laws adopted by that régime were the following: the Law and Order (Maintenance) Act, which made it almost impossible to hold public meetings; the Unlawful Organizations (Amendment) Act, which vested excessive powers of search and seizure in the police and prohibited both current and former leaders of banned organizations from joining other organizations; the Land Apportionment Act, by which 44 million acres of land were reserved for 3.5 million Africans while 36 million acres were reserved for 230,000 whites; and the Municipal Act, under which an African, no matter how important his position, could not acquire property in a European area and accordingly could not vote in a municipal election or be elected to the office of municipal councillor. The Constitutional Council in its report had

indicated the reasons for that Act by drawing attention to a passage in the statement of the United Kingdom Kenya Land Commission Report that however desirable it might be for the members of the two races to live side by side, with equal rights in respect of the holding of land, it was felt that in practice such a policy was not likely to be practicable or in the best interests of the two races for generations to come and that points of contact between the two races should preferably be reduced.

166. The United Kingdom Government, to its credit, had refused to grant independence under the existing Constitution until the franchise was broadened; the problem was that it had not been made clear what the United Kingdom Government meant by a broadening of the franchise. In the eyes of the minority rulers of Southern Rhodesia such a broadening of the franchise might be "extravagant", whereas in the eyes of the rest of the world it might be inadequate. What was needed in Southern Rhodesia was not simply a broadening of the franchise to ensure more direct participation by the people in the political life of the country but a fundamental revision of the Constitution which would guarantee equal political rights to the entire population, without discrimination, and create the conditions in which those rights, particularly the right of suffrage, would be fully and freely exercised.

167. The Special Committee should therefore urge the United Kingdom Government to convene as a matter of extreme urgency a constitutional conference of all political organs in the Territory to work out such a constitutional revision, to be followed by elections held on the basis of universal adult suffrage and, finally, the granting of independence. It was to be hoped that Mr. Field and his colleagues would co-operate in that effort, for they seemed to be aware of the dangers of rash unilateral action. Sir Edgar Whitehead had warned that if the Government took illegal action to achieve independence Southern Rhodesia would collapse within six months. That was at best a generous estimate, for a precipitate declaration of independence could not but further provoke the masses, who would unquestionably have the support of their brothers in the rest of Africa and of all those who cherished the freedom and dignity of the individual. If the United Kingdom wished to avert that threat to international peace it should unequivocally declare its opposition to any unilateral declaration of independence and warn the Southern Rhodesia Government that it would impose economic sanctions should the need arise. The Special Committee for its part should appoint a special sub-committee to keep the matter under constant review.

168. The representative of Mali said that the question of Southern Rhodesia was an extremely serious colonial question which might lead to a breach of the peace at any time. All the principles of the United Nations Charter and of the Universal Declaration of Human Rights were at stake. A particularly disquieting aspect of the question was that the administering Power, instead of complying with General Assembly resolutions, was trying to withdraw from its responsibilities in favour of an alien minority pursuing policies based on racial discrimination. At the 223rd meeting, the United Kingdom representative had once again stated that his Government regarded Southern Rhodesia as self-governing and that it could not intervene in the manner requested by the Committee. That argument, however, had been rejected three times by the General Assembly. The United Kingdom remained

responsible for Southern Rhodesia and the only way in which it could divest itself of that responsibility in keeping with the Charter was by the transfer of powers to the genuine representatives of all the people of Southern Rhodesia—above all the 3.5 million Africans—and not to the alien minority which had come to power by illegal and anti-democratic means.

169. He did not think that the United Kingdom delegation itself believed in its argument that Southern Rhodesia was a self-governing territory. The provisions of article 21 of the Universal Declaration of Human Rights were clearly not being applied in Southern Rhodesia. Until such time as the United Kingdom agreed to discharge its responsibility and abide by the sacred principles of the Charter and of the Universal Declaration, with particular reference to those concerning the right of peoples to self-determination, his delegation would continue to reject the United Kingdom argument.

170. The policies of the United Kingdom with regard to Southern Rhodesia were needlessly delaying the solution of the problem and fanning hatred between the two communities destined to live together in a non-racial society. The United Kingdom had not said a word regarding Mr. Field's openly announced intention of unilaterally proclaiming the independence of Southern Rhodesia. It consciously disregarded the interests of 3.5 million Africans who were being left to the mercies of a handful of white settlers. Such conduct was inconsistent with the efforts which the United Kingdom Government alleged it was making to speed up the process of decolonization.

171. Any fair-minded person would agree that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter, that General Assembly resolution 1514 (XV) was applicable to it and that the wave of African independence could not be stopped at its borders for the sake of the sordid interests of foreign companies which, with the help of the London and Salisbury Governments, systematically pillaged the resources of that rich country.

172. He would like to remind the United Kingdom representatives of the resolutions adopted by various United Nations organs on the question of Southern Rhodesia and also of the warnings voiced at the Summit Conference of Independent African States at Addis Ababa in May 1963 and at the meeting in February 1964 of the Council of Ministers of the Organization of African Unity at Lagos. The United Kingdom should realize that the Governments of the independent African States could not disregard the fate of other Africans. On that score, they intended to take all appropriate action including the re-examination of their relations with the United Kingdom Government. Far from being blackmail, those warnings were aimed at opening the eyes of the United Kingdom Government to the inconsistency of colonial policies towards Southern Rhodesia. The United Kingdom was a permanent member of the Security Council and a great economic and military Power. It had the necessary legal powers and means of pressure to bring about compliance with the General Assembly decisions and with the recommendations of the Heads of African States regarding Southern Rhodesia. In doing so, it would have the approval and support of the United Nations.

173. At that stage of the proceedings his delegation suggested that the United Kingdom should again be

asked to comply with earlier General Assembly resolutions on the question and to state categorically that it would not grant independence to the alien minority régime in Southern Rhodesia. If the United Kingdom did nothing to implement General Assembly resolutions, the question of Southern Rhodesia should again be taken to the Security Council, since there was a real threat to peace and security in that part of the world. His delegation was prepared to endorse any other action which would contribute to a solution of the problem on the basis of the transfer of powers to the genuine representatives of the Rhodesian people elected by universal adult suffrage on the principle of "one man, one vote".

174. The representative of Australia said that his country's position with regard to the independence of Southern Rhodesia had been made clear in a statement on 11 March 1964 by Sir Garfield Barwick, the Australian Foreign Minister. Sir Garfield had said that Australia was concerned that the circumstances of Southern Rhodesia's independence should not lead to the non-recognition of the Government of Salisbury by most other Governments, to its non-admission to the Commonwealth or to the establishment of a rival authority in exile. He had added that if that were to happen, a situation of the Algerian type might develop accompanied by a deep and lasting cleavage between the black and white communities, which would be a disaster not merely for Rhodesia but for racial harmony in Africa and even beyond. What was needed, Sir Garfield had said, were patience and flexibility in exploring mutual concessions, and any hasty decision now by either community could only make conflict more certain.

175. The problem in Southern Rhodesia was how to reconcile the opposing views of the non-European nationalists, who were insisting on a new constitution that would enable the early election of an African majority, and of the European community, which maintained that the Africans were not yet ready to govern. That issue had to be solved by the people of Southern Rhodesia themselves, and the decision on the terms and timing of Southern Rhodesia's independence was primarily a matter for settlement between the Governments of Southern Rhodesia and the United Kingdom.

176. As Sir Garfield Barwick had said, the Commonwealth was of unique value as an association transcending racial differences and for that reason alone deserved the respect and support of all men of goodwill.

177. The great fear besetting all countries in considering questions such as that of Southern Rhodesia was their bearing on the issue of race relations. The Australian Government had welcomed the Secretary-General's wise statement at Algiers on 4 February 1964 in the course of which he had warned of the dire consequences of a racial conflict. Sir Garfield had also referred to a recent statement by the United Kingdom Prime Minister noting the possibilities of trouble inherent in the fact that the dividing line between rich and poor broadly coincided with differences in skin pigmentation, and he had noted that the Chinese communists were trying to exploit racial ill-feelings and were apparently doing their best to fan the fires of racial hatred in Africa.

178. In considering the question of Southern Rhodesia one had to take into account the political realities of the situation including the recent significant changes in the area such as the final dissolution of the Central

African Federation, which would lead to the early emergence of two new independent nations. That was a remarkable achievement in itself. Similar changes were taking place in the minds of men concerned with Southern Rhodesia, making some liberals more liberal and some extremists more extreme. One of the problems confronting the Committee was how to take advantage of any improvements and avoid any dangers. The best example of the latter was the capacity—as distinct from the legality or lack of it—of extremist elements in Southern Rhodesia to try to force a unilateral declaration of independence, with unfortunate consequences.

179. In view of the extreme delicacy of the political situation relating to Southern Rhodesia, of the fact that forces of change were strongly at work there, and of the reality of the dilemma facing the United Kingdom Government, his delegation continued to adhere to the view it had expressed at the 48th meeting that the Committee should work with the administering Power.

180. It was in the light of those considerations that his delegation had considered the proposals made in the Committee that the United Kingdom should be asked to assert unequivocally that it would not grant independence to Southern Rhodesia in the existing circumstances or that a small group from the Committee should proceed to London for discussions with the United Kingdom Government.

181. In view of the changes which had occurred since the previous similar discussions in 1963, the dispatch of a group to London might be useful, for it would make it possible to examine the situation closely in association with representatives of the United Kingdom Government, which bore a direct and very heavy responsibility in the matter. The appointment of such a group might be linked to the Tunisian representative's proposal for the establishment of a small sub-committee for the purpose of watching developments closely and keeping the Special Committee informed.

182. Consideration might also be given to another circumstance which had so far received little mention in the Committee, namely the possibility of the two main African nationalist parties in Southern Rhodesia combining to settle the differences between them. As a united entity they could perhaps bring a weight of opinion to bear on the Government in a much more effective and representative manner than could be done by either or both of the existing parties separately.

183. Closer association would result in new knowledge which would set at rest some of the fears now held by the two communities. As a previous Australian representative had told the Committee, it was not just a question of educating the Africans in Southern Rhodesia in self-government and new constitutional forms; it was equally and perhaps even more a question of getting the European community accustomed to such new forms.

184. The representative of the United States of America recalled at the 135th meeting that during the Committee's 1963 session he had expressed the hope that the people of Southern Rhodesia would be granted the opportunity for self-determination, that the Territory's Constitution would be amended to provide for realistic liberalization of the franchise looking to universal adult suffrage and the ultimate establishment of a Government based on the consent of the governed, that steps would be taken to break down the existing patterns of racial discrimination, and that the grant

of self-determination would lead to the establishment of peaceful and advantageous relations between Southern Rhodesia and its neighbours in Africa. Although his delegation still believed that those goals were attainable, no progress towards their fulfilment had been made during the past year.

185. A significant development since the Committee's last session had been the dissolution of the Central African Federation, which had been carried out in a statesmanlike spirit of co-operation and compromise and was soon to result in the attainment of full independence by Nyasaland and Northern Rhodesia. In his delegation's view the revision of Southern Rhodesia's constitution could be discussed in a similar spirit. With regard to the doubts expressed in the Committee concerning the United Kingdom's intention to work towards a solution acceptable to all the people of Southern Rhodesia, it should be recalled that the present Prime Minister of the United Kingdom had stated at the last session of the General Assembly that his Government was dedicated to the principle of majority rule; while not ends in themselves, that statement and the similar statement recently made by the Prime Minister in Parliament could be regarded as important steps along the road to a peaceful settlement in Southern Rhodesia.

186. At the same time, the situation within Southern Rhodesia had continued to deteriorate. Although some Southern Rhodesians, both black and white, were striving to create better understanding between different racial and political groups, no real improvement in the situation was possible so long as political, economic and social inequities persisted in Southern Rhodesian society. His Government deplored the Southern Rhodesian Government's action in detaining numerous Africans without trial under security measures about which the African population had never been consulted.

187. It was difficult to understand why the Southern Rhodesian Government insisted on playing the futile game of seeking independence under minority rule instead of striving to lead all its people to the enjoyment of fundamental human rights and of the economic and social advantages which that richly endowed country could provide. He noted the provocative statements of certain Southern Rhodesian political leaders calling for a unilateral declaration of independence. Such action would make violence inevitable in Southern Rhodesia and would command little international endorsement. Southern Rhodesia's great potential could be fully realized only through co-operation between the African and European communities in that country.

188. His delegation felt that the situation called for two immediate steps. First, the Government of Southern Rhodesia should be informed that a unilateral declaration of independence, apart from being illegal under its own Constitution, would have serious consequences for the people of Southern Rhodesia and would gravely threaten the peace of southern Africa. Secondly, the United Kingdom Government should arrange conversations among representatives of all the parties concerned in Southern Rhodesia—the United Kingdom Government, the Southern Rhodesian Government, the Opposition and the nationalist groups—at which they could discuss their grievances and present suggestions for amending the Constitution. That proposal did not represent a retreat from the Committee's earlier appeals for the convening of a constitutional conference. Since

the present Southern Rhodesian Government had clearly indicated that it would not agree to such a conference, an exploratory conference of the kind he had just described might be the best means of making progress at the present time.

189. His delegation once again urged the United Kingdom to impress upon the Southern Rhodesian Government the important points he had just made. The United Kingdom Government had already clearly indicated that it would not consent to a unilateral declaration of independence under existing conditions, and it could use its close relationship with the Government and people of Southern Rhodesia to make unmistakably clear to them the grave consequences that would result from hasty and unwise action. While appreciating the complexity of the problems confronting the United Kingdom, he was confident that the latter's experience in colonial matters would enable it to work out a solution acceptable to all concerned.

190. The representative of Italy observed that, while it was unusual for the Special Committee to oppose the granting of independence to a Territory which the General Assembly regarded as non-self-governing, that position was amply justified in respect of Southern Rhodesia; independence in fact must rest on a foundation of freedom, economic viability, and justice. His delegation felt that a clear issue was now before the Special Committee, namely, the necessity of requesting the United Kingdom Government not to grant independence to Southern Rhodesia until certain conditions were fulfilled. That represented remarkable progress, the credit for which belonged to the United Nations, which had done so much to bring the issue before the world, and to the moderation and restraint displayed by all the parties concerned, especially the Southern Rhodesian nationalists, who had demonstrated their political maturity by successfully controlling their legitimate aspirations.

191. The report that in January the United Kingdom Government had submitted to the Prime Minister of Southern Rhodesia a programme calling for a broadening of both the lower-roll and the upper-roll franchise, an increase in African representation in Parliament, and the repeal of the Land Apportionment Act and other racially discriminatory legislation suggested that the first significant steps might have been taken towards political development in Southern Rhodesia; if such a programme in fact existed, he hoped that the Africans would give it serious consideration as a possible basis for negotiations. He did not agree with representatives who felt that the statement of United Kingdom spokesmen on Southern Rhodesia had been ambiguous and contradictory. That was certainly not true of the statement made in the House of Commons on 15 November by Mr. Sandys, that the United Kingdom Government was "prepared to grant independence to Southern Rhodesia in the same circumstances as we have granted it to other British territories" and favoured a "widening of the franchise"; there was no reason to apply a restrictive interpretation to those words.

192. His delegation felt that the situation in Southern Rhodesia had reached a critical point, where all the prerequisites for a peaceful solution existed but ill-timed action might prove harmful. While his delegation would welcome an unequivocal pledge by the United Kingdom Government not to grant independence to Southern Rhodesia until majority rule was

firmly established in that country, as some representatives had suggested, it felt that such a declaration might produce the very result which all wished to avoid—independence without reform. Independence under majority rule, which was the ultimate goal of the Committee's efforts, had to come through agreement among the United Kingdom Government, the African nationalists and the Southern Rhodesia Government; hence, the Committee should do everything possible to facilitate such consultations. Recalling the proposal his delegation had made in the Fourth Committee at the last session of the General Assembly, he said that he still considered a massive educational programme under United Nations sponsorship helpful in promoting those contacts.

193. His delegation believed that the Secretary-General should continue his efforts under General Assembly resolution 1889 (XVIII) to promote conciliation in the Territory, even though his latest report (A/AC.109/57) had not been very encouraging. It also supported the Iraqi representative's suggestion that a sub-committee should be sent to London for consultations with the United Kingdom Government; it would be unwise for the Committee to decide on any further course of action until it received a report from the proposed sub-committee. Lastly, he supported the United States representative's suggestion that the Southern Rhodesian Government should be informed of the serious consequences which might result from a unilateral declaration of independence before basic changes were made in the country's political structure.

194. The representative of Ethiopia said that one important recent development concerning the question of Southern Rhodesia was the evolution of opinion in the continent of Africa. The Conference of African Heads of State and Government, held at Addis Ababa in May 1963, had adopted a resolution declaring that the forcible intervention by the colonial Powers and the settlers to control the Governments and administrations of the dependent territories was a flagrant violation of the inalienable rights of the legitimate inhabitants of the territories concerned; the Conference had invited the colonial Powers to take the necessary measures for the immediate application of the Declaration on the granting of independence to colonial countries and peoples and had stated that the determination of those Powers to maintain colonies or semi-colonies in Africa constituted a menace to the peace of the continent. That view was shared by the overwhelming majority of States Members of the United Nations.

195. The General Assembly had rejected the United Kingdom's contention that Southern Rhodesia was a self-governing territory. If the United Kingdom Government had unilateral power to dictate with regard to the affairs of Southern Rhodesia and, according to United Kingdom spokesmen, was the custodian of Southern Rhodesian independence, he could not sympathize with the United Kingdom assertion that it was unable to interfere in Southern Rhodesia in order to correct the situation in favour of the well-being of the entire population of the Territory. The situation in Southern Rhodesia constituted an indisputable threat to international peace and security, since in the present nuclear age a serious disturbance in Southern Rhodesia would inevitably affect every corner of the globe; the United Kingdom had the power and the means to remove that threat once and for all.

196. The Addis Ababa Conference of African Heads of State and Government had reaffirmed its support of the African nationalists of Southern Rhodesia; it had further pledged that, in the event of the usurpation of power in Southern Rhodesia by a white minority Government, African States would support legitimate measures taken by the African national leaders to restore power to the African majority and would take necessary measures against any State according recognition to the minority Government.

197. The General Assembly had affirmed at its sixteenth session,⁹ that Southern Rhodesia was a Non-Self-Governing Territory; under Chapter XI of the United Nations Charter, the administering Power responsible for such a Territory should be guided by the principle that the interests of the inhabitants were paramount. To ensure the strict observance of that principle, it would be necessary to abolish all existing laws and practices in Southern Rhodesia that did not conform to the standards of the Charter and to the conscience of mankind, and to introduce fair and accepted procedures which would satisfy the provisions of the United Nations resolutions concerning Southern Rhodesia.

198. The statements made by Mr. Winston Field, leader of the white minority Government in Southern Rhodesia, made it clear that that Government was working towards the unilateral establishment of independence, in order to demonstrate the United Kingdom's inability to act in Southern Rhodesian affairs and in order to satisfy its irresponsible followers among the minority. Sir Edgar Whitehead, leader of the white opposition, in his statement made a year earlier to the General Assembly, had said that he had favoured a new constitution under which Africans could obtain seats in Parliament sooner but that its adoption had been frustrated by Mr. Joshua Nkomo's repudiation of an agreement reached by the conference held in December 1960 at London and later at Salisbury. On the other hand, Mr. Nkomo, in a letter addressed to the Prime Minister of the United Kingdom in 1963, had made it clear that the African nationalists would not accept any arrangement for the independence of Southern Rhodesia that did not provide for majority rule. The members of the African majority had good reason not to risk their future by acceding to propositions that would keep them in perpetual bondage. Sir Edgar Whitehead's suggestion that government by a white minority was government that was responsible and in trained hands had been disproved by the history of white-settler administration in Africa.

199. By its resolution 1889 (XVIII), the General Assembly had invited the administering Power to hold without delay a constitutional conference in which representatives of all political parties of the Territory would take part with a view to making constitutional arrangements for independence, on the basis of universal adult suffrage, including the fixing of the earliest possible date for independence. According to the United Kingdom representative's statement in the Special Committee on 6 March 1964, Mr. Field, the appointed leader of the small white minority in Southern Rhodesia, was in constant discussion with high-level authorities in London regarding independence. It was the view of the United Nations that any discussion which did not take into account the entire population of Southern Rhodesia through their own leaders would

⁹ Resolution 1747 (XVI) of 28 June 1962.

lead to no satisfactory solution but would, on the contrary, worsen the situation by further sharpening the appetite of power-seeking minority leaders.

200. The white settler minority in Southern Rhodesia was pursuing a policy of *apartheid* against the African inhabitants under the so-called Land Apportionment Acts. All urban areas except those inhabited by Africans were barred to the African population; hotels, jobs and public facilities were all segregated. By such repressive methods the colonial authorities weakened all efforts towards achieving political and civil rights. Mining, agricultural and industrial concerns established solely for the benefit of the white settlers had a convenient supply of African workers who received as little as one-twentieth of the wages paid white settlers for the same work. In education, the separate facilities for Africans, Asians and whites had been devised in order to enable the white minority to retard the educational advancement of the first two groups, so that they might the more readily be exploited by their white overseers.

201. Moreover, the United Kingdom Government had transferred military aircraft, armoured cars and many other weapons to the minority Government of Southern Rhodesia, in violation of General Assembly resolution 1883 (XVIII). The possession of additional arms by that Government, coupled with the arms build-up in the Republic of South Africa and the Portuguese colonies of Angola and Mozambique, was systematically directed not only against the African population of those Territories but also against the African countries which had expressed their determination to implement relevant United Nations resolutions. Under the circumstances, responsibility for whatever happened lay squarely on the shoulders of those who had ignored the mandate of the United Nations. He therefore urged the United Kingdom to reconsider its position without further delay and to comply with the United Nations request for an early implementation of General Assembly resolutions.

202. A common ground for agreement among the members of the Special Committee, including the United Kingdom Government, would be found in the basic democratic principle that the majority should rule; no exception could be made in the case of Southern Rhodesia, since any exception at all was destructive of the principle.

203. He suggested consideration of the following points in the recommendations to be formulated by the Committee. First, the Committee should request the United Kingdom Government to declare clearly that it would not, under any circumstances, transfer power and the attributes of sovereignty to the white settler Government of Southern Rhodesia; moreover, strong recommendations must be made to the United Kingdom Government to arrange a constitutional conference which would include all political parties in Southern Rhodesia and be empowered to make arrangements for early independence on the basis of universal adult suffrage. Secondly, the Committee should request the United Kingdom Government to give an explicit assurance that the weapons transferred to the white Government of Southern Rhodesia would not be used against the African population of that Territory or elsewhere on the African continent. Thirdly, certain Governments maintaining economic and trade relations with the Southern Rhodesian minority Government should be urged to sever those relations until the untenable situa-

tion was cleared up. Fourthly, strong recommendations should be made to the Republics of South Africa and Portugal, inviting them to refrain from activities that would encourage the white-settler Government to continue its repressive and illegal measures against the African population. Fifthly, the attention of the Security Council should again be drawn to the growing danger of the explosive situation in Southern Rhodesia, and a special session of the General Assembly should be convened if demanded by further developments.

204. The representative of Venezuela noted that the Secretary-General had been unable to report any progress towards reconciliation in Southern Rhodesia as urged by the General Assembly in resolution 1889 (XVIII). While the United Nations fulfilled its obligation by examining the question and proposing the action to be taken, the United Kingdom maintained its unco-operative attitude. It denied that it was the administrative Power, refused to recognize the right of the United Nations to intervene in the affairs of Southern Rhodesia and ignored the Organization's resolutions. Although that attitude seemed to make any solution impossible, there were some elements in the United Kingdom representative's statement which deserved the Committee's attention.

205. First, while maintaining the position that the United Kingdom could not interfere in the internal affairs of Southern Rhodesia, he had stated that the United Kingdom Government wished certain changes to be made in the political structure of Southern Rhodesia which would result in broadening the franchise and allowing the people to participate more directly in the political life of the country. Consequently, it appeared, the United Kingdom Government had made known to the Southern Rhodesian Government that, before granting independence to that country, it looked to that Government to propose appropriate changes in the political structure. It followed from that that the United Kingdom Government was responsible for deciding whether or not to grant independence to Southern Rhodesia, and if so, on what conditions. Furthermore, the United Kingdom Government had considered itself entitled to convene the Victoria Falls Conference, which had led to the agreement on dissolution of the Federation of Rhodesia and Nyasaland, and to veto action considered indispensable by the United Nations in Southern Rhodesia. The Governor of the country, moreover, was appointed by the Queen of England. Thus, it was difficult to accept the fiction of the United Kingdom's impotence in Southern Rhodesian affairs.

206. Those who sought to maintain that fiction frequently referred to an agreement signed more than forty years previously between the United Kingdom and Southern Rhodesia. Article 103 of the Charter, however, stated that in the event of a conflict between the obligations of Members under the Charter and their obligations under any other international agreement, their obligations under the Charter were to prevail. For that article to be applicable, the first condition was that there should be a conflict of obligations. The nature of the conflict was not specified, but Committee IV/2 at San Francisco had stated in its report on what had subsequently become Article 103 that it was sufficient for a conflict to arise at the time when an obligation under the Charter was to be carried out, little importance being attached to whether the conflict was due to an intrinsic incompatibility between the two categories or to the application of Charter provisions

in specific circumstances. At the seventh session of the General Assembly the United Kingdom representative had recognized, with respect to the Treaty of Algiers of 1906 and the Treaty of Fez of 1912, that Article 103 was applicable where there was a specific conflict in law between the Charter and another agreement. Furthermore, Mr. Evatt, the President of the General Assembly at the third session, had stated that any matter that could be classified as coming within the scope of an article of the Charter would cease to be a matter essentially within the domestic jurisdiction of a State and that if, for example, any countries declared in a treaty that the United Nations had no jurisdiction concerning provisions relating to human rights in that treaty or if those provisions were in conflict with the Charter, under Article 103 the Charter would prevail.

207. That was precisely the case with regard to the commitments contracted by the United Kingdom under its agreement with the Government of Southern Rhodesia. It was not necessary to go into the legal arguments demonstrating the international nature of that agreement, which was clear in any case from the statements made by the United Kingdom representative. The fact that the agreement and the Charter had existed together for a number of years meant nothing, since at San Francisco it had deliberately been decided not to provide for automatic abrogation by the Charter of obligations incompatible with it, but merely to prohibit such obligations when the occasion arose. His delegation continued to believe therefore, that the United Kingdom, as administering Power, had the authority to act.

208. In whatever capacity the United Kingdom chose to act, it bore a dual responsibility for the future of Southern Rhodesia. First of all, it had a responsibility as a member of the Committee, and the United Kingdom representative had said that his Government was concerned that the Committee should be able to discharge the task entrusted to it by General Assembly resolution 1654 (XVI). Secondly, it had a moral responsibility to lead a State now based on racial discrimination and minority privilege to independence in a manner consistent with its own democratic tradition. The danger existed, however, that the Southern Rhodesian Government might make a unilateral declaration of independence. Such an action would lead to violence, endangering the peace in Africa and also the existence of the white minority in Southern Rhodesia. History showed what was to be expected from any policy designed to strengthen the privileges of a minority, particularly when it failed to integrate that minority with other elements of the population to form a single national entity. Although in any democratic system the rights of minorities had to be respected, the basis for such respect must be political and legal equality. Constitutions based on differences of race, colour, religion or politics were not only contrary to the Charter but carried the seeds of chaos within them. The United Nations could not tolerate the creation of new States vitiated by the principle of segregation, in which the majority were unable to claim their political and human rights. Sir Edgar Whitehead himself had warned that if the Southern Rhodesian Government took unconstitutional action to achieve independence, Southern Rhodesia would crash within six months. The African Ministers for Foreign Affairs who had met from 24 to 29 February, 1964 at Lagos had adopted a moderate resolution in which, while appealing to the United Kingdom Government to find a solution, they had provided for certain possible measures to be taken

by African States. The Prime Minister of Northern Rhodesia and Mr. Nkomo had both referred to the possibility of civil war and African intervention.

209. In that threatening situation, the Committee's primary objective must be to prevent violence. It must do everything possible to avoid being confronted with a *fait accompli*. In order to achieve that end, it must, encouraged by the constructive elements in the United Kingdom representative's statement, seek to obtain the collaboration of the United Kingdom in arriving at a solution, possibly calling on the good offices of other members of the Commonwealth.

210. The representative of Poland said that the fact that the Special Committee was once again studying the question of Southern Rhodesia on a priority basis testified to the grave concern felt in the United Nations regarding the explosive situation there, which it had had under continual review for the last two years. From the Secretary-General's report (A/AC.109/57) and the United Kingdom representative's statement on 6 March 1964, it was clear that despite representations from the great majority of Member States and the Summit Conference of Independent African States at Addis Ababa, no progress had been made in implementing the General Assembly's resolutions. On the contrary, the political situation in Southern Rhodesia had further deteriorated, as a result of the measures designed to transfer further powers and attributes of sovereignty to the racist authorities of Southern Rhodesia and to consolidate their rule following the introduction of the 1961 Constitution. Thus, ignoring the terms of General Assembly resolution 1883 (XVIII) and the protests of the African population, the United Kingdom had handed over additional powers to the settler Government, including military forces previously under the Central African Federation. With his position thus strengthened, Mr. Winston Field, the Southern Rhodesian Premier, had on 26 February 1964 given notice of his intention to "maintain order" by every means at his disposal. Repressive measures and discriminatory legislation against the African population had been reinforced; the African leader Joshua Nkomo had been arrested and his movements restricted, and other measures had been taken, obviously designed to suppress African aspirations for equality and freedom and to facilitate the seizure of independence by the minority settler government even without the United Kingdom's formal sanction. Mr. Field himself had boasted that he had persuaded the United Kingdom Government to stop referring to Southern Rhodesia as a colony, and had stated that his Government owed no allegiance to any United Kingdom Government or the Commonwealth. By passing over in silence such actions and statements, the United Kingdom had failed to signify its opposition to the creation of another racist State in Africa.

211. In his delegation's view, the United Kingdom's policy of asserting that it was powerless to intervene in Southern Rhodesia's affairs owing to the constitutional limitations imposed by the so-called 1923 convention was legally and morally untenable. Indeed, General Assembly resolution 1747 (XVI) had refuted such arguments by stating that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of the Charter and establishing the responsibility of the United Kingdom as administering Power. In point of fact, the colonial policy pursued by the United Kingdom with respect to Southern Rhodesia was dictated

net by legal considerations but by the economic and strategic importance of the Territory, which harboured a network of big international business companies that extended also into South Africa, Angola, South West Africa and Mozambique. It was those big business circles which influenced the policy of the respective administering Powers in opposing decolonization in those Territories.

212. Moreover, it was clear that the Southern Rhodesian régime was not likely to be influenced by persuasion from the United Kingdom Government and that there was nothing to be gained from negotiations conducted solely with that minority Government which does not represent the vast majority of the African population. Mr. Field had pledged himself not to amend the Constitution, and had expressed his strong opposition to any broadening of the franchise, such as the United Kingdom Government had declared to be desirable. From the information in the hands of the Secretariat (see paras. 1 to 70 above), it appeared that if, as the Southern Rhodesian Deputy Premier appeared to believe, the United Kingdom Government was thinking in terms of African majority rule in Southern Rhodesia in five years' time, then the Field Government might hold another election and attempt to bring off a deal in which the African population would be given one-third of the seats in Parliament in return for consenting to Southern Rhodesia's independence under that racist Government. Yet, such a representation of one-third would still be insufficient to prevent the passage of discriminatory legislation. The United Nations should denounce such manoeuvres which were clearly aimed at keeping Southern Rhodesia in the hands of the white minority.

213. His delegation fully sympathized with the African nationalists of Southern Rhodesia and supported their view, as stressed by Mr. Nkomo in a recent Press interview, that majority rule must come before independence and that any other solution would be unacceptable. It was understandable that the Africans in Southern Rhodesia would no longer tolerate the colonial yoke at a time when Africa numbered over thirty independent States and their neighbours, Nyasaland and Northern Rhodesia, were rapidly moving towards independence under African government.

214. His delegation also supported the terms of the resolution adopted by the meeting of Foreign Ministers of the Organization of African Unity held at Lagos which had branded the situation in Southern Rhodesia as a threat to African solidarity and world peace, and had called upon the United Kingdom to prevent effectively the threat of unilateral independence or the subtle assumption of power by the settler régime and to convene a constitutional conference of all Southern Rhodesian political parties with a view to granting immediate independence to Southern Rhodesia on the basis of "one man, one vote". It considered that the Special Committee should seek categorical assurances from the United Kingdom Government that it would grant independence only to a democratically-elected Government of the majority in Southern Rhodesia and would block unilateral pretensions to independence by the white minority Government. It was also the Special Committee's duty to call for an end to repressive measures against Africans and the release of political prisoners.

215. To face its responsibilities, the United Kingdom undoubtedly had strong constitutional and political

powers and economic means which it could use in order to remedy the situation and bring about a peaceful solution of the Southern Rhodesian problem. Unfortunately, the United Kingdom representative's statement on 6 March 1964 had been disappointing and had contained no indication that his Government intended to implement the General Assembly resolutions on Southern Rhodesia. His delegation, which wished to reiterate its solidarity with the Africans in Southern Rhodesia, consequently supported the proposal that the question of Southern Rhodesia should again be referred to the Security Council for appropriate action.

216. The representative of Iran said that his delegation had supported the motion to give priority to the question of Southern Rhodesia because it shared the majority view that events since the adoption of General Assembly resolution 1899 (XVIII) had further aggravated the already explosive situation there. Among the more dangerous of those events had been the transfer of a large part of the armed forces of the former Federation of Rhodesia and Nyasaland to the control of the settler Government, in defiance of the wishes of all African States and of the General Assembly's appeal to the United Kingdom in resolution 1883 (XVIII), and the now imminent danger of Southern Rhodesia's accession to independence under such a Government.

217. The racist Government of Mr. Winston Field, which had come to power following the introduction of the 1961 Constitution in disregard of United Nations recommendations, pretended that Southern Rhodesia was self-governing and that the United Kingdom had no right to intervene in its affairs. His delegation was deeply disappointed at the United Kingdom Government's failure to dispute that view, a failure which was not in keeping with the United Kingdom's record of caution and wisdom in colonial matters. Indeed, the United Kingdom's argument regarding Southern Rhodesia's self-governing status was inconsistent for it was now a universal axiom that self-government presupposed government by the majority, a condition which, as the United Kingdom Government recognized, did not obtain in Southern Rhodesia. At an earlier meeting the Uruguayan representative had convincingly shown that, regardless of its domestic or international status, the 1923 Convention between the United Kingdom and the white minority Government in Southern Rhodesia did not relieve the United Kingdom of responsibility as the administering Power.

218. One of the most disturbing aspects of the situation in Southern Rhodesia was the racial discrimination openly practised against the African inhabitants in defiance of world opinion and international declarations. The statement of the Constitutional Council of Southern Rhodesia recognizing and denouncing the discriminatory nature of the Land Apportionment Act (see paras. 69 and 70 above), was particularly revealing in view of the Council's membership.

219. With respect to Southern Rhodesia, the Special Committee faced two questions, namely the measures to be taken to secure the implementation of General Assembly resolution 1514 (XV) in the Territory, and the steps required to prevent the Territory's accession to independence under existing circumstances. His delegation felt that as the General Assembly had already considered the first question, it was for the Special Committee only to reaffirm its decisions, especially resolution 1899 (XVIII).

220. Although the second question would be more difficult to deal with and called for the use of every means made available to the Committee by the General Assembly, there were fortunately a number of statements by high United Kingdom officials unequivocally confirming their Government's recognition of the principle of majority government and of the fact that that principle was not being applied in Southern Rhodesia. Speaking in the General Assembly on 1 October 1963, (1222nd meeting), the then British Foreign Secretary, Lord Home, who was now Prime Minister Sir Alec Douglas-Home, had confirmed his Government's acceptance of the principle of self-determination, majority rule and the protection of minorities, stating that he hoped that the United Kingdom would henceforward be able to go along with the minority in the United Nations on colonial questions. On 12 November 1963, he had reaffirmed that statement in Parliament, adding that the principle of majority rule would apply to the question of independence for Southern Rhodesia (see para. 28 above). In his delegation's view, the two statements constituted a clear commitment by the United Kingdom Government and a very positive response to the Special Committee's request to that Government, in its resolution of 20 June 1963, not to transfer sovereignty to any Southern Rhodesian Government formed under the 1961 Constitution (A/5446/Rev.1, chapter III, para. 282). He hoped that the United Kingdom representative would correct him if he had misinterpreted the Prime Minister's statements, for in the present circumstances it was extremely important that the United Kingdom's attitude on those questions should be made crystal clear.

221. His delegation considered that a unilateral declaration of independence by the Southern Rhodesian settler Government would be tantamount to a disturbance of the peace, automatically leading to steps by the Security Council under Article 39 of the Charter; it fully agreed with the United States representative's views regarding the need to inform that Government of the consequences of such a declaration and for a meeting of all parties to discuss grievances and constitutional changes (A/AC.109/SR.227). Although the importance of conciliatory measures had been recognized in General Assembly resolutions 1760 (XVII) and 1899 (XVIII), it was clearly apparent from the Secretary-General's reports to the General Assembly and the Special Committee (A/AC.109/57) that so far no progress had been made in that direction, and that the intransigent attitude of the present Southern Rhodesia Government held out little hope for success along those lines. Nevertheless, the Secretary-General and the Under-Secretary for Trusteeship and Non-Self-Governing Territories were to be thanked for their endeavours to pursue what was the only effective approach conducive to a peaceful solution of the problem.

222. His delegation did not think that the sending of a group to confer with the United Kingdom Government for a third time would be justified unless that Government felt that such a step would be useful and issued a corresponding invitation on its own initiative, since nothing would be gained from a mere repetition of a position which had already been stated twice before. On the other hand, his delegation supported the Tunisian representative's suggestion to set up a "watchdog" sub-committee to follow developments in Southern Rhodesia and alert the Special Committee whenever it felt that further measures were called for. Finally, it considered that as the question of Southern

Rhodesia was intrinsically an African problem, the Special Committee should duly bear in mind the relevant resolutions adopted by the African Heads of State at Addis Ababa in 1963 and the recent African Foreign Ministers' meeting at Lagos.

223. The representative of Bulgaria said that in spite of the efforts made in various United Nations organs during the past three years to bring about a satisfactory solution of the problem of Southern Rhodesia, the practical results had been meagre. Indeed, under the impact of increasingly severe measures of police terror and with the continued enforcement of racial segregation designed to maintain the majority of the population in a state of economic inferiority, the situation had continued to deteriorate. The perpetuation of colonial oppression in Southern Rhodesia was all the more intolerable in view of the specific injunctions of the General Assembly, in particular, those contained in resolutions 1514 (XV) and 1889 (XVIII). The United Kingdom Government, which persisted in flouting those resolutions, sought to justify its attitude by asserting that, given the present stage of development of Southern Rhodesia, neither the United Nations nor the United Kingdom was in position to carry them out.

224. However, the artificial nature of the legal manoeuvres to which the United Kingdom resorted in order to frustrate the expressed will of the General Assembly had been revealed by the leader of the white minority in Southern Rhodesia. By his own admission, the independence sought by that minority was a matter which concerned no country other than the United Kingdom. Thus, it was clearly the United Kingdom which had the power to alter the existing state of affairs and to liquidate the colonial racist régime. If, as the United Kingdom delegation argued, the United Kingdom Government had settled its relations with the white minority in a way that precluded it from complying with the General Assembly's resolutions, by such an arrangement it would have deliberately assumed responsibility for placing the 4 million indigenous inhabitants of Southern Rhodesia at the mercy of a group of irresponsible white racists. In view of the considerable experience of the United Kingdom Government in colonial matters—rightly alluded to by the United States representative—the Bulgarian delegation refused to believe that the United Kingdom would be guilty of such a crime and it would like to hope that the United Kingdom would alter its position and fulfil its obligations under the Charter and United Nations resolutions.

225. However, that hope had been somewhat dimmed by the attitudes adopted by the United Kingdom Government with respect to two key matters, namely, the transfer of military equipment to Southern Rhodesia and possible independence for a white minority Government in that country. With respect to the first matter, after the dissolution of the Central African Federation the United Kingdom had transferred to Southern Rhodesia seven air squadrons, four battalions of white troops and one armoured unit all led by officers trained by the United Kingdom. It had argued in the Security Council and in the Special Committee that it had had no alternative, but its arguments were scarcely tenable in view of the obvious fact that the transfer of military power would provide the white minority with additional resources for the oppression of the indigenous population. As to the second matter, the United Kingdom had adopted an ambiguous posi-

tion with respect to the Assembly's request that it should not accede to the demands of the minority Government of Southern Rhodesia for independence so long as the majority of the population was unable to express its wishes freely on the basis of universal suffrage, and that it should convene a constitutional conference of representatives of all the political parties in the Territory with a view to taking the necessary constitutional steps for the achievement of independence on that basis. While the Bulgarian delegation found it hard to believe, in view of the overwhelming pressure of world public opinion, that the United Kingdom would hand over the country to the white minority Government, it deplored the manoeuvre whereby United Kingdom representatives in various United Nations organs continued to allow strong doubts to linger on that question, thus playing into the hands of the white racists, who, being agents of British colonialism, wished to prolong the existing régime. Moreover, there would be serious dangers inherent in any initiative by the white minority Government to declare the Territory independent. The African population as well as the new African States would certainly resist it, thus creating an explosive situation in the Territory, which might have grave repercussions in Africa and throughout the world. As the Australian Minister for Foreign Affairs had said, his Government's interest was that the conditions under which Southern Rhodesia obtained its independence should not lead to a non-recognition of the Salisbury Government by the majority of other Governments, to its non-admission into the Commonwealth or to the establishment of a rival authority in exile which might proclaim itself the Government and which might be supported by African and other States. In the circumstances, it was essential that the United Kingdom Government should leave no doubt regarding its intentions with respect to the convening of a constitutional conference and the adoption of the other measures recommended by the General Assembly. The ambiguity of its position appeared to be designed to assist and strengthen the existing minority Government in Southern Rhodesia.

226. In an effort to facilitate a solution of the problem, it had been suggested in the Committee that a small sub-committee should go to London for the purpose of obtaining a clear-cut commitment from the United Kingdom Government that it would not grant the Territory independence until majority rule had been firmly and irrevocably established in Southern Rhodesia. The Bulgarian delegation had strong doubts that such an initiative would promote the liberation of the Territory from colonialism or that the United Kingdom leaders would be willing to give a clear undertaking along those lines. If the United Kingdom Government really wished to clarify the position, it could send some high-level spokesman to the United Nations with full authority to commit his Government.

227. However, if a small sub-committee was needed at all, it was needed to go to Southern Rhodesia for the purpose of reassuring the African population of continued United Nations interest in its fate and determination to press forward with all necessary efforts to assist it in achieving complete liberation from colonialism.

228. Certain representatives in the Committee had cited as evidence of the positive contribution of the United Kingdom to the progressive achievement of independence in Southern Rhodesia the proposals re-

portedly made by the United Kingdom Government to the Southern Rhodesian leaders for the expansion of the electoral rolls, increased African representation in Parliament, a blocking third of sixty-five members in the House and the rescission of the Land Apportionment Act and other discriminatory laws. The proposals had been hailed by certain Western delegations as an indication that the United Kingdom was constructively influencing the course of events in the Territory. In reality, however, the proposals were nothing more than a trial balloon.

229. Finally, other Western delegations, faced with the refusal of the Southern Rhodesian Government to agree to the convening of a constitutional conference, had suggested that exploratory talks should be held among all the parties concerned. That suggestion constituted a step backward because the Government of Mr. Field, backed by the military power provided by the United Kingdom, would inevitably impose conditions for such talks which would render them useless from the point of view of the interests of the African majority in Southern Rhodesia. The United States representative had expressed the view that such talks would be a means of getting round obstacles and would not be a retreat from the Committee's past position. However, he (the speaker) was not aware of any decision by the Committee which could justify that approach. That the suggestion would be a step backward had been confirmed by the insistence of the Australian Minister for External Affairs that any decision on the terms and timing of the Territory's independence was primarily a matter for settlement between the Governments of Southern Rhodesia and the United Kingdom. Thus, the only independence being contemplated by the United Kingdom was the independence of the white racist minority, the terms and timing of that independence being decided in consultation with the United Kingdom. For all those reasons, the Bulgarian delegation could not support that suggestion.

230. On the other hand, the Committee should keep the situation in Southern Rhodesia under constant review and ask the Security Council to take appropriate steps with respect to developments which threaten peace and security in the area. The Committee should continue to work towards securing genuine independence for the indigenous population of Southern Rhodesia and its liberation from racist laws and restrictions.

231. The representative of Tunisia said that everyone was aware of the inherently explosive nature of the situation existing in Southern Rhodesia today and the members of the Committee had denounced the seriousness of present circumstances. He had particularly stressed the concern of the African States, at the threat which that situation represented to the peace and security of all Africa.

232. Fully aware of the dangers of the situation in Southern Rhodesia, the African Heads of State, meeting at Addis Ababa in 1963, had adopted a resolution which had had no effect on the administering Power. The African Ministers, meeting in July 1963 at Dakar, and recently at Lagos, had reaffirmed the Addis Ababa resolution and had renewed their appeals to the United Kingdom fully to assume its responsibilities in Southern Rhodesia and to lead the Zimbabwe people to independence in the shortest possible time. They had advocated concrete measures to help the Rhodesian people and nationalists to intensify their struggle and to secure recognition of their rights by violence if necessary.

Tunisia had subscribed to all those measures and would participate actively in all operations which the Organization for African Unity was resolved to carry out.

233. The unleashing of passions and a reign of terror would only make any move toward conciliation more difficult and more uncertain. Such conciliation moreover, could only take place under the auspices of the administering Power, which continued to bear responsibility for the administration of the country and which in addition still retained much influence and credit in the two communities. The Special Committee could facilitate that conciliatory work, but it could not negotiate in place of the administering Power with a minority which had no international status and an African population which considered itself subject to the United Kingdom Government.

234. In the past, the administering Power had turned its back on any move of that kind and had aggravated matters, if anything, by its negative attitude. Nevertheless, it remained its primary duty to carry out the General Assembly resolutions, in particular resolution 1514 (XV), paragraph 5, and to convene a constitutional conference for that purpose in which representatives of all political parties of the Territory would take part with a view to making appropriate arrangements for securing rapid and early independence on the basis of universal suffrage. The Special Committee could offer its co-operation in that task and send a small good offices group to London with broad terms of reference which might begin those efforts to promote contacts and a *rapprochement* between the United Kingdom Government and the political parties of Southern Rhodesia and create conditions for a round-table meeting.

235. The representative of the United Kingdom said he was grateful to those representatives, including some generally critical of his Government's position, who had drawn attention during the debate to the appeal he had made in his statement on 6 March 1964, that the problem should be approached with prudence, wisdom and restraint. It had been very gratifying for his delegation to see that, all in all, the question had been discussed in that spirit. There had been, naturally, a number of statements about his Government's position with which his delegation could not agree and some comments on the situation in Southern Rhodesia which were inaccurate and which, if he were speaking for the Government of Southern Rhodesia, he would have to deny.

236. The crux of the matter was the question of granting, or rather of not granting independence to Southern Rhodesia. Certain representatives had suggested that the United Kingdom Government was preparing to grant independence to Southern Rhodesia without first trying to secure any constitutional changes. As he had made clear, that was not so. In fact, the situation was quite the reverse as must surely be clear from the authoritative statements of responsible Ministers of his Government which he had quoted to the Committee at the 223rd meeting on 6 March 1964. As the representative of Madagascar had pointed out, his Government had not granted independence to Southern Rhodesia and had consequently not run counter to the recommendations of the United Nations.

237. Naturally he agreed with the representative of Italy when he said he thought there had been progress and had agreed that the statements already made by the United Kingdom Government were not necessarily

ambiguous. They were not ambiguous at all. The meaning of the extracts from statements by Ministers which had been read out was clear. He could only recommend that they be read with care and understanding of his Government's position and of what the United Kingdom was trying to do. It was surely better that discussions or negotiations should proceed on the basis of those statements, as the United Kingdom Prime Minister had said he hoped they would proceed, than that more should be said in the Committee which might interfere with such consultations. The representative of Denmark, having warned the Committee of its special responsibility not to make a peaceful solution more difficult for the parties concerned, had also mentioned the dangerous effects of precipitate action. The representative of Australia had quoted a statement by the Minister for External Affairs of Australia who had said that peaceful transition in Southern Rhodesia was the only alternative to conflict, and that any hasty decisions on the part of any of those responsible in either community could only make that conflict more certain.

238. The representative of the United States had said that various statements made by Ministers of the United Kingdom Government were not ends in themselves but were "important steps along the road to a peaceful settlement in Southern Rhodesia, which all of us hope for". That seemed to him to put the position very well.

239. He said that with regard to the various suggestions made in the Committee, for example, the proposal of the United States for an exploratory conference, his Government was always willing to consider any constructive proposal which would assist in the solution of the question. For a meeting on the lines suggested by the United States, the agreement of all parties principally concerned would, of course, be an essential precondition.

240. He said his Government sympathized with and shared the anxiety of delegations to see an early and equitable outcome to the problem. While there was concern about the future of Southern Rhodesia, there was also, he believed, understanding both of the fact that the ultimate objectives of his Government were the same as those of the majority of the members of the Committee, and of the danger that unconsidered action might make those objectives more difficult to achieve or might retard the date of their achievement.

241. He had understood from the discussion that here were members of the Committee who felt that his Government's statements on the question did not provide all the assurances they were seeking. He thought it fair to remind the Committee that it was one thing to state a problem and another to find a viable solution to it. He could assure the Committee that the House of Commons was no less anxious to be informed on matters concerning Southern Rhodesia than his colleagues in the Committee. It was the duty of responsible Ministers, under a system of representative Government such as that in the United Kingdom, to keep Parliament fully informed on matters of public concern. He could assure the Committee that the future of Southern Rhodesia was a matter of great concern. But as he had made clear it was also a matter of negotiation—and the basis for fruitful negotiation could not be laid in public. When pressed in the House of Commons, the Commonwealth Secretary himself had made clear that he felt precluded, in the interest of further progress, from saying more than he had done. He hoped the

Committee would bear that in mind when he said to them that it was not possible for him to go beyond those statements. That led him to the suggestion made by the representative of Iraq on 9 March 1964 that a small sub-committee should go to London to have further talks with the British Government. A number of representatives had supported or reiterated that suggestion. His Government had taken note of the idea. They would certainly be willing to receive such a sub-committee in London. Although Ministers would not be in a position to say any more as to the future than might have been said to Parliament, the visit would give the Committee, through its sub-committee, an opportunity to state its views to responsible Ministers and be informed directly by those Ministers about Her Majesty's Government's policy on the question.

242. The representative of Bulgaria observed that any discussions or decisions regarding Southern Rhodesia should be concerned primarily with the decolonization of the Territory, rather than, as the United Kingdom representative had stated with the question of not granting independence to the minority Government of Southern Rhodesia. In particular, if a sub-committee was sent to London, its discussions with the United Kingdom Government should concern the entire question of decolonization. Moreover, the preliminary questions relating to constitutional reform should be settled by the administering Power and not left to the Committee or others.

243. The representative of the United Kingdom said that his earlier statement had not been intended in any way to limit the scope of any discussions that might be entered into by a sub-committee in London. The subject of such discussions would be the situation in Southern Rhodesia.

244. The representative of Iraq felt that while the question of preventing the granting of independence to the minority Government of Southern Rhodesia was not the ultimate objective to be sought by the Committee, it was a matter of immediate concern. It was essential to remove that obstacle to the attainment of independence by Southern Rhodesia under conditions in which the majority would exercise full sovereignty.

245. He would also like to have the United Kingdom representative's assurance that his earlier remarks could be regarded as an invitation to the Special Committee to send a sub-committee to London.

246. The representative of the United Kingdom said that if it was the wish of the Committee to send a sub-committee to London, his Government would be prepared to receive it.

247. The representative of Tanganyika asked the United Kingdom representative whether the proposed sub-committee could go to London at any time or would have to do so at the convenience of the Ministers concerned.

248. His delegation was increasingly concerned about new reports of repressive measures being taken by the European racist minority in Southern Rhodesia. A report of 13 March 1964 from Salisbury, for example, stated that pocket-sized tear gas canisters for "self-defence" were now on sale to the public under £1; while *The New York Times* reported that at least 10 prisoners at Khami Prison refused their food, guards had opened fire on a mob of about 500, killing two Africans and wounding fifty others. Pending the visit of a sub-committee to London, he would like to know what measures, if any, would be taken to

curb such inhuman and intolerable behaviour on the part of the colonial authorities in Southern Rhodesia.

249. The representative of the Union of Soviet Socialist Republics observed that the statement made by the United Kingdom representative on 18 March 1964 had proved as disappointing as earlier ones. The United Kingdom was persisting in its refusal to apply to Southern Rhodesia the Declaration on the granting of independence, and it did not intend to comply with the General Assembly's resolutions. In his statement of 6 March 1964, the United Kingdom representative had already said that the United Nations was not competent to intervene in Southern Rhodesian affairs and that responsibility in the matter rested with the two Governments concerned. Yet neither Government was taking any action to implement the Assembly's resolution; indeed, both had done their best to prevent the transfer of power to a government elected by the people.

250. On 18 March 1964, the United Kingdom representative had attempted to present the issue as though the substance of the problem were not the implementation of the Assembly's resolution, since he had stated that the crux of the matter was the question of granting or not granting independence to Southern Rhodesia. In that respect, he had referred to statements by British personages to the effect that the United Kingdom was seeking to persuade the racist Government of Southern Rhodesia to make certain changes in the political structure of the country in order to secure a broadening of the franchise and enable the population to participate more directly in political life. What the African-Asian delegations had demanded, however, was not trivial reforms. In asking the United Kingdom for a statement undertaking not to grant independence in the present circumstances—that is to say, while a racist minority was in power—they had at the same time stressed that independence should not be granted until the country had a majority government, democratically elected by the people under a new constitution.

251. All delegations had noted that the situation in Southern Rhodesia had deteriorated since the Victoria Falls Conference. With the forbearance of the United Kingdom, the Southern Rhodesia Government had done its utmost to strengthen the reign of terror and racial discrimination in the Territory. It was claimed that the United Kingdom Government was entirely powerless in that connexion, but the debate and the documents before the Committee had shown that that argument was nothing but a stratagem. The United Kingdom Government had done absolutely nothing to implement the General Assembly's decisions. It refused to abrogate the racist Constitution of 1961 and to introduce universal suffrage. On that point, there was little difference between the United Kingdom position and that of the Field Government. The dispute between the colonialists seemed rather to centre on the question whether the representation of the African population should be broadened somewhat, the United Kingdom Government maintaining that that should be done within the next five years, whereas the Southern Rhodesian Government was unwilling to resolve the problem, even in twelve or fifteen years' time. It would be remembered that Mr. Butler had already said, in July 1963, that he would look to the Southern Rhodesian Government to propose amendments to the Constitution. It appeared from the statement made by the United Kingdom representative on 6 March 1964

that the situation was still the same. It was well known, moreover, that Mr. Field had replied that he did not believe he should take the initiative with respect to negotiations. Thus, each side maintained that it was for the other to take the initiative. In fact, the intention was to deceive world opinion and to save the face of the United Kingdom Government, which was equally averse to a transfer of powers to the people of Southern Rhodesia. London and Salisbury were engaged in devising a method whereby power could be gradually transferred to the existing racist régime. As for the 1961 Constitution, promise to amend it at some unspecified future date would continue to be forthcoming.

252. The new situation thus created had been acknowledged by Mr. Field himself when he had stated on his return from London that Southern Rhodesia was no longer a "self-governing colony" and that the change was a significant one. The important point about the change was that the Field Government now had a free hand. Even when the masters in London spoke of "concessions" to the people of Southern Rhodesia, Mr. Field refused to make such concessions, on the pretext that powers would be transferred to the inexperienced, and he claimed that it was recognized in London that the Southern Rhodesians now in control of the country would be making a great mistake if they transferred the powers of government at an early date.

253. Some quarters maintained that the United Kingdom Government should be helped to find a way out of a difficult situation. In truth, neither that Government nor Mr. Field wanted such help. In his speech of 26 February 1964 in the Southern Rhodesian Legislative Assembly, the latter had stated that he had not departed one iota from the view that Southern Rhodesia's independence was not a matter for any other country but Southern Rhodesia and the United Kingdom, and that his Government was not prepared to attend any Commonwealth conference at which that issue would be debated. The Secretary of State for Commonwealth Relations and for the Colonies had stated in the House of Commons on 15 November 1963 (see para. 29 above) that the United Kingdom was prepared to grant independence to Southern Rhodesia in the same circumstances as it had granted it to other British territories, and that the members of the Commonwealth would have to be consulted as to the terms on which independence would be granted. On 19 December 1963, however, the Prime Minister had told the House of Commons that what had been suggested was not that other Commonwealth countries should share in a decision concerning Southern Rhodesia but that they might be able to help towards a solution. Thus a great change had taken place, for there was no longer any question of holding consultations as to the terms of independence, but merely, perhaps, of seeking advice on how to settle the matter. That was a further concession to Mr. Field.

254. In such circumstances, it was difficult to believe that the United Kingdom Government really wanted a broadening of the franchise and a more direct participation of the indigenous people in Southern Rhodesian political life. Its every action indicated the reverse. For example, the Zimbabwe African National Union had demanded that the United Kingdom should impose a new constitution in keeping with the wishes of the majority of the population of Southern Rhodesia before the dissolution of the Federation of Rhodesia

and Nyasaland (see para. 54 above); the United Kingdom Government had ignored that demand.

255. If the United Kingdom had wished to broaden the franchise, it would have heeded the representatives of the indigenous population who were calling for the abrogation of the 1961 Constitution, it would not have transferred to the Field Government armed forces which were being used to put down the national liberation movement and it would have insisted on the repeal of the discriminatory laws in force in the country. Instead, it had strengthened the position of the Field Government.

256. In order to mislead public opinion, it was being suggested that the African parties in the Southern Rhodesian Legislative Assembly would be able to obtain a "blocking third" which would safeguard the interests of the majority of the population. There was even talk of a transitional period pending the transfer of powers to a Government elected by universal suffrage. All that was only an illusion, and the peoples who had had to struggle for their independence would not be deceived. If the Field Government was unwilling at the present time to amend the 1961 Constitution which perpetuated the domination of the white racist minority, there was no guarantee that, once it had obtained independence, it would agree to alter the franchise so as to pave the way for the transfer of powers to the majority.

257. While the debate on the question of Southern Rhodesia was proceeding, tragic events were taking place in that territory. Acts of brutality and terrorism were being committed there. It was the Committee's duty to protect the people of Southern Rhodesia, in keeping with the General Assembly's decisions, recently confirmed by the African Foreign Ministers assembled at Lagos, who had called on the anti-colonialist forces in the United Nations to take immediate steps to bring about the immediate implementation by the United Kingdom Government of the General Assembly's resolutions on Southern Rhodesia. A constitutional conference must be convened immediately, at which the views of the groups representing the majority of the population of Southern Rhodesia should prevail and a new constitution, based on the principle of "one man, one vote", should be drafted. New elections should then be held and all powers transferred to representatives with a proper mandate from the people. Any attempts to arrange for informal consultations instead of such a conference, as proposed by some delegations, would enable the colonialists to postpone the solution of the problem. By accepting such proposals, the Committee would appear subservient to the will of the racists of Southern Rhodesia. The Committee's duty was to take decisions which could result in the speedy transfer of powers to the people of Southern Rhodesia and could guarantee their freedom and independence. If the United Kingdom Government would not heed the voice of reason, the Soviet Union delegation considered that the question should be submitted to the Security Council.

258. The representative of the United Kingdom noted that the Soviet Union representative had appeared to accuse the United Kingdom Government of seeking to deceive the Committee and opinion in general. He would leave it to the Committee to judge, on the basis of his own statements and those of the United Kingdom Ministers which he had quoted, the sincerity of his Government's endeavours in the matter.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

259. At the 231st meeting, Cambodia, Ethiopia, India, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia submitted a draft resolution which was subsequently co-sponsored by Iran (A/AC.109/L.103 and Add.1).

260. The Chairman drew attention to document A/AC.109/PET.188, in which the petitioners requested the Committee to take action to prevent the execution of the death sentence upon an African of Southern Rhodesia, who had been sentenced to be hanged.

261. The representative of Iraq introduced the thirteen-Power draft resolution, of which his delegation was a sponsor. With regard to the sentence of death passed on an African of Southern Rhodesia, the sponsors might perhaps insert a new paragraph in their draft or submit a separate draft resolution.

262. The sponsors of the draft resolution thought that the least the Special Committee could do would be to adopt it, since no progress had been made in implementing past resolutions of the General Assembly and the Committee, and the adoption of that draft would not prevent the Committee from taking whatever other action might be called for in regard to the question of Southern Rhodesia.

263. The preamble of the draft resolution took account of the recommendations on Southern Rhodesia made by the Chiefs of African States and Governments at Addis Ababa in May 1963, as reaffirmed by the Conference of their Ministers of Foreign Affairs at Lagos in February 1964 (see appendix I). It deplored the transfer of armed forces and aircraft to the settler minority Government of Southern Rhodesia, which had taken place despite General Assembly resolution 1883 (XVIII). That action could have the most serious consequences on the maintenance of peace in Southern Rhodesia and had contributed to the stiffening of the Southern Rhodesian Government's attitude in its negotiations with the United Kingdom Government. The preamble also indicated that the Committee was aware of the threat of a unilateral declaration of independence by the minority settler Government.

264. Operative paragraph 1 deplored the continued refusal of the United Kingdom Government to implement the resolutions which the General Assembly and the Special Committee had adopted on Southern Rhodesia. Paragraph 2 urged the United Kingdom Government to take immediately the necessary steps to implement resolution 1514 (XV). With regard to paragraph 3, which invited the United Kingdom Government to hold a constitutional conference without delay, he recalled that the Committee's main task was to expedite the attainment of independence by Southern Rhodesia in the most favourable conditions and to guarantee that majority rule based on universal adult suffrage would be established before independence was achieved. As far as operative paragraph 4 was concerned, the sponsors felt that the United Kingdom Government was in duty bound to warn the minority settler Government of the consequences of a unilateral declaration of independence and, if such a declaration was made, to prevent its implementation. Paragraph 5 called upon the United Kingdom Government to declare categorically that independence would not be granted to Southern Rhodesia until majority rule was established in the Territory. That request, which repeated a previous one, was especially important in the light of a report in *The Times* of London on 13

March 1964 that Mr. Duncan Sandys had given an evasive reply to a Labour Member who had asked him in the House of Commons whether the United Kingdom Government still stood by the Prime Minister's statement that independence would not be granted until there was majority rule in Southern Rhodesia. Paragraph 6 paraphrased a paragraph of resolution 1889 (XVIII) which urged all Member States to use their influence with the Government of the United Kingdom. The justification for paragraph 7 was that the supplying of arms and ammunition to the minority settler Government would enable it to become even more intransigent and that, according to some reports, the Portuguese and South African Governments had in fact been supplying military assistance to the settler Government. With regard to paragraph 8, which requested the Secretary-General to intensify his efforts with a view to the implementation of the mandate entrusted to him by resolution 1760 (XVII), the sponsors felt that the Secretary-General was in a position to play a most useful part in promoting conciliation. Lastly, the draft resolution drew the Security Council's attention to the situation in Southern Rhodesia, which had steadily deteriorated since the Committee had last considered the question in September 1963; in accordance with the final operative paragraph of the draft resolution, the Committee would decide to keep the question of Southern Rhodesia on its agenda in order to be in a position to consider any measures which might prove useful.

265. The representative of Ethiopia said that the position of his delegation had already been made quite clear. The draft resolution proposed immediate remedies for the deplorable situation in Southern Rhodesia and requested urgent action by the United Kingdom Government.

266. The sponsors wanted the United Kingdom Government to recognize that the people of Southern Rhodesia should be able to elect the government of their choice by a majority vote based on universal adult suffrage. In conformity with that principle, it was logical to ask the United Kingdom Government to take whatever measures were called for to prevent any unilateral declaration by the minority settler Government and to put a stop to any transfer of armaments.

267. The representative of India, referring to petition A/AC.109/PET.188, drew the Committee's attention to the statement he had made on 9 March 1964; it was not merely one person who had been sentenced to death, but three. His delegation had at the time appealed to the United Kingdom Government to exercise its prerogative of mercy and save the lives of those persons.

268. The representative of Mali said that the United Kingdom must assume its responsibilities by complying with the various resolutions adopted by the United Nations. The draft resolution requested the United Kingdom Government to take a clear stand so that a solution could be found for the question of Southern Rhodesia, and his delegation hoped that it would be adopted unanimously.

269. He asked that an appeal should be made to the United Kingdom Government so that the death sentence pronounced upon Mr. Mapolisa, a Southern Rhodesian nationalist, might be stayed. That sentence was one facet of the tragic situation prevailing in Southern Rhodesia.

270. The representative of Tunisia said that his delegation, sharing the concern of the other members of the Committee about the future of Southern Rhodesia, had only one desire—to rectify the situation to the benefit of both communities and to restore peace and stability in the Territory. For the past two years tension had not decreased and there had been no lessening of friction; the administering Power had paid no attention to the resolutions of the General Assembly and there had been no change in its attitude since the establishment of the Special Committee. By a strange coincidence, it was working against the recommendations of the United Nations.

271. In the general debate, his delegation had supported the idea of a round-table conference so as to create the conditions necessary for bringing the parties and the different trends in Southern Rhodesia closer together and for giving effect to resolution 1514 (XV) and in particular its paragraph 5. Unfortunately, however, in its statement a few days previously the administering Power had paid no regard to the various suggestions that had been made in the Special Committee. It seemed that the United Kingdom Government intended to maintain its stand on Southern Rhodesia and chose to ignore the recommendations of the United Nations. It rejected any idea of co-operation and would do nothing in Southern Rhodesia without the consent of the white minority, which went to show what little regard it had for the opinion of the African majority, whose feelings it did not even try to spare.

272. In his delegation's view, negotiations without the participation of the legitimate representatives of the African population would not be likely to facilitate a solution of the problem and would be considered as null and void. The United Kingdom Government had said that it was prepared to receive a sub-committee on certain conditions, but it rejected any idea of co-operation and continued to pursue its policy without worrying too much about the repercussions.

273. Although the colonial policy of the United Kingdom Government had in the past won it universal esteem and respect, that Government should now be warned about the consequences of its policy in Southern Rhodesia and should even be condemned, and steps should be taken to induce it to carry out the resolutions of the United Nations and thus eliminate any focus of tension threatening international peace and security.

274. The representative of Yugoslavia emphasized the importance of the draft resolution in the light of the explosive situation in Southern Rhodesia. It was high time to realize the need for urgent measures to prevent bloodshed in that country. The administering Power had full authority to make the necessary constitutional changes under the conditions outlined in operative paragraph 3 of the draft resolution. Those changes would give the population of Southern Rhodesia the hope which it was at present denied.

275. The situation in Southern Rhodesia was deteriorating day by day. The settler government thought that it could take advantage of the proximity of the elections in the United Kingdom. The United Kingdom Government, for its part, had not clearly and publicly explained its position. That left the leaders of the racist minority in Southern Rhodesia quite free to launch an offensive for immediate independence. On the other hand, the administering Power was tying its own hands by public statements to the effect that it was unable to intervene because of the existence of a convention.

276. His delegation urged the members of the Committee to adopt the draft resolution unanimously.

277. The representative of Syria associated himself with the remarks made during the meeting on the subject of the draft resolution.

278. The Chairman summarized the content of the petitions in question and noted that the petitioners were asking the Special Committee to intervene and prevent the execution of the measures decreed by the judicial authorities of Southern Rhodesia.

279. The representative of Iraq had said that an additional paragraph on the release of political prisoners could be inserted in the draft resolution. However, because of the gravity of the situation to which the Committee's attention was drawn in the petitions before it and because the Committee recognized that the United Kingdom was still the administering Power in Southern Rhodesia, he thought that the Committee could appeal to the United Kingdom Government to take the necessary steps. That would in no way prejudice the provisions which might be included in the draft resolution.

280. The representative of India recalled that not only the life of one person but the lives of several persons were at stake. The death sentence had been passed not only on Mr. Richard Mapolisa but also on Mr. Benoni Sibanda. Both were mentioned in document A/AC.109/PET.188. In addition, as he himself had said in the Committee on 9 March 1964, three other people were also being tried, and their cases, too, should be taken into account.

281. The representative of Syria said that the sentences given under Section 33 A of the amended Law and Order (Maintenance) Act were a far cry from the traditions of British justice. The provisions in question violated an elementary principle of penal law which was common to all systems throughout the world. For a person to be sentenced for a criminal offence it was necessary, first, for the offence actually to have been committed and, secondly, for there to be proof that it had been committed. However, the death penalty provided under Section 33 A of the amended Law and Order (Maintenance) Act applied to "any person" acting "without lawful excuse, the proof whereof lies on him" (A/AC.109/PET.188). That provision was unprecedented in that the burden of proof lay on the defendant. It should also be pointed out that in civilized countries the death sentence was not given for the offences mentioned in that Act. Under the French Penal Code, as well as in the United Kingdom, they were regarded as offences and not as crimes. Moreover, elementary principles were violated by those provisions of the Act which concerned minors.

282. A minority population which adopted laws of that kind could not be deemed to have a sense of responsibility or to be capable of governing. The relations between that minority and the African majority would eventually lead to unrest which would create disturbances in Africa that might affect the general peace. He therefore urged the United Kingdom representative to impress upon his Government the extreme gravity of the prevailing situation. The least that could be expected of the United Kingdom Government was that it should ensure that the sentences passed were not executed. In addition, it should see that the Act in question was repealed. As for the Special Committee, its duty was to bring the situation to the attention of the United Kingdom Government

and, for that purpose, to add a paragraph to the draft resolution, as the representative of Iraq had envisaged.

283. In addition, he formally proposed that a special resolution should be adopted on the question of the death sentences. If the condemned persons were not reprieved, it would then have to be recognized that the situation in Southern Rhodesia was abnormal and should be considered by the Security Council. Indeed, a law such as the amended Law and Order (Maintenance) Act indicated that the situation was not as normal as Mr. Field and his henchmen tried to pretend. The death penalty had been prescribed solely to protect the European minority and spread terror among the African majority. That proved that the European minority was afraid, and it was well known what fear could provoke. It was sufficient to recall the "rounding up" operations in Tunisia in 1952 and 1953 and the events in Algeria. The death sentences in Southern Rhodesia would alone be sufficient justification for referring the question to the Security Council.

284. The Chairman summing up the consensus of the Committee, said that he understood that the Committee wished to request the United Kingdom, as administering Power, to take the necessary steps to prevent the execution of the death sentences pronounced on African nationalists and that the Committee, having no doubt as to the responsibility borne by the United Kingdom in Southern Rhodesia, wished to urge the United Kingdom Government to use all its powers not only to prevent the execution of those sentences but also to secure the release of all political prisoners in Southern Rhodesia.

285. The representative of the United Kingdom said that, in view of what he had said earlier about the relationship between the United Kingdom and the Southern Rhodesian Government, he could not concur with the consensus as outlined by the Chairman.

286. The representative of India assumed, from what the Chairman had said, that the appeal would be to the United Kingdom Government to exercise its prerogative of mercy. It appeared that that prerogative still rested with the United Kingdom Government in the present case. He would be grateful if the United Kingdom representative would tell the Committee whether the appeal should be addressed to his Government or to Mr. Field's Government. If it was an appeal to grant mercy to the sentenced prisoners, it was hard to see how the United Kingdom representative could object to such an appeal.

287. The representative of the United States of America said that he would like a further opportunity to consider the matter. The importance of a death sentence could not be questioned, but he was not at that moment in a position to participate in a consensus of the Committee.

288. The representative of the Ivory Coast said that the Chairman rightly considered that all representatives who had spoken in the Committee and all who had supported them took the view that an appeal should be made to the United Kingdom to take what might be called "measures of conservation".

289. Since there was a question of inserting a new paragraph in the draft resolution and even of submitting a special draft resolution, the Chairman's summing up did not put an end to the matter. Nevertheless, it might to some extent meet the point of the United States and United Kingdom representatives, who would note that the appeal simply asked them

to use their influence to give effect to a humanitarian decision. All that was involved, in effect, was an interim decision; when the Council took a final decision on the subject, those representatives would have an opportunity of stating their position in detail. The Chairman could give the Committee the assurance that his summing up did not close the question.

290. The Chairman stated that in view of the seriousness of the situation, and without prejudice to decisions which might be taken subsequently, the Committee could, as an interim measure, appeal to the United Kingdom Government to consider immediate action to prevent the execution of the court sentences. The United Kingdom Government would be called upon to use its power vis-à-vis the Southern Rhodesian Government to prevent the execution of the death sentences.

291. If there was no objection, the Chairman would take it that the Committee, having noted the reservations of the representative of the administering Power, agreed with the statement he had just made.

292. The representative of Australia said that he shared the horror which any human being must feel faced with the condemnation to death of another human being. Still, his delegation was not familiar with the legal situation in the present instance, as the matter had come up for discussion only that morning. He therefore associated his delegation with what the United States representative had said with regard to the Chairman's proposal.

293. The representative of the Union of Soviet Socialist Republics observed that the United Kingdom Government did not wish to take any action to protect the lives of African nationalist leaders from the criminal attempts of the Southern Rhodesian rulers, on the pretext that it could not interfere in the domestic affairs of that Territory. In his view, it was not a question of who had the prerogative of mercy. The decisions of the General Assembly had established that the United Kingdom Government was responsible for all the events that were taking place in Southern Rhodesia. It was therefore entirely legitimate for the Committee to appeal to the United Kingdom Government in the present case. Like the Chairman, he believed that, as an interim measure, the Committee could agree on a general consensus and call upon the United Kingdom Government, through its representative, to take the appropriate steps to halt the criminal actions against the African nationalists.

294. He also fully endorsed the proposal of the Syrian representative to address a special resolution on that subject to the United Kingdom Government, and the proposal to add to the draft resolution under consideration a paragraph stressing the need for the immediate cessation of political persecution in Southern Rhodesia and for the release of all political prisoners. The Committee might also call for the repeal of the discriminatory laws on which the Government based its suppression of the national liberation movement in the Territory.

295. Referring to operative paragraph 3 of the draft resolution, in which the United Kingdom was invited to hold a constitutional conference without delay, he suggested that it would be well to specify, either in the operative part or in the preamble, that the Committee considered the interests of the indigenous population of Southern Rhodesia to be paramount and that therefore any talks on the future of the Territory in which the indigenous population's representatives did not

take part would be illegal. Such a clause would strengthen the position of the leaders of the liberation movement in Southern Rhodesia and would also serve as a warning to the United Kingdom Government that the Committee would not endorse talks which the United Kingdom Government might conduct solely with the Territory's racist rulers.

296. The representative of India said that the attitude of certain delegations was extremely puzzling. At the eighteenth session of the General Assembly, the United Kingdom and United States delegations had supported resolution 1881 (XVIII), which requested the Government of South Africa "to abandon the arbitrary trial now in progress and forthwith to grant unconditional release to all political prisoners and to all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of *apartheid*". He did not understand why the same delegations should now disapprove of the Committee's intention to intercede on behalf of African nationalists threatened with hanging under extraordinary laws which had moreover recently been condemned by the International Commission of Jurists. Contrary to the Australian representative's belief, he himself had raised the question at the Committee's 224th meeting, when he had pointed out that Mr. Mapolisa had been sentenced to death under the Law and Order (Maintenance) Act, that Mr. Sibanda had been similarly sentenced and that three other Africans were being tried under the same "hanging clause". He had read out a letter published in *The Spectator* of 28 February 1964, according to which the only right of appeal left open had been to the Privy Council. He asked the United Kingdom delegation whether it could tell the Committee if the appeal was before the Privy Council and whether the prerogative of mercy rested with the United Kingdom Government or not.

297. The representative of the United States of America said he was grateful to the representative of India for having mentioned General Assembly resolution 1881 (XVIII). The members of the Special Political Committee had made great efforts to discuss that resolution with his delegation and the delegation had had time to consider the matter. The result was that it had been able to support the resolution, which it had been glad to do. The present situation was somewhat different. He did not believe any member of the Committee was questioning the humanitarian instincts of any other member. He would be very unhappy to believe that such was the case.

298. The representative of Australia said that there still remained a doubt in his mind regarding the legal position. Although the humanitarian feelings involved were certainly not open to question, the members of the Committee could hardly be asked to make up their minds at a moment's notice on an issue which was also part of a resolution that had been laid before them for the first time.

299. The representative of Poland associated himself with the appeal that the Chairman proposed to make to the United Kingdom Government to do everything in its power to prevent the execution of Africans in Southern Rhodesia. The problem came clearly within the Committee's mandate, since the Declaration on the granting of independence to colonial countries and peoples provided that "all armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independ-

ence...". Recalling that at the meeting on 16 March 1964 his delegation had stressed the need for the immediate cessation of repressive measures and the release of political prisoners in Southern Rhodesia, he was glad the sponsors of the draft resolution intended to embody in it a paragraph to that effect. In his opinion, the special resolution proposed by the Syrian representative dealing with the "hanging clause" also derived from the Committee's mandate, which was to prevent the implementation of repressive measures in violation of the Declaration. Lastly, the problem involved a humanitarian aspect which no one in the Committee disputed. That being so, he fully supported the appeal that the Chairman proposed to make on behalf of the Committee to the United Kingdom Government.

300. He suggested to the co-sponsors that the request contained in operative paragraph 6 and in subsequent paragraphs of the draft resolution should not be limited to States Members of the United Nations, but it should be extended to embrace all States, since there are such States as the Federal Republic of Germany, which are not States Members of the United Nations but which are supporting the racist régimes in this part of Africa.

301. The representatives of Yugoslavia and Sierra Leone supported the proposal that the Chairman should appeal on behalf of the Committee to the United Kingdom to exercise the prerogative of mercy and prevent the implementation of the Law and Order (Maintenance) Act, especially in relation to the sentencing to death by hanging of Mr. Mapolisa.

302. The representative of Uruguay felt that there was no doubt that most members of the Committee were in favour of appealing to the United Kingdom Government on humanitarian grounds. The Chairman could therefore assume that he was authorized to act accordingly, without prejudice to any subsequent steps that the Committee might take.

303. The representative of Iraq, supported by the representative of Cambodia, said that, if the Committee could not achieve a consensus, it should be possible to reach a formal decision regarding the proposal of the representatives of Mali and Syria to authorize the Chairman to appeal to the United Kingdom Government on behalf of the Africans who had been sentenced.

304. The representative of Venezuela considered that the Committee could appeal to the United Kingdom Government on humanitarian grounds to use all its powers and prerogatives, under the Southern Rhodesian Constitution and the Convention regulating its special relations with the Southern Rhodesian Government, either directly or indirectly—in other words, through the Governor of Southern Rhodesia as the Queen's representative—in favour of the persons who had been sentenced to death in Southern Rhodesia and those who were being tried.

305. The representative of India expressed his gratitude to the representatives of the United States of America and Australia for stating that they shared the humanitarian concern of the other members of the Committee in this matter. That, according to him, was the real issue before the Committee. The humanitarian aspect is an element common to the South African and Southern Rhodesian situations—but he did not wish to dilate on that. The point was of the Committee addressing an appeal on humanitarian grounds to the United Kingdom Government to exercise their prerogative of mercy. To that there has been no objection.

There has been an objection to a consensus but at this stage all delegations except the United Kingdom had agreed to an appeal being addressed by the Committee on humanitarian grounds.

306. The representative of the United States of America supported the Venezuelan representative's proposal. He had intended to propose that the Chairman state as his consensus that the Committee called upon the United Kingdom to exercise its influence to obtain a reprieve of the death sentences.

307. The representative of the Ivory Coast also considered that the Chairman should appeal to the United Kingdom Government, but without going into constitutional considerations, since the question of the constitutional relations between the United Kingdom and Southern Rhodesia had already been dealt with in the General Assembly resolutions.

308. The Chairman summed up the feeling of the Committee by declaring that, without prejudging the decisions that it might reach on the question of Southern Rhodesia, the Committee empowered its Chairman to appeal to the United Kingdom Government to use all its powers and prerogatives to prevent the execution of the sentences. He would ask the United Kingdom representative to inform his Government of the feeling of the Committee on that subject.

309. The representative of the United Kingdom said that he took note of the appeal and would so inform his Government. Later he stated that on 21 March 1964 his delegation had received a letter from the Chairman (appendix II) containing the appeal to the United Kingdom Government, which had been informed of its contents.

310. The Committee was already aware that the United Kingdom Government had no responsibility whatever for the legislation in Southern Rhodesia under which the death sentences had been passed and had no powers in relation to it. However, his delegation could inform the Committee that Mr. Mapolisa's appeal against sentence had been heard in the Federal Supreme Court in Salisbury in December 1963 and had been rejected. Mr. Mapolisa had then asked for leave to appeal to the Judicial Committee of the Privy Council, a request that had been granted in February 1964. According to available information, no date had been fixed for the hearing of that case by the Privy Council in London. Mr. Sibanda had been convicted in Bulawayo High Court on 12 December 1963 and his appeal had been heard in the Federal Supreme Court on 2 March 1964. New evidence had been produced and judgement had not yet been given. Mr. Gendhamu, Mr. Runyowa and Mr. Muringwa had been convicted in Salisbury High Court on 20 December 1963. Those convictions, as well as that of Mr. Sibanda, had all concerned the throwing of petrol bombs into African houses. The mandatory death sentence had been passed on Mr. Gendhamu and Mr. Runyowa but Mr. Muringwa, being under nineteen years of age, had been sentenced to imprisonment for seven years. They had all appealed unsuccessfully to the Federal Supreme Court on 28 February 1964. Mr. Gendhamu and Mr. Runyowa had sought leave to appeal to the Privy Council. Those cases, except that of the youth, were therefore *sub judice*. The question of the use of the prerogative of mercy by the Governor would only arise if the appeals to the Privy Council were unsuccessful.

311. The representative of India, speaking to the thirteen-Power draft resolution, said it was somewhat disappointing that the United Kingdom Government

had been unable to change its attitude. It was the Committee's duty to help the nationalist forces in Southern Rhodesia and the United Kingdom Government to find a peaceful and immediate solution to the problem. The draft resolution was a step in that direction. His delegation was a sponsor of that text and fully endorsed the views expressed by the representative of Iraq when introducing it.

312. The problem was indeed complex; that was why in operative paragraph 3 the United Kingdom Government was requested to hold a constitutional conference in which the representatives of all political parties could thrash out the problem and arrive at an agreed solution. If that conference was to be successful, the minority settler government must be made to realize that Southern Rhodesia could not achieve independence until majority rule was established on the basis of universal adult suffrage. That government must also be warned against the consequences of a unilateral declaration of independence; this was the substance of operative paragraphs 4 and 5. None of those provisions was unreasonable or difficult for the United Kingdom Government to implement.

313. The situation in Southern Rhodesia continued to go from bad to worse. Certain amendments were being introduced in the Law and Order (Maintenance) Act which would make it even more drastic and cruel. Mr. Dupont, the Minister responsible for the amendments, had remained completely deaf to the criticism of them voiced by the International Commission of Jurists on 12 March 1964. It was to be noted that Mr. Dupont had maintained that there was no explosive situation in Southern Rhodesia. What then was the reason for enacting such lawless laws? The imposition of death penalties for comparatively minor offences was contrary to article 5 of the Universal Declaration of Human Rights. The consequences of such legislation might be disastrous and the Committee should appeal to the United Kingdom Government to use its influence to annul the laws in question.

314. The United Kingdom representative had just explained the legal position and the present state of the appeals. But it was the law that was bad. The judges had been left with no discretion in the matter since the capital sentences had been mandatory. That was why the question of the exercise of the prerogative of mercy had arisen. However, it was gratifying to know that the cases were still *sub judice*. Perhaps some way would be found to give relief even during the appeal.

315. The adoption of the draft resolution was not an end in itself. It certainly did not preclude the possibility of any other action by the Committee which might be more helpful in finding a solution in the spirit of General Assembly resolution 1514 (XV). He hoped the draft resolution would receive overwhelming support.

316. The representative of Denmark said that the general debate had revealed a very large measure of agreement on the main problems involved. The Committee would have done better to record that agreement than draft a resolution containing provisions which came within the exclusive competence of the Security Council. In particular, his delegation would be unable to support operative paragraphs 6 and 7 which ran counter to the United Nations Charter. Nor could he accept the wording used in operative paragraph 9. Operative paragraph 1 was contradicted by the attempts of the United Kingdom Government to find a solution.

Even the wording of operative paragraphs 4 and 5 did not sufficiently reflect the difficult position in which the United Kingdom Government found itself. For all those reasons, his delegation would have to abstain from the vote on the draft resolution as a whole. That position was dictated mainly by legal objections; it in no way implied that Denmark intended to supply Southern Rhodesia with military weapons.

317. The representative of Iraq said the sponsors of the thirteen-Power draft resolution had decided to insert the following new paragraph, after the sixth preambular paragraph, in accordance with the Soviet proposal:

"Considering that the interests of the African majority in Southern Rhodesia are paramount and that their representatives should fully participate in any decisions or consultations affecting the future of the Territory".

That paragraph was a counterpart to operative paragraph 3.

318. The sponsors had also decided to make operative paragraphs 6 and 7 applicable to all States, as suggested by the representative of Poland, rather than to States Members of the United Nations and to change the words "appropriate measures" in operative paragraph 6 to "whatever measures they deem appropriate".

319. The representative of Italy said that the draft resolution caused his delegation a number of misgivings. In the first place, it was not in keeping with the general feeling which had prevailed during the general debate. Many speakers had stressed that no effort should be spared to seek peaceful ways of solving the problem of Southern Rhodesia. Certain constructive approaches had been suggested but they had been disregarded in favour of a draft resolution which was ill-timed and couched in extreme terms. The adoption of that text would not make the holding of a constitutional conference any easier; it would not prevent the authorities of Southern Rhodesia from declaring themselves independent; and it would swell the number of United Nations resolutions which had not been implemented.

320. Apart from those basic objections, the text contained several provisions which his delegation could not support. In particular, he objected to the use of the language taken from Chapter VII of the Charter and to the proposal to refer the matter to the Security Council, which was no better qualified to solve the problem than the Committee itself.

321. For all those reasons, the Italian delegation would be unable to support the draft resolution and would abstain when it was put to the vote.

322. The representative of the Union of Soviet Socialist Republics said that his country had always supported the aim of implementing in all Territories, including Southern Rhodesia, the provisions of the Declaration on the granting of independence to colonial countries and peoples. The Soviet position was also based on the decisions already taken by the General Assembly on the question of Southern Rhodesia. The implementation of those decisions would liberate the people of Southern Rhodesia from racist pogroms and colonial domination by Mr. Field's Government, thus strengthening peace and security throughout Africa. It would also encourage friendly relations among States on the basis of the right to independence.

323. For those reasons, he supported the draft resolution as offering the best solution to the problem.

All its provisions were in conformity with previous decisions of the General Assembly. Operative paragraphs 2 and 3 would pave the way for real independence; the warnings in operative paragraphs 4 and 5 were explicit and timely. Particularly important was operative paragraph 7 which cautioned all who planned to strengthen the military potential of the Southern Rhodesian racists. The Committee was already aware of the plans of colonialists who wished to obstruct the liberation movements of the African people struggling for their rights and independence.

324. The Soviet delegation would vote in favour of the draft resolution in the hope that its implementation would lead to a speedy solution of the problem of Southern Rhodesia.

325. The representative of Tunisia said that his delegation's suggestion for the establishment of a "watchdog committee" had to be regarded as inseparable from a group of related proposals. It had been understood that if a sub-committee was sent to London, the watchdog committee would report to the Special Committee on the development of the situation. However, the sending of a sub-committee could no longer be considered useful, in view of the absence of a co-operative spirit from the latest statements of the United Kingdom delegation. The Special Committee would keep the question of Southern Rhodesia on its agenda, and, in the Tunisian delegation's view, the entire Special Committee had now become a watchdog committee.

326. The representative of Iraq said he still thought that the sending of a sub-committee to London to discuss all aspects of the problem of Southern Rhodesia with the responsible Ministers of the United Kingdom Government could be very helpful, provided that that Government, as well as the sub-committee, was prepared to conduct serious discussions. However, unless the United Kingdom could clarify the stand it had taken regarding a sub-committee, the Iraqi delegation would have to maintain its present position.

327. Recalling his previous statement, he said that the introduction of the draft resolution did not and should not preclude the possibility of other action by the Committee in dealing with the question of Southern Rhodesia.

328. The representative of Bulgaria said that the draft resolution did not represent a departure from the search for a peaceful solution of the problem of Southern Rhodesia; it was not the sponsors of the draft resolution but rather the other side that was creating situations which made a solution difficult. The changes made in the wording of the draft resolution, particularly in the operative paragraphs, would give it additional weight, since States not Members of the United Nations could also contribute to a solution of the problem. Although his delegation felt that in some provisions other wording might have been more suitable, it would vote in favour of the draft resolution (A/AC.109/L.103) and in favour of each of its paragraphs if they were put to the vote separately.

329. The representative of the United Kingdom wished, in explanation of his delegation's vote, to reiterate a few points: first, Southern Rhodesia was not a Non-Self-Governing Territory within the terms of Article 73 of the Charter; secondly, the United Kingdom was not the administering Power because it had no control over Southern Rhodesia's internal administration and because, apart from the High Commissioner and his staff, there was no official in

Southern Rhodesia responsible to the United Kingdom Government; thirdly, his Government was prepared to grant independence to Southern Rhodesia in the same circumstances that it had granted it to other Territories and, in particular, looked for a widening of the franchise so as to give greater representation to the Africans; fourthly, a negotiated solution of the problem was possible only if all concerned understood and accepted the basic facts and worked with a real desire for a peaceful solution.

330. The problem discussed by the Special Committee in 1963 had been that of the Federation of Rhodesia and Nyasaland. Contrary to the assertions of some delegations, the United Kingdom had not been inactive in the matter. The Federation had come to an end on 31 December 1963, and Northern Rhodesia and Nyasaland would soon be independent with African majority Governments. Talks had been held in London before the end of January 1964 with the Prime Minister of Southern Rhodesia, and the problem continued to be of close and active concern to the United Kingdom Government.

331. The objectives of his Government and those of the majority of the Committee were still the same, but the methods they proposed were different. A solution could be found only through negotiation between the two Governments responsible, and the draft resolution could make no contribution to such a solution. His delegation did not recognize the right of the Special Committee to adopt resolutions on Southern Rhodesia and regarded such resolutions as *ultra vires*. Therefore, it would not participate in the vote on the draft resolution or any part of it.

332. The representatives of the United States of America and Australia expressed a preference for postponing the vote on the draft resolution until the following day, so that they could inform their Governments of the revisions that had been made; however, they would not press the matter if the other members of the Committee wished to proceed to a vote immediately.

333. At the 232nd meeting on 23 March 1964, the Special Committee adopted the ninth preambular paragraph of the draft resolution, as revised orally, by 17 votes to 4, with 1 abstention, and of the ninth operative paragraph by 18 votes to 4, with 1 abstention.

334. The whole of the draft resolution (A/AC.109/L.103 and Add.1), as orally revised, was then adopted by a roll-call vote of 18 to none, with 5 abstentions, as follows:

In favour: Bulgaria, Cambodia, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: None.

Abstaining: Australia, Denmark, Italy, United States of America, Venezuela.

335. The representative of Venezuela stated that his delegation had abstained from voting on the resolution only because it had not yet received from his Government the instructions it had requested.

336. The representative of the United States of America said that although his delegation shared the view that any action taken by the Committee should be aimed at helping to ensure the realization of the legitimate aims of the people of Southern Rhodesia, it had abstained from voting on the draft resolution be-

cause of certain reservations about some of its provisions and expressions of views.

337. The United States delegation believed that the situation in Southern Rhodesia, although deteriorating, did not constitute a serious threat to international peace and security as contemplated by the Charter; it had therefore opposed the penultimate preambular paragraph and operative paragraph 9. It also objected to the use of the word "deplores" in operative paragraph 1. Such language was inappropriate, and the paragraph as a whole did not take fully into account the realities of the United Kingdom's position. The wording of operative paragraph 6, although somewhat improved by the amendment made by the sponsors, nevertheless could be subject to some unfortunate misinterpretation. However, he respected the Iraqi representative's suggestion that the paragraph was, in effect, a rewording of operative paragraph 7 of General Assembly resolution 1889 (XVIII), which urged Member States to use their influence to the utmost with a view to ensuring the realization of the legitimate aspirations of the people of Southern Rhodesia. The United States had been using its influence in that direction and would continue to do so to the best of its ability.

338. His delegation agreed with other members of the Committee that a constitutional conference was desirable; however, in view of certain factors which made that extremely difficult at the present time, an informal conference might be more expedient. Operative paragraph 7, in the form appearing in the draft resolution, was of doubtful propriety; his delegation would have preferred to see a recommendation, or even a request, to all Member States to refrain from any action which might aggravate the situation in Southern Rhodesia. A unilateral declaration of independence on the part of the Government of Southern Rhodesia, could, in the United States view, have disastrous consequences, and his delegation was confident that the United Kingdom would not consent to such a step.

339. He welcomed the United Kingdom's willingness to receive representatives of the Special Committee and felt that an exchange of views between such representatives and the United Kingdom Government would be a useful step towards realizing the common goal. His delegation looked with confidence to the United Kingdom to apply the same high principles it had applied in solving other difficult colonial problems. The establishment of vital communication between all parties concerned, either formally or informally, was particularly urgent and must be given the highest priority.

340. The representative of Chile said that his delegation had voted in favour of the draft resolution because it had considered it a constructive text. It had voted in favour of operative paragraph 9 on the understanding that the text in no way impaired the power of the Security Council to determine whether or not a situation constituted a threat to international peace and security.

341. The representative of Australia explained the vote of his delegation on the draft resolution. In connexion with the seventh preambular paragraph in the final text, he recalled the statement of the Australian Minister for External Affairs which he had cited at the meeting of 12 March 1964 and which emphasized that the aim in Africa, as indicated by African leaders themselves, was to achieve independent societies in which no group had exclusive privileges but in which there was genuine equality among citizens. That view seemed to express the essence of democracy, which

was based on majority rule but provided adequate protection for minorities.

342. The holding of a constitutional conference, as recommended in operative paragraph 3, was an excellent idea in theory but in practice the Committee was inviting the Government of the United Kingdom to do something which was at the moment beyond its power. His delegation would have preferred a more flexible and realistic expression of the Committee's hopes in the form of a consensus rather than a resolution.

343. With regard to operative paragraph 5, a recent issue of the journal *Africa 1964* made it clear that Mr. Field was no longer thinking in terms of a unilateral declaration of independence. The United Kingdom Prime Minister had publicly noted the dangers of such a declaration while the Australian Government had recently warned that it might lead to an Algerian type of situation and a lasting cleavage between the black and white communities. Indeed, the danger of race war was inherent in the whole situation. The United Nations must do everything possible to prevent that from happening.

344. In the present circumstances a resolution of the kind adopted at the previous meeting did not appear to be the best procedure. The more constructive proposals that had been made should have been followed although it was gratifying to note that the representatives of Iraq, India and Tunisia had said that the resolution did not preclude other action. The resolution adopted merely went to further extremes, made the task of the liberal more difficult, entrenched the fears of the fearful and complicated the task of the United Kingdom. For those reasons, his delegation had abstained from the vote.

345. The resolution (A/AC.109/61) on the question of Southern Rhodesia adopted by the Special Committee at its 232nd meeting on 23 March 1964 reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the question of Southern Rhodesia,

"Taking note of the reports of the Secretary-General [A/5664 and A/AC.109/57],

"Having heard the statement of the Administering Power,

"Bearing in mind the objectives of resolution 1514 (XV) of 14 December 1960,

"Recalling General Assembly resolution 1747 (XVI) of 28 June 1962, 1760 (XVII) of 31 October 1962, 1883 (XVIII) of 14 October 1963, 1889 (XVIII) of 6 November 1963 and 1956 (XVIII) of 11 December 1963,

"Taking into account the recommendations made by the Heads of African States and Governments on Southern Rhodesia during the Summit Conference held in Addis Ababa in May 1963 and recently re-affirmed by the Conference of their Ministers of Foreign Affairs in Lagos, from 24 to 29 February 1964 [see appendix I],

"Considering that the interests of the African majority in Southern Rhodesia are paramount and that their representatives should fully participate in any decisions or consultations affecting the future of the Territory,

"Deploing the transfer by the United Kingdom of Great Britain and Northern Ireland, contrary to General Assembly resolution 1883 (XVIII), of armed forces and aircraft to the settler minority government of Southern Rhodesia,

"Deeply concerned with the constant deterioration of the situation in Southern Rhodesia which constitutes a serious threat to international peace and security,

"Being aware of the threat of a unilateral declaration of independence by the minority settler government,

"1. Deplores the continued refusal of the Government of the United Kingdom to implement General Assembly and Special Committee resolutions on the question of Southern Rhodesia;

"2. Urges the Government of the United Kingdom to take immediately the necessary steps to implement resolution 1514 (XV) as it has been invited to do so by General Assembly resolution 1747 (XVI), 1760 (XVII), 1883 (XVIII), 1889 (XVIII) and 1956 (XVIII);

"3. Once more invites the Government of the United Kingdom to hold without delay a constitutional conference in which representatives of all political parties of the Territory will take part with a view to making constitutional arrangements for independence on the basis of universal adult suffrage, including the fixing of the earliest date for independence;

"4. Urges further the Government of the United Kingdom to warn emphatically the minority settler government against the consequences of a unilateral declaration of independence and to take appropriate measures to prevent the implementation of such a declaration;

"5. Calls upon the Government of the United Kingdom to declare categorically that independence will not be granted to Southern Rhodesia until majority rule is established in the Territory on the basis of universal adult suffrage;

"6. Requests all States to take without delay whatever measures they deem appropriate to obtain from the Government of the United Kingdom the implementation of the General Assembly resolutions on the question of Southern Rhodesia;

"7. Requests further all States to refrain from supplying, in any form arms and ammunition to the minority settler government of Southern Rhodesia;

"8. Requests the Secretary-General to communicate the text of this resolution to all Member States and to intensify his efforts with a view to the implementation of the mandate entrusted to him by the General Assembly in its resolution 1760 (XVII);

"9. Draws the immediate attention of the Security Council to the explosive situation in Southern Rhodesia, which constitutes a serious threat to international peace and security;

"10. Decides to maintain on its agenda the question of Southern Rhodesia."

346. The text of the resolution was transmitted to the President of the Security Council and to the representative of the United Kingdom on 26 March 1964 (S/5626).

347. At the 232nd meeting, the representative of Iraq introduced a further draft resolution (A/AC.109/L.105), sponsored by the same thirteen Powers. The

operative paragraphs of the draft resolution read as follows:

"1. *Requests* the Government of the United Kingdom of Great Britain and Northern Ireland to use all its powers and prerogatives to save the lives of those who are condemned to death under the amended Law and Order (Maintenance) Act and to ensure the release of all political prisoners;

"2. *Requests* the Secretary-General to bring this resolution to the attention of the Government of the United Kingdom and to report to the Special Committee on its implementation."

348. The representative of Italy said he would vote in favour of that draft resolution for humanitarian reasons, which were consistent with the juridical and moral principles of the Italian Government and people. Such a vote did not imply any judgement on the constitutional and legal questions involved in the appeal to the United Kingdom Government.

349. The representative of the United Kingdom said that for reasons already explained his delegation would not participate in the vote on the draft resolution.

350. The representative of Bulgaria supported the draft resolution. He could not agree that the United Kingdom had no responsibility in the matter and could not intervene directly to save the lives of the persons condemned to death. No one inside or outside the Committee could possibly believe that the United Kingdom should not be held responsible for the crimes committed by the white settlers in Southern Rhodesia who used such criminal weapons as the so-called Law and Order (Maintenance) Act. It was inconceivable that the United Nations should allow an administering Power to permit a small white minority to decide the fate of 4 million inhabitants with the sole aim of continuing its policy of colonial domination. It was all the more difficult for the United Kingdom to deny its responsibility since Mr. Field, in his speech of 26 February 1964, had admitted that he had been encouraged by the position taken by the United Kingdom representative during the secret London negotiations. The statement made at the 232nd meeting by the United Kingdom representative clearly showed that the United Kingdom had the means of using its prerogatives at all levels. After the adoption of the draft resolution the Committee would have to follow developments carefully and spare no efforts to see that the lives of condemned prisoners were saved.

351. The representative of Denmark said his Government shared the view that the death penalty should not be applied in political cases. His delegation would therefore vote in favour of the draft resolution but did not have sufficient knowledge about the extent to which the United Kingdom Government possessed the powers and prerogatives referred to in operative paragraph 1.

352. The draft resolution (A/AC.109/L.105) was adopted at the 233rd meeting on 24 March 1964 by a roll-call vote of 21 to none, with 2 abstentions, as follows:

In favour: Bulgaria, Cambodia, Chile, Denmark, Ethiopia, India, Iran, Iraq, Italy, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, United States of America.

353. The representative of the United States of America said that while his delegation had abstained from the vote, it wished to express its deep concern about the fate of the persons now condemned to death and about the legislation itself. The United States Government strongly opposed the detention of political prisoners without trial; if the draft resolution had dealt solely with that point, his delegation would have voted for it. Should the convictions be upheld under the due processes of law, the United States was prepared to join in an appeal for clemency because it considered mandatory death sentences in the particular circumstances harsh.

354. The representative of Australia said his delegation was still deeply moved by the humanitarian aspects of the question but had been compelled to abstain from the vote on the draft resolution because of certain difficulties. The exact legal position was far from clear. In one case an appeal at present lay to the Privy Council, and in the other cases such appeals were apparently pending. In such circumstances, when matters were still *sub judice*, his delegation was most hesitant to express any opinion. Nor did the Committee know whether the reference in the resolution to "many political prisoners detained without trial in Southern Rhodesia" was in fact correct.

355. The resolution (A/AC.109/62) on the question of Southern Rhodesia adopted by the Special Committee at its 233rd meeting on 24 March 1964 reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Gravely concerned about the fate of those condemned to death under the amended Law and Order (Maintenance) Act and the fate of the many political prisoners detained without trial in Southern Rhodesia,

"1. *Requests* the Government of the United Kingdom of Great Britain and Northern Ireland to use all its powers and prerogatives to save the lives of those who are condemned to death under the amended Law and Order (Maintenance) Act and to ensure the release of all political prisoners;

"2. *Requests* the Secretary-General to bring this resolution to the attention of the Government of the United Kingdom and to report to the Special Committee on its implementation."

356. The text of this resolution was transmitted to the representative of the United Kingdom on 26 March 1964.

E. FURTHER CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

357. The Special Committee gave further consideration to the question of Southern Rhodesia at its 247th to 249th, 252nd, 258th to 259th, 262nd and 263rd meetings from 20 April to 22 May 1964.

358. The Special Committee had before it a message from the President of Ghana concerning the restriction of Mr. Joshua Nkomo and three other African leaders, which was transmitted to it by the Secretary-General by letter dated 20 April 1964 (appendix III).

1. Report of the Secretary-General

359. On 4 May 1964, the Secretary-General submitted to the Special Committee a report (A/AC.109/70) in which were reproduced letters from the representative of the United Kingdom concerning the position of the United Kingdom Government with regard to the implementation of the three resolutions adopted by the Committee during its current session.

2. Written petitions and hearings

360. The Special Committee also had before it the following written petitions concerning the Territory:

Petitioner	Document No.
Mrs. C. S. Moore, Secretary of the Salisbury Christian Action Group..	A/AC.109/PET.244
Mr. Nehwati, President of the Municipal Workers Union.....	A/AC.109/PET.245
Mr. G. B. Nyandoro, Secretary-General, Zimbabwe African People's Union	A/AC.109/PET.189/ Add.2
Mr. J. R. D. Chikerema, Deputy President and Secretary for Special Affairs, Zimbabwe African People's Union	A/AC.109/PET.189/ Add.3
The Rev. Ndabaningi Sithole, President, Zimbabwe African National Union	A/AC.109/PET.190/ Add.1

361. The Special Committee heard the following petitioners concerning Southern Rhodesia:

Mr. G. B. Nyandoro, Secretary-General, Zimbabwe African Peoples Union (A/AC.109/PET/189/Add.1)	247th and 248th meetings
Mr. Garfield Todd, former Prime Minister of Southern Rhodesia (A/AC.109/PET/243)	249th meeting

362. Mr. Nyandoro said that, whenever the question of Southern Rhodesia had been discussed in the United Nations, the main point had been that the United Kingdom Government must call a constitutional conference which would solve the political impasse in which the Territory had found itself. The United Kingdom Government had at first maintained that it had no power to intervene in the affairs of Southern Rhodesia because of a long-standing "convention"; later, it had retracted and admitted that it had the power to intervene, but it had claimed that the convention prohibited it from legislating on matters within the competence of the Rhodesian legislature. The United Kingdom Government's letters to Mr. Winston Field in April 1963 made it clear that independence would not be granted to the minority unless a constitutional conference was called to discuss defence, financial and constitutional matters, which did not fall within the competence of the minority legislature. Thus, the United Kingdom Government was definitely playing the part of administering Power in Southern Rhodesia, and it was clearly incumbent upon it to call a constitutional conference now.

363. All the petitioners who had come before the Special Committee had done so in a spirit of goodwill, and in the belief that the United Kingdom Government would act to solve the impasse in Southern Rhodesia. Several resolutions had been adopted, and a Subcommittee of the Special Committee had visited the

United Kingdom for the purpose of persuading the Government to call a constitutional conference. Events had proved that Mr. Joshua Nkomo had been right in asking the Special Committee to exert all possible diplomatic pressure on the United Kingdom to call such a conference, for the situation had continued to deteriorate since that time. From December 1963 to March 1964, forty-five deaths had been recorded as a result of clashes with the Rhodesian police, and that figure was a conservative one. Life was daily becoming more difficult in Southern Rhodesia; whenever a small gathering of people formed, the police used tear-gas to disperse them or resorted to shooting, causing fatal injuries but avoiding the publicity which would accompany immediate deaths. The objective was to be able to claim that the situation in Southern Rhodesia was not explosive and that all was calm. There had been many instances of brutality, for all the whites were armed to the teeth and had been provided with tear-gas canisters. Anything done by a policeman in the name of white justice was considered legal, and the laws protected him. Under the terms of the Law and Order Maintenance Act, the police were empowered to open fire after giving three orders to disperse. A sort of anarchy obtained in Southern Rhodesia, where one race, because it had arms, an army and a police force, was daily intimidating the majority of the people of the country.

364. In Hartley district, 75 miles from Salisbury, Mr. Joshua Nkomo, the leader of ZAPU had been tried for entering the area closed to the indigenous population. He had previously been arrested and imprisoned on many occasions and had been released on bail. He was now living under restriction in a game reserve near the border of Portuguese East Africa. There had been mass arrests of members of ZAPU, followed by the arrest of all the leaders of the party, under the Vagrancy Act. Only those members of the party executive who had been outside Southern Rhodesia had escaped arrest.

365. The wave of arrests had provoked the people of Southern Rhodesia to greater determination to crush the régime of oppression, even at the cost of violence. He emphasized how patient his compatriots had been in suffering everything inflicted upon them by a small minority; but their patience was exhausted, and the world should make allowances for that if the people of Southern Rhodesia had to react in order to regain their lost dignity.

366. After the coming into power of Mr. Field's racist government, negotiations for the granting of independence had taken place between the United Kingdom Government and the settlers. The United Kingdom Government had stated publicly that it would not grant independence to the colony until the franchise had been widened sufficiently to allow "increased" African representation, but that merely meant that the United Kingdom wished to maintain the *status quo*. All authority remained in the hands of the white minority, by the will of the United Kingdom Government. The United Kingdom's admission that it was "inhibited" from granting independence to the settler Government, which threatened to withdraw from the Commonwealth, revealed that it ultimately wanted to grant independence to its nationals, as it had done in South Africa. The United Kingdom Government did not dare to do so because some members of the Commonwealth had threatened to withdraw, and not because the Government of Southern Rhodesia was a racist government

not representative of the people. No account had been taken of the indigenous inhabitants of Southern Rhodesia when negotiations had taken place between the United Kingdom Government and the Southern Rhodesian Government. The United Kingdom Government had always rejected the demands of Mr. Nkomo, who had asked the United Kingdom to desist from holding conferences with the minority Government without the participation of the Africans. The settlers' racist Government, on the other hand, had made public declarations of its intention to declare independence unilaterally. Mr. Ian Smith, who had just succeeded Mr. Field, had said that he did not see African nationalists in power in his lifetime; he was pursuing the same policy as Mr. Field, but was speaking even more provocatively.

367. The people of Southern Rhodesia had been docile for many years, but he did not believe that they could continue to be docile in the face of a racist government which declared that Africans would be unable to participate in the public affairs of their own country for a whole generation.

368. Sir Alec Douglas-Home had told the House of Commons, on 12 November 1963, that the United Kingdom Government accepted without qualification the principles of self-determination and majority rule. However, subsequent statements by the United Kingdom Government, the Prime Minister's answers in the House of Commons to the effect that the present Constitution would eventually lead to majority rule, and some remarks by the Secretary of State for the Colonies, Mr. Duncan Sandys, threw some doubt on the question whether the United Kingdom intended to introduce majority rule. Mr. Sandys had now spoken of referring the question of Southern Rhodesia to the Commonwealth, in order to remove it from the jurisdiction of the United Nations and the Organization of African Unity. That would enable the United Kingdom Government to equivocate under the pretext of non-interference in the domestic affairs of a State member of the Commonwealth.

369. The Africans of Southern Rhodesia did not regard Southern Rhodesia as a problem, as did the United Kingdom Government. Action must be taken to restore peace and tranquillity in the country. Suggestions had been made for the drafting and application of a constitution of the Cyprus type, for a constitution under which independence would be granted to the settler government, with negative powers for the African representatives in the parliament and a nebulous theoretical possibility of majority rule in about five years. In his view those were manoeuvres to delay and obstruct the proper solution of giving power to the majority under the principle of one man, one vote. The African people rejected all such schemes.

370. It had been said that the United Kingdom was unable to act in Southern Rhodesia because of the armed forces there. However, the military forces in question came under the exclusive authority of the United Kingdom Government. It would be remembered, in that connexion, that the threats of Sir Roy Welensky had come to nothing.

371. The United Kingdom Government's attitude of equivocation with regard to Southern Rhodesia showed that it did not want to take action. But action was what was needed, and it was particularly urgent in view of the circumstances in which the ZAPU leaders found themselves. It was undeniable that responsibility for everything that had happened in South-

ern Rhodesia—torture, arbitrary and wanton arrests, imprisonment, detention, and the killing of unarmed Africans—rested entirely with the United Kingdom Government, which had persistently rejected the United Nations resolutions.

372. ZAPU called upon the Special Committee to: (1) obtain immediately from the United Kingdom the release of Joshua Nkomo and all the nationalist political prisoners and detainees; (2) demand from the United Kingdom the abrogation of the present Constitution; (3) demand from the United Kingdom the implementation of all the past United Nations resolutions calling for an immediate constitutional conference with the specific purpose of transferring power to the majority under the rule of one man, one vote; and (4) call for the convening of the Security Council to implement the United Nations resolutions. If the United Kingdom persisted in its refusal to comply with those requests, it should be censured and the necessary sanctions should be imposed on it.

373. Nothing short of intervention by the United Nations could stop the bloodshed in Southern Rhodesia which had been provoked by the United Kingdom Government.

374. Mr. Todd said he had come before the Committee, as he had come two years previously¹⁰ to plead that pressure from the nations of the world should be brought to bear upon the United Kingdom in order to persuade it to act immediately with understanding and courage so that further bloodshed might be averted in Southern Rhodesia and freedom restored to Mr. Nkomo and the many other persons who had been restricted. He also wished to plead for the establishment in Southern Rhodesia of a régime which would be based upon the sanctity of the individual, of every individual; only thus could long-term security be ensured to the white population, which had contributed much in the past towards the development of Rhodesia and whose continued presence as equal citizens was greatly to be desired. That, however, was not the policy of the present Government, and, in order to implement the assurance given recently by the new Prime Minister, Mr. Smith, that he did not visualize an African government in his lifetime, the Government had no alternative but to pursue its present policy of ruthless oppression.

375. He wished to draw the Committee's attention to a booklet which had just been published. It was entitled *Southern Rhodesia, the Price of Freedom* and comprised nine essays by both white and African Rhodesians none of whom had quite given up hope of a peaceful transfer of power from the minority to the majority. In that booklet, he himself made it clear that the Government of Southern Rhodesia had really no option but to take action against passive resistance if it was to pursue its present policy. While the editor of the booklet, the Reverend Fred Rea, took a more optimistic view of the possibility of a peaceful solution, the Mayor of Salisbury, Mr. Frank Clements, referred to the frustrations which were leading to increasing aggressiveness on both sides. Mr. Clements, took the view that there was no real inter-racial violence, but in the meantime, on hearing of the arrest and restriction of Mr. Nkomo, African youths had deliberately entered shops and attacked white people in public places. Mr. Lloyd of Bulawayo stated that, if the

¹⁰ Official Records of the General Assembly, Seventeenth Session, Annexes, addendum to agenda item 25, document A/5238, chapter II, paras. 40 to 48.

present situation was allowed to continue without negotiation, open conflict was unavoidable. Mr. Enoch Dumbutshena, a member of Mr. Nkomo's group, made it clear that the Constitution of 1961 had been unacceptable to the Africans because it would curb the advance of African nationalism and democracy and perpetuate racial thinking. As Mr. Nkomo had pointed out, the existing tension could only be broken if the United Kingdom summoned a representative constitutional conference. The *Daily News* of Salisbury had recognized in an editorial on 29 January 1964 that African leaders would probably agree to a compromise at the conference table but they could never accept a settlement reached between the United Kingdom Government and the present Government of Southern Rhodesia.

376. The United Kingdom Government had maintained repeatedly that it did not have the power to intervene in the affairs of Southern Rhodesia. In the booklet referred to, Mr. Claire Palley showed clearly that Southern Rhodesia could not legally become a republic by unilateral action; that the United Kingdom Government had the power to disallow any legislation which was inconsistent with the Crown's international obligations; and that the United Kingdom Parliament had the inherent right of legislating for Southern Rhodesia. Unless United Kingdom co-operation and consent were given, Mr. Palley observed, independence could not be obtained by constitutional means; a successful rebellion would be the only alternative. Mr. Palley also pointed out that the United Kingdom could exert pressure on Southern Rhodesia by denying it imperial preference on its tobacco exports and also by depriving it of the many benefits of Commonwealth membership.

377. He wished to appeal to the United Kingdom Government, through the Committee, to act before it was too late. Sir Robert Tredgold, a former chief justice of Southern Rhodesia and of the Federation, warned in the article he had written that there would probably be an abrupt transfer of power; that the minority would cling desperately to its privileged position until the pressure of events compelled it to yield; and that power would then be handed over to a majority quite inadequately prepared for its exercise. The consequences, Sir Robert declared, were bound to be far-reaching and could easily be disastrous.

378. Why would the United Kingdom not act? The former Prime Minister, Mr. Harold Macmillan, had spoken with pride of the fact that in the last twenty years the United Kingdom Government had led more than 500 million people to self-government. But such a statement rang very hollow and gave no comfort to 4 million people in Southern Rhodesia who were harried, restricted and repressed in their own land. It was amazing to think that the United Kingdom could close its eyes to the grave moral issues involved in Southern Rhodesia. The United Kingdom had the weapons to use if it wished to establish a progressive and just constitution for Southern Rhodesia. At the same time, it could provide substantial and attractive incentives for both Africans and Europeans. The economy had fallen into such a perilous state that hundreds of white people had already left Rhodesia to find employment elsewhere. No one knew how many tens of thousands of Africans were unemployed. A just political solution, supported by a ten-year development plan with a guarantee of adequate loan funds to implement it, would be acceptable today to many people

who perhaps in other times would accept nothing but extreme political measures either one way or the other. He himself was a man who would not resort to violence. But violence might well erupt. The High Commissioner for Southern Rhodesia in London had recently stated that Mr. Nkomo was a terrorist. Nothing was further from the truth. It could only be suspected that such an allegation against a man who was restricted without trial was an attempt to justify extreme and unjust action on the part of the Southern Rhodesian Government. Four million people did not know where to turn if they could not turn to the people and Government of the United Kingdom.

F. FURTHER ACTION TAKEN BY THE SPECIAL COMMITTEE

379. At the 246th meeting, the representative of Ethiopia introduced a draft resolution (A/AC.109/L.111) jointly sponsored by Cambodia, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia.

380. Introducing the draft resolution, the representative of Ethiopia enumerated the resolutions adopted by the General Assembly in the four years which had elapsed since the adoption of the Declaration on the granting of independence to colonial countries and peoples and pointed out that their common objective, namely, the implementation of the Declaration and the granting of political rights to the Africans in Southern Rhodesia, had not been achieved. Moreover, the resolutions recently adopted by the Special Committee (A/AC.109/61 and 62) had also remained without effect. The administering Power had delayed the implementation of all those decisions either by abstaining from the vote on them or by declaring that they were unacceptable, with the result that the situation in Southern Rhodesia had deteriorated sharply. Mr. Ian Smith, the Prime Minister who had succeeded Mr. Winston Field, held even more extreme racist views than his predecessor, had imprisoned leaders of Southern Rhodesia and reportedly would not be satisfied until they had been completely eliminated. The Secretary-General had received pleas from African Heads of State to restrain Mr. Smith in the exercise of that policy forthwith lest it be directed against all nationalist leaders seeking to achieve equality for the African population.

381. The representative of Ethiopia stated that the object of the draft resolution was to minimize the suffering of the nationalist leaders being persecuted by Mr. Smith's government by calling upon the administering Power to assume its responsibilities for Southern Rhodesia. According to the Charter and the resolutions adopted by the General Assembly, the United Kingdom Government was fully accountable to the international community for the situation in the Territory.

382. After reviewing the contents of the draft resolution, he pointed out that if no measures were taken to implement its provisions by 4 May 1964, the question would be brought before the Security Council, and the four Ministers who had been appointed by the African Heads of State to deal with the questions of *apartheid* and the Portuguese territories in the Council, would be requested to present the case on Southern Rhodesia as well. In view of the gravity of the question, he appealed to the United Kingdom Government to have the imprisoned leaders released and to convene a constitutional conference at which the leaders of all

political parties in Southern Rhodesia could endeavour to solve their problems. No authorization was requested in the draft resolution for members of the Special Committee to go to Southern Rhodesia or to London in view of the unsatisfactory nature of such visits in the past, but he hoped that the administering Power would implement the other measures urged upon it in the draft resolution.

383. The representative of India said that, as a co-sponsor of the thirteen-Power draft resolution, his delegation hoped that it would receive overwhelming support. Unfortunately, the United Kingdom delegation had paid no heed to the two resolutions on Southern Rhodesia which the Special Committee had already adopted (A/AC.109/61 and 62). The United Kingdom's refusal to co-operate whole-heartedly with the Special Committee and, in particular, its repeated statements that it could not intervene in Southern Rhodesia militated against both the spirit and letter of General Assembly resolution 1514 (XV). In spite of repeated appeals from the Indian delegation and from the Special Committee as a whole, no helpful response had been forthcoming from the United Kingdom Government. Events in Southern Rhodesia had now taken an ominous turn.

384. On 17 April 1964 Mr. Field had been succeeded as Prime Minister of Southern Rhodesia by Mr. Smith, whose public pronouncements since his assumption of office had added to the Committee's anxiety and to the misery of the struggling people of the Territory. Indiscriminate arrests had been taking place and in several instances crowds had been fired upon. Mr. Nkomo and three leading supporters of his group had been placed under restriction and banished to an inaccessible part of the country on the border with Mozambique. Demonstrations had been held in Salisbury and Bulawayo and some 300 persons had been arrested by the police who had made use of dogs. The statement made by Mr. Smith at his first news conference on 17 April 1964 to the effect that he did not expect to see an African nationalist government in Southern Rhodesia in his lifetime was most discouraging. The Committee could do little at the present juncture unless the United Kingdom Government was willing to act responsibly. The thirteen-Power draft resolution specified the preliminary steps needed to create the proper atmosphere for the implementation of General Assembly resolution 1514 (XV).

385. He would like to commend to his colleagues on the Special Committee a book which had just been published by Sir Hugh Foot, former representative of the United Kingdom Government on the Trusteeship Council and the Fourth Committee. It was entitled *A Start in Freedom*. Its author had resigned from his position at the United Nations because of his disagreement with the United Kingdom Government on the question of Southern Rhodesia. In the book in question he explained his inability to defend the United Kingdom position on Southern Rhodesia; accused the United Kingdom Government of being guided not by patriotism but by pique; pointed out that in a world full of explosive dangers the United Kingdom Government seemed to have no higher ideal than the maintenance of the *status quo*; and emphasized that the United Kingdom had failed at every opportunity to strengthen the United Nations. The book showed clearly that the thinking of Sir Hugh Foot was far closer to that of the co-sponsors of the draft resolution

than to the present policy of the United Kingdom Government.

386. The representative of Tanganyika shared the hope expressed by the Indian representative that the draft resolution, of which Tanganyika was a co-sponsor, would be adopted. Events of the past two weeks had abundantly demonstrated that the situation in Southern Rhodesia was extremely dangerous. The new Prime Minister, Mr. Smith, was even more racist than Mr. Field. He appeared to be an avowed enemy of the African people in their struggle for freedom and dignity. Mass terror, arrest, banishment and detentions, as well as the most humiliating effrontery to African women and children, had become the daily preoccupation of the settler régime. New restriction areas, which could better be described as concentration camps, had been set up. Reports appearing in the *Tanganyika Standard* and *The New York Times* described the mass arrests which had taken place, the breaking up of demonstrations by police dogs, and the arrest and banishment of Mr. Nkomo and three of his aides. Those grim events revealed that the explosive situation in Southern Rhodesia had reached a new and most dangerous level. The racist European settler régime had resorted to practices reminiscent of the Gestapo. Even some of the newspapers which were not usually on the side of the Africans had described the new régime in Southern Rhodesia in the most contemptuous terms.

387. The Committee had rightly decided to take up the question once again. It should again condemn the continued oppression of the African people in Southern Rhodesia and ask the administering Power to take action. Mr. Smith must be given a warning from the United Nations that his methods would not be tolerated much longer by Africa and the freedom-loving people of the world. His delegation was sure that Mr. Smith would soon have to vacate the seat he illegally occupied because freedom was bound to triumph in Southern Rhodesia.

388. The representative of the United Kingdom said that reference had been made, during this discussion on the question of Southern Rhodesia, to the possibility of a visit by a sub-committee of the Committee to London. This question had been previously raised during the debate held last March. In his statement on 18 March 1964 (A/AC.109/SR.229) the United Kingdom representative had indicated that his Government would be prepared to receive a sub-committee in London. That position had not changed; if the Committee decided to form a sub-committee, and if that sub-committee wished to go to London in connexion with its inquiries into the situation in Southern Rhodesia, then his Government would welcome them in London and invite them to have discussions with Her Majesty's Ministers on the same basis as last year. Moreover, the Southern Rhodesian Government had indicated to his Government that in such a case it would have no objection to the sub-committee's holding direct talks in London with one of its representatives, for the sole purpose of obtaining and receiving information.

389. The representative of Mali said that his delegation was aware that the adoption of the draft resolution would not of itself solve the painful and long-standing problem of Southern Rhodesia and that only objective and dynamic action by the Administering Authority could peacefully settle the colonial question, which was threatening to generate into a racial conflict. It had hoped that the United Kingdom

Government, yielding to international expressions of concern, would have already reacted against the arbitrary and repressive actions of the Southern Rhodesia Government, and, in keeping with the suggestions that had been made, would have arranged a meeting between members of the Committee and representatives of the United Kingdom Government and of Southern Rhodesian political parties in order to help pave the way for a constitutional conference. Unfortunately, his delegation had not been encouraged by such informal talks as it had had, and the United Kingdom appeared unwilling to budge from its old position, which the United Nations had consistently rejected.

390. His delegation therefore hoped that as a temporary measure the draft resolution would be adopted and that the United Kingdom would change its attitude, for its procrastination merely served to encourage the introduction of *apartheid* and racial repression in Southern Rhodesia. Otherwise, it would be necessary to lay the question of Southern Rhodesia before the Security Council.

391. Finally, he wished to stress that his delegation refused to be drawn into the legal quibbles by which the colonial Powers set so much store. Either a territory was independent or it was not, and the United Kingdom itself recognized that Southern Rhodesia was not an independent territory. In the case of Southern Rhodesia, which was dependent upon the administering Power, there could be no transfer of power otherwise than to the majority of the population.

392. The representative of Syria observed that, as a result of the United Kingdom's failure to act on the resolution only recently adopted by the Committee and on previous resolutions regarding Southern Rhodesia, a new Prime Minister, a still more rabid racist than the previous one, had taken over there and had lost no time in attempting to eliminate the independence movement and its leaders. In the light of that situation, his delegation had co-sponsored the draft resolution and trusted that the United Kingdom would in its wisdom heed the demands made in it, since the independence of the Southern Rhodesian people, which was inevitable, would be better achieved in harmony than in violence.

393. The representative of Yugoslavia said that recent events in Southern Rhodesia had justified the concern previously expressed by his delegation about the situation in the Territory. It was very grateful for the additional information that had been provided by the last two petitioners who had both stressed the responsibility incurred by the United Kingdom through its failure to intervene. Only recently, the Committee had adopted a rather mild resolution on Southern Rhodesia, in the vain hope that the administering Power would realize that the time had come to act. He wondered whether the representatives who had then advised the Committee to refrain from interfering in a delicate situation would still maintain that attitude in the face of the deterioration that had since taken place owing to the actions of the white extremists.

394. The present situation in Southern Rhodesia was comparable to that which had obtained in South Africa in 1910, when a small group of white settlers had been made omnipotent, leading to the creation in South Africa of a racist and fascist bastion of colonialism. A repetition of that trend of events was to be avoided at all costs, and the administering Power was well equipped to exert political and economic pressure

on the Southern Rhodesian Government as a means of effectively avoiding it.

395. In the circumstances, the Committee was entirely justified in taking further action in an endeavour to stem the rising tide of violence in Southern Rhodesia and promote a peaceful solution of the problem. As one of its thirteen co-sponsors, his delegation hoped that the draft resolution would be unanimously adopted.

396. The representative of Poland expressed his delegation's appreciation of the statements made by the petitioners; Mr. Nyandoro in particular, like many of his colleagues from ZAPU who appeared before the Fourth Committee and the Special Committee, had adopted a responsible and statesmanlike approach which should silence once and for all the sentiments repeatedly expressed in colonial quarters concerning the alleged need of preparedness of Africans for independence. These sentiments were clearly in contravention of paragraph 3 of the Declaration.

397. Since it had last been considered only a month ago in the Special Committee, the situation in Southern Rhodesia had taken a new turn for the worse. The repression of the African nationalists had been intensified, still more savage penalties for acts of sabotage or subversion had been introduced, and the maximum period of arbitrary detention without trial had been increased from three to twelve months—four times longer than in South Africa—all with the consent of the administering Power. The danger of a unilateral declaration of independence by the racist régime of Southern Rhodesia was increasing, for the Southern Rhodesian Parliament had adopted a motion requesting the United Kingdom to relinquish its residual powers under the 1961 Constitution and Mr. Field had been replaced by his ultra racist deputy Mr. Smith as Prime Minister reportedly because the former had refused to set a time-limit for negotiations with the United Kingdom on independence under the present white supremacy constitution. The militant extremists were prepared to seize independence on their own whatever the United Kingdom Government said or did.

398. His delegation was greatly concerned at the fate of Mr. Nkomo and his supporters who have been banished to a remote part of Southern Rhodesia. It held the United Kingdom Government morally and internationally responsible for the current situation in Southern Rhodesia, which had arisen largely owing to that Government's consistent disregard for United Nations decisions and passive attitude towards the policies of the present Southern Rhodesia régime. It believed nevertheless that the United Kingdom could still save the situation by taking the action referred to in the draft resolution, which his delegation supported in its entirety. If the United Kingdom continued to refuse its co-operation it would be the duty of the Special Committee to bring the question of Southern Rhodesia before the Security Council.

399. The representative of Denmark said that the deterioration of the situation in Southern Rhodesia justified the Committee's decision to reconsider the problem. His delegation hoped, however, that the defeat of the moderate forces would only be transient. Indeed, the present policy of the Southern Rhodesian Government, based on the unfounded conception that white domination was indispensable to white existence in Southern Rhodesia, could only have an adverse effect on the very interests that it was trying to protect.

400. However, in considering how the deepening split between the minority Government and the nationalists, representing most of the population, could best be healed before Southern Rhodesia became a second South Africa, his delegation was unable to support the attempts made in operative paragraphs 1 and 2 of the draft resolution to lay the onus on the United Kingdom. In all fairness, it was not the United Kingdom which was mainly responsible for the critical situation in Southern Rhodesia, but those circles in Southern Rhodesia itself that refused to acknowledge the inevitable political changes in Africa. His delegation felt that the Committee should take that fact into account in its resolutions and should concentrate on finding ways of directly influencing the attitude of the ruling minority in the Territory, rather than simply blaming the United Kingdom Government, although it would favour an appeal to that Government and to other members of the Commonwealth to try to persuade the Southern Rhodesian Government to release its political prisoners. On the other hand, his delegation agreed with operative paragraphs 3 and 4. In the circumstances, his delegation had had some difficulty in making up its mind about the draft resolution, but had finally decided to support it as a token of its sympathy with and concern for the people of Southern Rhodesia.

401. The representative of Tunisia expressed his appreciation of the statement made by the United Kingdom representative. His delegation was always prepared to co-operate with the administering Power in finding reasonable and peaceful solutions. The statement of the United Kingdom representative that his Government would be willing to receive a delegation in order to discuss the question of Southern Rhodesia on the same basis as it had with the sub-committee which had previously gone to London did not seem very clear. The suggestion that those responsible for the situation in Southern Rhodesia would be willing to inform the Committee about the problem or at least to discuss it with a sub-committee in London, could be very useful. But there were other elements which his delegation needed and it would have liked to study the statement and hold consultations before reaching any conclusion about that suggestion.

402. The draft resolution dealt with a very dangerous and explosive situation. Its adoption would by no means preclude further discussion on the question, which was likely to remain on the Committee's agenda for some time. The Tunisian delegation urged the Committee to adopt the draft resolution forthwith.

403. The representative of Madagascar said that his delegation protested against the situation in Southern Rhodesia, where an entire people was suffering because its human dignity was being flouted and its political rights denied. His country, which condemned acts of terrorism and violence, was in the ranks of all the peace-loving and freedom-loving peoples who denounced the development in Southern Rhodesia and were seeking a positive solution to that Territory's problems by negotiation.

404. The representative of Tanganyika agreed with the Tunisian representative that the United Kingdom representative's suggestion merited further study. Some points, however, required clarification; for example, he wished to know whether it would be possible for a sub-committee to meet leaders of all political parties, including Mr. Nkomo.

405. The representative of the Union of Soviet Socialist Republics said that the situation in Southern Rhodesia was deteriorating daily and the country was on the verge of an explosion. By refusing to implement the decisions of the United Nations in regard to Southern Rhodesia, the United Kingdom Government had in fact been encouraging the policy of terror and repression followed by the racists of that country and was preparing the way for their unilateral declaration of independence. The refusal of the United Kingdom's allies to support the United Nations decisions also aided and abetted the Southern Rhodesian racists in their repressive policies.

406. The replacement of Mr. Field by Mr. Smith indicated that the ruling clique in Southern Rhodesia, encouraged by the support of the United Kingdom and its allies, had decided that the time had come for them to proclaim independence, all power remaining in the hands of the racists. The execution of that plan would inevitably strengthen the "unholy alliance" of the Southern Rhodesian racists with the South African racists and the Portuguese authorities, who would then aim at subjugating all of southern Africa. The realization of that plan would be a threat not only to the unity of Africa but also to peace and security throughout the continent.

407. The gravity of the situation demanded the adoption of immediate and urgent measures. The Soviet delegation supported the draft resolution before the Committee. The United Kingdom Government, which was responsible for the course of events in the Territory, could not take refuge in statements to the effect that it was unable to intervene in the internal affairs of Southern Rhodesia. A number of United Nations resolutions already held the United Kingdom fully responsible for the situation in the Territory. The United Kingdom had the power to take the necessary steps to restrain the racists, free the African political prisoners, and convene forthwith the constitutional conference referred to in operative paragraph 3.

408. The draft resolution provided for the minimum measures necessary to avert a dangerous turn of events, provided, of course, that the administering Power at last understood the need for their speedy implementation. He hoped that the allies of the United Kingdom would realize the dangers of the game that country was playing in Southern Rhodesia and would join forces with the majority of the Committee. His delegation also felt that if steps were not immediately taken to comply with the draft resolution, the question should be referred to the Security Council.

409. The representative of the Ivory Coast said that the situation in Southern Rhodesia was distressing from the human and repugnant from the political point of view. That was why the régime was opposed by the African population of Southern Rhodesia. In spite of the importance of the problem, the Committee had so far adopted only very moderate resolutions; yet, the only change which had ensued had been the replacement of the Prime Minister of the minority Government, followed by the arrest of a number of African nationalists. That showed that there had been a steady deterioration in the situation and a curtailment of the liberties and rights of the African majority. His delegation, as a sponsor of the draft resolution, wished to express the support of the Government and people of the Ivory Coast for the struggle of the African people of Southern Rhodesia. He hoped that the draft

resolution would be adopted and that it would be promptly implemented by the United Kingdom.

410. The representative of the United Kingdom said that the statement made at the 248th meeting by the petitioner, Mr. Nyandoro, to the effect that the Southern Rhodesian army was directly under the command of the United Kingdom Government and could not be used without its consent was highly misleading. The army's titular Commander-in-Chief was the Governor, who was appointed by the Queen on the advice of the Southern Rhodesian ministers and did not act without their agreement. The two joint commanders of the Southern Rhodesian armed forces were Southern Rhodesians who were neither appointed by the United Kingdom Government nor in any way responsible to it as long as the Southern Rhodesian armed forces remained within the boundaries of Southern Rhodesia. He was surprised that the statement had not been challenged because the Committee had, in the seventh preambular paragraph of its resolution of 19 March 1964 deplored the transfer by the United Kingdom, contrary to General Assembly resolution 1883 (XVIII), of armed forces and aircraft to the settler minority Government of Southern Rhodesia.

411. He had to emphasize once again that the United Kingdom Government was not the administering Power in Southern Rhodesia. Apart from the High Commissioner and his staff there was no civil servant in Southern Rhodesia responsible to Her Majesty's Government. Since the United Kingdom Government was in no way responsible for the government and administration of Southern Rhodesia, his delegation was unable to discuss that country's internal affairs. Moreover, for the reasons which his delegation had repeatedly given, his Government could not acknowledge the Committee's right to adopt resolutions on Southern Rhodesia, which it regarded as *ultra vires*. His delegation would not therefore participate in any vote on the draft resolution or on any part of it. If the draft resolution was adopted by a means other than voting, his delegation would dissociate itself from that adoption.

412. The representative of Tanganyika recalled that the United Kingdom representative had stated in the Security Council that his Government had an agreement with the Southern Rhodesian Government that the Southern Rhodesian army would not be used outside the country except with the consent of the United Kingdom; that fact showed that the United Kingdom still had control over the armed forces of Southern Rhodesia. Although the Committee had deplored the transfer of armed forces and aircraft, it realized that over-all control was still vested in the United Kingdom. Moreover, Mr. Todd had made it clear that officers in the army owed their allegiance to the Queen.

413. With regard to the relationship between the United Kingdom Government and Southern Rhodesia, he recalled that the United Nations had already adopted a resolution saying that the United Kingdom was the administering Power in Southern Rhodesia and should therefore comply with decisions of the Special Committee and the General Assembly.

414. The representative of Bulgaria observed that the statement just made by the United Kingdom representative gave the Committee a clear indication of the unwillingness of the United Kingdom to comply with United Nations resolutions on Southern Rhodesia. The Committee was unanimous in the view that

Southern Rhodesia was not an independent country but in every sense a dependency of the United Kingdom. The United Kingdom representative's assertion that neither the Committee nor the United Nations had the right to adopt resolutions on the question of Southern Rhodesia placed his previous statement concerning a possible visit by a sub-committee to London in its proper perspective.

415. The draft resolution contained only two new elements: an expression of the Committee's deep concern at the serious deterioration of the situation in Southern Rhodesia as a consequence of the recent arrests of African political leaders and the Committee's request to the United Kingdom Government to take the necessary steps for their immediate release. Emphasis had been laid on the serious deterioration of the situation by all delegations which had spoken in the debate, even by those which had previously refused to associate themselves with some of the Committee's resolutions. That point had been particularly stressed by the last two petitioners, whose statements should have convinced those who had previously abstained from the vote on the Committee's resolutions that they must take a more positive attitude towards the present draft resolution if they wished to make a substantial contribution to the improvement of the situation in that country.

416. The representative of Italy said that his delegation would have no alternative but to abstain from the vote on the draft resolution for the reasons he had given in his explanation of vote at the 232nd meeting in connexion with a similar resolution. He expressed some surprise at the decision to vote on the draft resolution. The adoption of the draft resolution by consensus, which the Special Committee had been about to achieve, would have given it the support of the Committee as a whole—something that had been requested by the co-sponsors, that had been hoped for by one of the petitioners, and that corresponded to the needs and requirements of the situation in Southern Rhodesia.

417. Operative paragraph 2 of draft resolution A/AC.109/L.111 was adopted at the 249th meeting on 27 April 1964 by a roll-call vote of 20 to none, with 2 abstentions, as follows:

In favour: Bulgaria, Cambodia, Chile, Denmark, Ethiopia, India, Iran, Iraq, Italy, Ivory Coast, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, United States of America.

418. Operative paragraph 3 was then adopted by a roll-call vote of 19 to none, with 3 abstentions, as follows:

In favour: Bulgaria, Cambodia, Chile, Denmark, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Italy, United States of America.

419. Finally, the draft resolution (A/AC.109/L.111) as a whole was adopted by a roll-call vote of 19 to none, with 3 abstentions as follows:

In favour: Bulgaria, Cambodia, Chile, Denmark, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Italy, United States of America.

420. The representative of the United States of America said that the United States was in full agreement with the objectives of the resolution just adopted by the Committee, and continued to believe that the most important action the Committee could take would be to strive to provide the means to establish communication among all the parties concerned in Southern Rhodesia. In previous statements, he had warned against the oppression and violence that would follow a breakdown in communication and regretted that recent events indicated that Southern Rhodesia was moving in that direction. The arrest of Mr. Nkomo and the other African leaders had increased tension. His Government strongly opposed the detention of political prisoners without trial anywhere in the world and deplored its use in the present circumstances in Southern Rhodesia.

421. His delegation also agreed that a constitutional conference was desirable, but seriously questioned whether the provision in the draft resolution calling for such a conference would bring it into existence any more quickly than similar provisions had done in the past.

422. Despite its agreement with the objectives of the resolution, however, his delegation had abstained from the vote because the resolution did not take full account of the realities of the situation and the limitations on action by the United Kingdom.

423. A unilateral declaration of independence by the Government of Southern Rhodesia would have disastrous consequences and, while his delegation recognized the difficulties in which the United Kingdom found itself, it would continue to look to it to apply the same high principles it had applied to other difficult colonial issues.

424. The representative of Australia said that his delegation had abstained not because it opposed the principles or objectives of the resolution but because it doubted its practicability under existing circumstances and in its present wording.

425. The representative of Yugoslavia expressed surprise at the Italian representative's suggestion that the taking of a formal vote precluded the possibility of general support for the draft resolution. His delegation had felt that the positions of all delegations should be clearly recorded.

426. The representative of Italy said that his delegation agreed with the majority of the Committee on the aims and objectives sought concerning Southern Rhodesia, but sometimes disagreed about methods. He regretted that the opportunity which the Committee had had to adopt the resolution in the name of the whole Committee, even with some reservations, had been lost.

427. The representative of Tunisia expressed his gratification that no delegation had opposed the resolution and that even those delegations which had abstained endorsed its objectives.

428. The representative of India was glad to learn from the explanations of vote given by the Australian

and United States delegations that their abstentions had not been due to disagreement with the objectives of the resolution.

429. The Chairman said that, in consequence of the statements made at the beginning of the meeting by the United Kingdom and Tunisian representatives, the Special Committee would maintain the question of Southern Rhodesia on its agenda, and would consider other possibilities with a view to finding a just and equitable solution to the problem of Southern Rhodesia.

430. The resolution on the question of Southern Rhodesia adopted by the Special Committee at its 249th meeting on 27 April 1964 reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the question of Southern Rhodesia,

"Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 1747 (XVI) of 28 June 1962, 1760 (XVII) of 31 October 1962, 1883 (XVIII) of 14 October 1963, 1889 (XVIII) of 6 November 1963 and 1956 (XVIII) of 11 December 1963, and its own resolutions (A/AC.109/61) of 23 March 1964 and (A/AC.109/62) of 25 March 1964,

"Deeply concerned with the serious deterioration of the situation in Southern Rhodesia following the recent arrests and restriction of the African leader Mr. Nkomo and other political leaders,

"Convinced of the urgent necessity to take energetic steps with a view to safeguarding the rights and legitimate aspirations of the majority of the peoples of Southern Rhodesia,

"Convinced of the specific responsibilities of the Government of the United Kingdom of Great Britain and Northern Ireland in Southern Rhodesia as administering Power of this Territory,

"1. Deprecates the continued refusal of the Government of the United Kingdom to implement the resolutions of the General Assembly and of the Special Committee on the question of Southern Rhodesia;

"2. Requests the Government of the United Kingdom to take the necessary steps with a view to the immediate release of Mr. Nkomo and other political prisoners detained under the arbitrary laws of the minority Government of Southern Rhodesia;

"3. Calls upon once again the Government of the United Kingdom to hold immediately a constitutional conference in which representatives of all political parties of the Territory will take part with a view to making constitutional arrangements for independence on the basis of universal adult suffrage, including the fixing of the earliest date for independence;

"4. Requests the Secretary-General to communicate the text of this resolution to the Government of the United Kingdom and to report to the Special Committee at the latest on 4 May 1964."

431. The text of this resolution was transmitted to the representative of the United Kingdom on 28 April 1964.

432. At the 252nd meeting on 30 April 1964, the representative of Ethiopia, noting from the statement by the United Kingdom representative at the 249th meeting that his Government would be prepared to

invite a sub-committee to London to hold discussions with the responsible ministers in London and that the minority government in Southern Rhodesia wished to attend the discussions, said that he would welcome clarification from the United Kingdom representative on the conditions under which the sub-committee would be received in London, on the possibility that the United Kingdom Government might also arrange for the presence of the African leaders, and on the likelihood that such negotiations would deal with definite problems, such as arrangements for a constitutional conference.

433. At the same meeting, the Special Committee decided to request the Chairman to approach the representative of the United Kingdom for clarifications concerning the points made by the representative of Ethiopia and to inform the Special Committee of the results as soon as possible.

434. At the 258th meeting on 15 May 1964, the Chairman announced that, in accordance with the request made by the Ethiopian representative at the 252nd meeting, he had approached the United Kingdom representative about the possible visit of a sub-committee to London. The United Kingdom representative had said that his Government was prepared to receive a sub-committee in London and that the Ministers concerned were prepared to discuss with it all questions relating to Southern Rhodesia. However, the United Kingdom Government could not commit itself regarding the arrival in London of leaders of the different political parties in Southern Rhodesia.

435. At the 259th meeting on 18 May 1964, the representative of Ethiopia, on behalf of the delegations of Ethiopia, Iraq and Sierra Leone, introduced a draft resolution by which the Special Committee would decide to send a sub-committee composed of five members, to be appointed by the Chairman, to London to discuss with the Government of the United Kingdom the implementation of the resolutions of the General Assembly as well as of the Special Committee concerning Southern Rhodesia.

436. He stated that the sending of a sub-committee to London would make it possible to obtain first-hand information and to ascertain the intentions of the United Kingdom Government regarding the implementation of the resolutions on Southern Rhodesia. Although its past experiences in that respect had not been very happy, it was the Committee's duty to enter into an exchange of views with the administering Power. The proposed sub-committee should endeavour to persuade the administering Power to implement all the resolutions relating to the Territory.

437. The representative of Tunisia recalled that at the 249th meeting the United Kingdom representative had stated that if the Committee decided to form a sub-committee and if the latter wished to go to London, his Government would welcome it and would enter into discussions with it on the same basis as in 1963. The Tunisian delegation had attempted in all objectivity to ascertain the true intentions of the administering Power while taking into account its previous statements and its attitude toward the resolutions of the United Nations. It had hoped that that offer might constitute the starting point for a realistic United Kingdom policy in Southern Rhodesia—a policy founded on respect for its commitments and satisfaction of the legitimate aspirations of the Africans. In that perspective, the Tunisian delegation, anxious not to neglect any opportunity of hastening a solution of the difficulties in

Southern Rhodesia, had therefore undertaken consultations on as broad a scale as possible, and, in the light of the information provided by the representatives of the administering Power, it was constrained to state that the United Kingdom proposal did not go to the root of the problem with which the Committee was concerned and that it appeared to be prompted by considerations foreign to the terms of resolution 1514 (XV).

438. His delegation's objective was the implementation of the Declaration on the granting of independence to colonial countries and peoples and it could act only within these terms. There could be no compromise in regard to that objective, otherwise the Committee's terms of reference would be distorted and any mission of good offices which proceeded on some other premise would be acting contrary to the spirit and the letter of the Committee's terms of reference. A Committee could only go to London to secure the implementation of the resolutions concerning Southern Rhodesia and with the specific intention of seeking, together with the United Kingdom, a solution which would be consistent with the genuine responsibilities of that country and with the legitimate rights of the African people.

439. That undertaking was one which must cover all aspects of the question, and that could not be done in the absence of the representatives of the African people and of its Chief, Mr. Nkomo; the goal was to pave the way for a constitutional conference which would make the necessary arrangements for accession to independence on the basis of universal adult suffrage. In the understanding of the administering Power, however, the sub-committee would visit London only to gather information; that was the only interpretation the United Kingdom Government admitted. The United Kingdom Government said it could not guarantee the presence of Mr. Nkomo, who, it contended, was under the exclusive jurisdiction of the Southern Rhodesian Government, while at the same time it informed the Committee of the willingness of the racist Government to hold direct talks with the sub-committee for the purpose of obtaining and receiving information.

440. A journey for information purposes was entirely unnecessary, since the United Kingdom Government was fully aware of the Committee's position, and the Committee knew the views of the United Kingdom. Nevertheless, if the majority of the members of the Committee wished to experiment again with a journey to London, his delegation would be content simply to forewarn them and would not oppose their decisions.

441. Southern Rhodesia was not a Territory under United Nations mandate, and consequently the Organization could not substitute itself for the parties concerned—the representatives of the Southern Rhodesian people on the one hand, and the administering Power on the other. Furthermore, his delegation could not agree to the Committee's getting in touch or dealing with the racist Government of Southern Rhodesia at a time when that Government had opened a veritable campaign of terror and subjugation against the African population. It objected to any attempt to give the white racialists an international audience. The question of Southern Rhodesia could be resolved only in conformity with the aspirations of the African people and with the terms of the United Nations resolutions. Postponing important decisions would only encourage an outbreak of hatred and involve those responsible for that situation and the Territory of Southern

Rhodesia in an inextricable dilemma in which everyone concerned, and especially the administering Power, would suffer.

442. The representative of the United Kingdom recalled that his Government was willing to receive a sub-committee in London. He would not oppose the draft resolution, but must make it clear, with special reference to the term "administering Power", that this was without prejudice to his Government's well-known position in regard to the constitutional relations between the United Kingdom and Southern Rhodesia.

443. The representative of Mali pointed out that his delegation was not a sponsor of the draft resolution. That attitude was justified in the light of the situation that had obtained for the last two years regarding Southern Rhodesia. The United Kingdom Government refused to co-operate with the Committee, while on each occasion encouraging the false impression that it was ready to negotiate directly with a sub-committee. In view of the restrictions placed on Mr. Nkomo and his companions, and of Mr. Nyandoro's appeal to the Committee to endeavour to secure the immediate release of the political prisoners in Southern Rhodesia, his delegation could not do otherwise than to vote for the draft resolution. It hoped, however, that the United Kingdom would soon desist from its ambiguous role and would make an effort to have the prisoners released and, in general, to find a solution to the problem of Southern Rhodesia.

444. The representative of Sierra Leone said he was convinced that the African nationalists could not fail to be impressed by the zeal displayed by the members of the Committee during their discussions. However, more positive action was necessary. Although it was true that when the Committee had previously entered into contact with the United Kingdom, that country had not shown itself to be very co-operative—a fact which accounted for the misgivings of some representatives—his delegation felt that the draft resolution should, despite past failures, be adopted. The very fact that the administering Power had not entered into any commitments as to the scope of the discussions to be held in London left the proposed sub-committee a very wide measure of freedom and should in particular enable the Special Committee to take all possible steps in order to obtain the release of the political prisoners in Southern Rhodesia. Furthermore, the consultations would provide a means of exploring the possibility of convening a constitutional conference.

445. Even those delegations that had expressed reservations on the subject of the draft resolution were in general agreement with the sponsors on the need to hold talks. He consequently appealed to all the representatives to vote for the draft resolution.

446. The representative of the Union of Soviet Socialist Republics recalled that on 8 May 1964 his delegation had conveyed to the Special Committee the text of the Soviet Government's note (A/5719) in response to the decision taken by the Special Committee on 23 March on the subject of Southern Rhodesia (A/AC.109/61). In that note, the Soviet Government had reiterated its support for the demands by the African nationalists for the transfer of full authority to the indigenous inhabitants, had condemned the actions of the racialists and had appealed for the cessation of repressive measures and, in particular, for the release of Mr. Nkomo.

447. The Soviet Union had consistently striven to secure immediate independence for Southern Rhodesia,

and that was why his delegation had supported the resolution adopted by the Committee on 23 March 1964. In response to that resolution, the United Kingdom representative had confined himself to stating that his country did not intend to take the appropriate measures. He had said that his Government would be prepared to examine the situation with a sub-committee in London and that the Southern Rhodesian Government had stated that if the sub-committee so desired, it would not object to entering into direct contact with its members, but only for purposes of information.

448. What, therefore, was contemplated was no more than a mere exchange of information, and it was quite understandable that some delegations should be somewhat over-hesitant, to say the least, about sending a sub-committee to London. Before doing so, the role of the sub-committee should first be defined. From the information at hand, it appeared that the United Kingdom rejected the idea of immediately convening a constitutional conference and the possibility of inviting Mr. Nkomo to take part in the discussions. The only possible conclusion was that the United Kingdom Government's intentions were not serious and that its sole purpose in receiving a sub-committee was to give the rest of the world the impression that it was willing to negotiate.

449. Negotiations in which Mr. Nkomo and the other African leaders did not take part could not be fruitful. The negotiations must be participated in by all the political parties of Southern Rhodesia and be based on the principles of the Declaration on the granting of independence. The United Kingdom could show proof of its sincerity by seeing to it that Mr. Nkomo and his companions were released and that talks were conducted on the basis of those principles. As those were not the intentions of the United Kingdom Government, his delegation considered that the Committee should refer the issue to the Security Council.

450. The representative of the Ivory Coast said that as long as the problem of Southern Rhodesia remained unsolved, the Government of the Ivory Coast would spare no effort to ensure that the claims of the people of that Territory were met. It was in that spirit that his country had associated itself with all the steps taken in the United Nations to solve that problem. The fact that it had not co-sponsored the draft resolution did not mean that it had retreated in any way from its previous position. However, it would have wished that the sub-committee which might go to London should be able to meet African leaders from Southern Rhodesia and come to grips with certain problems relating to the constitutional conference. Those were points on which it would have been desirable for the Committee to reach an understanding with the United Kingdom before dispatching a sub-committee. Yet not only had the United Kingdom failed to give the necessary assurances, but there was not even any certainty that the sub-committee would have a chance of seriously considering the essential points to which he had referred.

451. For those various reasons, his delegation doubted whether the sending of a sub-committee to London would prove effective. It would nevertheless support the draft resolution, in the belief that no avenue should be left unexplored.

452. The representative of the United Republic of Tanganyika and Zanzibar felt that a more useful purpose

would have been served if the proposed sub-committee could have met representatives of all Southern Rhodesian political parties in London. However that might be, there was still a chance that the sub-committee might succeed in bringing home to the United Kingdom Government the Committee's concern at the deterioration in Southern Rhodesia, and especially at the mass arrests in the Territory. It was to be hoped that on its return the sub-committee would at the very least be able to set forth a concrete plan drawn up by the United Kingdom Government for solving the problem on the basis of universal adult suffrage. His delegation would vote for the draft resolution.

453. The draft resolution was then adopted by the Special Committee without a formal vote.¹¹

454. This resolution (A/AC.109/76) reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Taking note of the willingness of the administering Power to enter into an exchange of views on the question of Southern Rhodesia with a mission of the Special Committee on the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV),

"1. Decides to send a Sub-Committee composed of five members, to be appointed by the Chairman, to London to discuss with the Government of the United Kingdom the implementation of the resolutions of the General Assembly as well as of the Special Committee concerning Southern Rhodesia;

"2. Requests the Sub-Committee to report to the Special Committee without delay on the result of its discussions with the Government of the United Kingdom."

455. At the 262nd meeting on 21 May 1964, the Chairman informed the Special Committee that in accordance with this resolution, he had nominated the following as members of the Sub-Committee on Southern Rhodesia: the Chairman of the Special Committee (Mali), Ethiopia, Sierra Leone, Syria and Yugoslavia.

456. At the same meeting, the representative of Ethiopia said that, after the adoption of the Committee's resolution establishing the Sub-Committee on Southern Rhodesia (A/AC.109/76), he had been informed that a number of persons currently in Africa would like to be consulted with regard to the future of that Territory. In particular, many Southern Rhodesian nationalist leaders were now at Dar-es-Salaam. He believed, therefore, that the Committee should authorize the Sub-Committee on Southern Rhodesia, if necessary, to visit other places besides London. He also said that if, for procedural reasons, it was impossible to add a new paragraph to resolution A/AC.109/76, he was prepared to submit a new draft resolution (A/AC.109/L.122), the operative paragraph of which would read:

"Decides to authorize the Sub-Committee to visit such place as it may consider necessary in connexion with the implementation of the resolutions of the General Assembly and the Special Committee concerning Southern Rhodesia".

¹¹ The financial implications of this draft resolution appeared in A/AC.109/78.

457. At the 263rd meeting on 22 May 1964, the representative of Ethiopia introduced an oral revision to insert the words "in Africa" after the words "such place" in the operative paragraph of the draft resolution.

458. Following a discussion, during which the Committee was informed of the financial implications (A/AC.109/79), the draft resolution (A/AC.109/L.122), as orally revised by the sponsor, was adopted by a roll-call vote of 18 to none, with 4 abstentions, as follows:

In favour: Bulgaria, Cambodia, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Union of Soviet Socialist Republics, United Republic of Tanganyika and Zanzibar, United States of America, Uruguay, Yugoslavia.

Against: None.

Abstaining: Australia, Denmark, Italy, Tunisia.

459. The representative of the United States of America said that his delegation had voted for the draft resolution on the understanding that the financial implications would not be greater than the amount stated by the Secretary-General.

460. The resolution (A/AC.109/80) thus adopted by the Special Committee reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling its resolution on the question of Southern Rhodesia, adopted on 18 May 1964, by which it decided to send a Sub-Committee of five members to London,

"Decides to authorize the Sub-Committee to visit such place in Africa as it may consider necessary in connexion with the implementation of the resolutions of the General Assembly and the Special Committee concerning Southern Rhodesia."

G. ACTION ARISING FROM THE REPORT OF THE SUB-COMMITTEE ON SOUTHERN RHODESIA

461. The Sub-Committee on Southern Rhodesia was composed of Mr. Sori Coulibaly (Mali), Chairman, Mr. Tesfaye Gebre-Egzy (Ethiopia), Mr. Gershon B. O. Collier (Sierra Leone) and Mr. Danilo Lekić (Yugoslavia). The representative of Syria was unable to participate in the work of the Sub-Committee on account of ill health.

462. The Sub-Committee visited London from 30 May to 5 June 1964 and unanimously adopted its report (appendix IV) on 17 June 1964.

463. In considering the report of the Sub-Committee, the Special Committee had before it a letter dated 18 June 1964 from the Permanent Representative of the United Kingdom addressed to the Secretary-General, enclosing a document entitled "The Situation in Southern Rhodesia: A Statement by the Southern Rhodesian Government" (A/AC.109/85).

464. The Special Committee also had before it a written petition concerning the Territory from Mr. J. R. D. Chikerema, Deputy President and Secretary for Special Affairs, Zimbabwe African People's Union (A/AC.109/PET.189/Add.3).

465. The Chairman of the Sub-Committee on Southern Rhodesia, in introducing the Sub-Committee's report said that as the report stated, the Sub-Committee had not obtained any satisfactory results. As in previous

years, the administering Power had stuck to its position that Southern Rhodesia was self-governing. That position had of course been rejected by the General Assembly in June 1962, and thus the United Kingdom had not taken into account the resolutions of the Assembly or of the Special Committee. Nor had it taken into consideration appeals and warnings from African Heads of State and Government.

466. The members of the Sub-Committee had been disagreeably surprised by the fact that during the London talks the United Kingdom Ministers had shown constant concern for the possible reactions of the white settlers if an attempt were made to implement United Nations resolutions, whereas they were not in the least concerned about the possible reaction of the three million Africans in Southern Rhodesia if they continued to be denied the most elementary rights.

467. The Sub-Committee had done its utmost to persuade the United Kingdom Government to take the necessary steps to reduce the serious tension existing in Southern Rhodesia, which constituted a real threat to international peace and security.

468. The Sub-Committee felt that the visit to London had enabled its members to form a more or less conclusive opinion about the attitude of the United Kingdom Government, which was more anxious about the interests of the settlers and its own economic interests than those of the African majority. Consequently, any fresh effort at persuasion was not likely to be more successful than the Sub-Committee's effort. For that reason, and also in view of the fact that the situation in Southern Rhodesia continued to deteriorate and constituted a real threat to international peace and security, the Sub-Committee proposed that the Special Committee should recommend the Security Council to take up the matter.

469. The representative of Ethiopia said that the visit to London of the Sub-Committee on Southern Rhodesia, of which his delegation was a member, had been a complete failure, because the administering Power had refused its co-operation. Of all the items on the agenda of the United Nations, none was more tragic than the questions of *apartheid* and Southern Rhodesia. Both situations were the result of racial discrimination. *Apartheid* had come into being because the United Kingdom had granted independence to South Africa without consulting the African population or making provision for African participation in the Government. A similar failure on the part of the United Kingdom in the early stages of its colonial administration was the reason why the problem of Southern Rhodesia was now principally a racial one. During the Sub-Committee's visit the United Kingdom Government had taken a position on Southern Rhodesia's status that was very familiar to the Special Committee. It regarded Southern Rhodesia as having been a self-governing territory since 1923, when it had been granted a constitution and power had subsequently been transferred to the local government. The action taken by the administering Power in 1923, however, had been illegal and unjust, because the Constitution had provided for an exclusively European legislature and had been devised solely to protect the interests and privileges of a minority consisting mostly of settlers from the United Kingdom. The opinion of the Africans who at the time had made up almost 98 per cent of the population had not been consulted and the 1923 Constitution had thus been granted without their consent. Since 1923, the minority Govern-

ment in Southern Rhodesia had used its powers to suppress and exploit the African population. At no time had the Africans been consulted about the administration of their country. Thus, it was not Southern Rhodesia that had been granted self-government in 1923, but a group of 50,000 settlers. It was sometimes argued that the administering Power could not reverse a decision taken so long ago. That argument might be accepted if the administering Power was actually unable to reverse matters in Southern Rhodesia. But in fact it was legally and materially in a position to do so.

470. During the period since 1946, the United Kingdom had been fully aware of the policy of the United Nations with respect to Non-Self-Governing Territories and had had ample opportunity to honour its commitments under Chapter XI of the Charter. Instead, it had chosen to proceed in the opposite direction. When the General Assembly had invited Member States in 1946 to submit information on the Non-Self-Governing Territories for which they were responsible, the United Kingdom had deliberately not done so for Southern Rhodesia on the pretext that it was self-governing. It had ignored the pleas of the nationalist leaders, throughout the 1950's for fair representation in the legislature. Disregarding United Nations condemnation of the 1961 Constitution as detrimental to the African population, it had continued to follow the course first set in 1923. The 1961 Constitution, it claimed, was workable and if the nationalists had accepted it, they would have been able to influence developments in the Territory, including legislation. But the truth was that by accepting the Constitution the nationalists would have surrendered to perpetual bondage. In a legislature of sixty-five members, the Constitution provided for fifteen members to be elected by over 3.5 million Africans and fifty, by some 220,000 settlers. In addition, an important veto formerly enjoyed by the administering Power had been abolished. The intent was clearly to enable the settlers to rule the Territory without the participation of the African population for decades, if not centuries, and the African leaders had therefore rightly rejected the Constitution.

471. The United Kingdom contended that the present situation was the result of forty years of constitutional development and must therefore be accepted as a reality. It also claimed that in the absence of outside interference, the people of Southern Rhodesia would enjoy peace and stability, and the matter should therefore be left entirely to them. But the whole responsibility for the developments of the last forty years lay with the United Kingdom itself. Apart from granting the 1923 Constitution to its own settlers and excluding Southern Rhodesia from the list of Non-Self-Governing Territories in 1946, it had persistently defied General Assembly resolution 1747 (XVI), which affirmed that Southern Rhodesia was a Non-Self-Governing Territory, had made and unmade the Central African Federation, established without the consent of the African peoples, had disregarded the appeal of the United Nations not to permit application of the Constitution, and had transferred armed forces and armaments, including aircraft and armoured cars, to the settler government in violation of General Assembly resolution 1883 (XVIII). As far as outside interference was concerned, moreover, the collective and individual efforts of Members of the United Nations to bring about a peaceful solution of the Southern Rhodesian problem had actually acted as a

restraint on the nationalists, who would otherwise long ago have resorted, in desperation, to violence.

472. The present situation in Southern Rhodesia was deplorable. Under the Land Apportionment Act, the best farming areas were reserved for European settlers. Well over 2.5 million of the African population lived on reservations where they were barely able to scratch a subsistence from the poor soil. The remainder lived on the land of European farmers for whose benefit they laboured. In industry, according to reliable statistics, the average annual African wage was \$150, while that of the European worker was not less than \$3,000. The Land Apportionment Act had in effect imposed *apartheid* by systematically segregating the races in Southern Rhodesia. Not only were the Africans restricted to certain places for the convenience of the Europeans, but they were forced to comply with discriminatory laws such as those requiring passes and identity cards. Widespread and arbitrary arrests of political leaders under the amended Law and Order (Maintenance) Act, which enabled the Government to impose sentences of imprisonment and even death, along with other restrictive legislation, had made Southern Rhodesia second only to South Africa in its exploitation and oppression of Africans. It was claimed that civil liberties and equality before the law were better safeguarded in Southern Rhodesia than in other parts of Africa, but no independent African State had such discriminatory and restrictive laws.

473. Many arguments were put forward for the maintenance of the *status quo*. It was said that under the present Constitution there was a prospect of an African majority in fifteen years and that those who sought immediate universal suffrage should therefore compromise. It was natural for the Africans to reject such a compromise, since they started from a disadvantage and their prospects were far from certain. Yet when they did so they were charged with irresponsibility. Another argument was that the country was prosperous and that nothing should be done to upset the economy. In essence, that only meant that the settlers should be left free to enjoy the wealth of the country, no matter what was the condition of the Africans. Again, it was said that since the administering Power had granted independence to its other colonies in Asia and Africa, its intentions with regard to Southern Rhodesia should be accepted in good faith. But independence had not been bestowed on such countries as India, Ghana, Nigeria, Sierra Leone, Tanganyika and Kenya as an act of grace: it had been taken. Furthermore, those countries had never suffered under a settler minority.

474. It was noteworthy that where there had been no settlers, the United Kingdom Government had to the end retained the power of intervention including the right to suspend the Constitution, as it had done in Malta and British Guiana. In the case of Southern Rhodesia, however, it had handed over the prerogatives of sovereignty, including defence and external affairs, to the settlers, retaining merely residual responsibility for external affairs.

475. There were those who claimed that United Nations action rendered the Southern Rhodesian Government more intransigent, thus making it difficult, if not impossible, to negotiate a satisfactory solution. But the United Nations was acting at the request of the overwhelming majority of its Members and of the population of Southern Rhodesia, in accordance with the provisions of the Charter. The principle that

colonies must be emancipated was one of the cornerstones of the Charter. Without United Nations intervention, Southern Rhodesia would have been the scene of mass violence, in which the minority of 220,000 would have had no chance against 3.5 million Africans. In the end the people of Southern Rhodesia would have their freedom whether the administering Power or the settlers liked it or not. The only question was whether they were to get it peacefully or by bloodshed. The former was surely preferable.

476. Finally, it was argued that the recent disturbances in East Africa had given the settlers grounds to doubt the wisdom of transferring power to an African majority. It should be noted, firstly, that the emphasis was again on the feelings of the settlers. Secondly, it was implied that the mutinous acts of a handful of soldiers in East Africa were a striking exception to the calm generally prevailing throughout the rest of the world, whereas such disturbances were common in all States, both old and new. Most important, however, was the attempt to make the freedom of the African population of Southern Rhodesia dependent on the political climate in other African States. There was not and could not be any connexion between the two.

477. Those being the circumstances, the Sub-Committee on Southern Rhodesia had recommended a number of measures to reduce tension and encourage a *rapprochement* between the two communities in Southern Rhodesia. If those proposals had been accepted and implemented by the administering Power, the problem of Southern Rhodesia would have entered the phase of peaceful negotiation and settlement. Instead, it had dismissed them out of hand, saying that it would bring them to the attention of the authorities concerned, but had no constitutional power to implement them. It had stated further that it did not have the means to implement them, and even if it had, it would not do so, since it would not in any circumstances resort to the economic sanctions and use of force they might entail.

478. The Sub-Committee, for its part, believed that its proposals simply required the firm exercise of the United Kingdom's constitutional and political powers. It did not believe that they required the use of force. The settlers, being of British stock, would not be likely to oppose the wishes of their mother country. Furthermore, they were not all committed to *apartheid* as a way of life; the hard core of intransigent elements might be no more than 50,000. Given the support of the United Kingdom, the remainder would not allow the racists to ruin their future. A third reason why force would not be needed was that the economic and industrial roots of Southern Rhodesia lay deep within the United Kingdom itself and to be cut off from those roots would deprive Southern Rhodesia of its source of strength. Fourthly, the settlers must be aware of their overwhelming numerical inferiority. If, despite all those reasons, the minority Government were to resort to force in defiance of the administering Power, the responsibility would lie fully with the former, and the world would surely not allow another slave State to be established on the African continent. But the possibility was remote, provided that the administering Power made decisive use of the constitutional power vested in it.

479. The Sub-Committee's recommendations might appear to some to benefit only the African population. There might be fears that a constitutional conference would inevitably lead to the establishment of a gov-

ernment of the majority, which would disregard the interests of the present minority. That was a very short-sighted view. The Sub-Committee's recommendations would, on the contrary, have safeguarded the long-term interests of the minority, and, indeed, of the community as a whole, regardless of race, colour, creed or religion.

480. The Sub-Committee's report described the efforts it had made and the deadlock that had been reached. The nationalist leaders and the great majority of the people of Southern Rhodesia had confidence in the United Nations and awaited a solution based on equality and mutual respect which would protect the interests of all. Since the administering Power continued to contend that Southern Rhodesia was a self-governing territory and that the situation would remedy itself if left alone, the Special Committee must conclude that, having done everything possible to solve the problem, it had failed to make any progress and should, as recommended by the Sub-Committee, bring the question before the Security Council.

481. In conclusion, he drew attention to a document entitled "The Situation in Southern Rhodesia: a Statement by the Southern Rhodesian Government", circulated at the request of the Permanent Representative of the United Kingdom (A/AC.109/85). It contained much that was misleading. Thus, in paragraph 14 an attempt was made to give the impression that the security laws had the support of the Africans because they had been endorsed by the parliamentary opposition. But since the Africans held only fifteen seats out of sixty-five there would have been no possibility of opposing the laws even if the fifteen members in question had been genuinely representative of the African majority; in fact they had been picked by the settlers. The same kind of comment applied to the assertion about the Declaration of Rights and the Constitutional Council in paragraph 19. Once again the consent of the Africans had not been sought. In paragraph 25, the Southern Rhodesian Government appeared to object to the Special Committee's description of it as a minority government while at the same time admitting that that was what it was in fact. The comments on voting rights in paragraph 36 omitted the key point that whatever efforts the Africans might make to participate in the country's political life, they were limited by the Constitution to fifteen seats in Parliament. The whole purpose of the complicated electoral arrangements was to prevent the Africans from achieving representation in Parliament.

482. Those were only some examples of the deliberate distortions contained in the document.

483. The representative of Denmark said that the position of his Government on the question of Southern Rhodesia was well known. The Danish Government rejected the policy of discrimination and restriction of political and democratic rights practised by the Southern Rhodesian Government. It was regrettable that it had not complied with the recommendations of the General Assembly and the Committee, not only because the African population continued to be deprived of its legitimate rights but also because the gap between the two ethnic groups was becoming so wide as to render future reconciliation almost impossible.

484. The Danish delegation had studied with great interest the very comprehensive report of the Sub-Committee on Southern Rhodesia on the discussions it had recently held in London with the United Kingdom Government. It had been gratified to note the statement

of the United Kingdom Government that it was totally opposed to any unilateral declaration of independence by the present Southern Rhodesian Government, that it favoured government by majority rule in Southern Rhodesia, with adequate protection of the rights of the minority, and that it would not grant independence to the Territory unless the electorate was enlarged so as to ensure a wider representation of Africans. It had noted the repeated statements of the United Kingdom Government that, in view of the Constitution of Southern Rhodesia, it could not intervene in the internal policy of the Territory's Government. For that reason, it considered that the Government of the United Kingdom should not be held responsible for the distressing situation now prevailing in Southern Rhodesia, but it expected to use all its influence, under the prerogatives granted it under that Constitution, and in view of the close relations between the United Kingdom and Southern Rhodesia, to try to persuade the Southern Rhodesian Government to alter its policy.

485. The Danish delegation did not share the Sub-Committee's view that the situation prevailing in Southern Rhodesia constituted a threat to international peace and security and therefore did not think that the question of Southern Rhodesia should be brought before the Security Council on those grounds. However, it would have no objection to drawing the question to the attention of the Council with appropriate reservations. It supported the four measures proposed by the Sub-Committee to eliminate the causes of the serious situation prevailing in Southern Rhodesia and it sincerely hoped that the Southern Rhodesian Government would soon alter its policy.

486. With those reservations, the Danish delegation could support the report of the Sub-Committee on Southern Rhodesia.

487. The representative of the Union of Soviet Socialist Republics recalled that his delegation had explained its views on the question of Southern Rhodesia on many occasions both in the Special Committee and in the Security Council and the General Assembly. As shown by its response to the Special Committee's resolution of 23 March 1964, the Soviet Union had always supported the colonial peoples' struggle for independence and had always favoured the adoption of rigorous measures to put an end once and for all to the shameful colonial system. In the Committee, the USSR delegation had supported those decisions which paved the way for a just solution of the problem of Southern Rhodesia through the rapid implementation of the decisions of the General Assembly and the Special Committee.

488. The report of the Sub-Committee on Southern Rhodesia on its mission to London indicated that the United Kingdom Government, when it had declared its readiness to receive the Sub-Committee, had had no intention of working with it towards a solution of the problem on the basis of United Nations decisions. That attitude of the United Kingdom could only be deplored and condemned.

489. The USSR delegation associated itself with the evaluation made of the London talks by the Chairman of the Special Committee and the representative of Ethiopia, who, in his statement at the previous meeting, had made a very detailed and well-documented analysis of the unjustifiable position of the United Kingdom Government. The Special Committee's efforts to find a peaceful and just solution of the problem of Southern Rhodesia had failed as a result of the com-

plete lack of co-operation on the part of the administering Power. The United Kingdom stubbornly persisted in supporting the Southern Rhodesian minority Government, which was carrying out a monstrous policy of racial discrimination, shameless exploitation of the indigenous population for the benefit of the white minority and United Kingdom monopolies, and merciless repression of indigenous leaders. The attitude of the United Kingdom Government was an act of defiance directed against the African population of Southern Rhodesia and all the African States fighting for the independence of their continent.

490. The USSR delegation noted with satisfaction that the Sub-Committee on Southern Rhodesia had frustrated the efforts of the British representatives to have it meet so-called representatives of the Southern Rhodesian authorities during the London discussions. The statement by the Southern Rhodesian Government, which the United Kingdom delegation had circulated to the Special Committee, was a cynical distortion of the facts clothed in mendacious phrases about legality, democracy and freedom. By requesting that it be issued as a Committee document, the United Kingdom delegation had made common cause with the policy of violence and lawlessness of the Southern Rhodesian rulers, who were depriving the African people of the most rudimentary human rights, keeping them in poverty and ignorance, allowing them to be exploited by the white monopolies and imprisoning or exiling the leaders of the national liberation movement. The latter were charged with violating the 1961 Constitution, but the fact that the 1961 Constitution had been imposed was forgotten. For the overwhelming majority of the population, the so-called freedom granted to all Southern Rhodesians was the freedom to sell their labour for a mouthful of bread and to hold their tongues under laws which protected nothing but the interests of a tiny minority of racists and white exploiters. It had been argued that the present Constitution contained no discriminatory provisions, but 90 per cent of the indigenous people were deprived of the right to vote and the racists who ruled the country had said they had no intention, even in thirty years, to transfer power to a Government of the majority. When the United Kingdom Government stated in its covering letter to the document that it had "no responsibility for the internal affairs of Southern Rhodesia", it was underwriting the policy of the racist Southern Rhodesian Government which could only exacerbate the crisis in the Territory and had already created conditions there which constituted a threat to international peace and security.

491. For all those reasons, the Soviet delegation supported the proposal of the Sub-Committee on Southern Rhodesia that the question of Southern Rhodesia should be considered by the Security Council as a matter of great urgency. It also supported the other measures proposed by the Sub-Committee in the conclusions of its report, namely, the release of Mr. Joshua Nkomo and all other political prisoners, the repeal of all repressive and discriminatory legislation and, in particular, the Law and Order (Maintenance) Act and the Land Apportionment Act, the removal of all restrictions on African political activity and the establishment of full democratic freedom and equality of political rights for Africans and, lastly, the holding of a constitutional conference in which representatives of all political parties would take part with a view to making constitutional arrangements for independence on the

basis of universal adult suffrage, including the fixing of the earliest possible date for independence.

492. The representative of the United Republic of Tanganyika and Zanzibar said that the report of the Sub-Committee on Southern Rhodesia was an important, concise, pertinent and admirably presented document. His delegation commended the members of the Sub-Committee upon the manner in which they had carried out their mandate in London. It fully supported the Sub-Committee's conclusions.

493. The failure of the Sub-Committee's mission to London was due solely to the negative attitude of the administering Power, an attitude which the delegation of the United Republic of Tanganyika and Zanzibar had foreseen. The administering Power had stated that the African nationalists were the most to blame for the deterioration of the situation in Southern Rhodesia, but it knew full well that the African nationalists had won the admiration of the peoples of the world for the patience they had shown in their long fight for freedom, despite the many provocations of those who continued to rule them and exploit them. The real reasons for the deterioration of the situation in the Territory should be sought in the Land Apportionment Act, which deprived the Africans of their land in favour of the European settlers, and in the Law and Order (Maintenance) Act, under which the Southern Rhodesian rulers had ordered imprisonments and mass arrests. Moreover, it was a known fact that the Africans were deprived of the right to take part in managing their country's affairs, which was their most elementary right and a prerequisite for peace.

494. It was a monstrous travesty of the truth to compare the situation in Southern Rhodesia, as the administering Power and Mr. Smith's settler Government did, with that prevailing in independent States of Africa and to imply that the events in East Africa could be cited to justify the delay in granting independence to the African people of Southern Rhodesia. It was clear from the report of the Sub-Committee on Southern Rhodesia (para. 50) that the United Kingdom Government did not wish to take measures which would weaken its economic position. The same attitude had been adopted, moreover, by some countries with respect to the policy of *apartheid*. All the moral principles of freedom and human dignity preached by certain Powers vanished as soon as they saw an opportunity for profit.

495. The situation in Southern Rhodesia was deteriorating every day. Nearly all the African leaders had been imprisoned, as for example, only recently, the Reverend Ndabaningi Sithole, head of the Zimbabwe African National Union. That cowardly policy was obviously patterned after that of Mr. Verwoerd in South Africa where Mr. Smith went to seek guidance. Furthermore, the Press, in particular *The Times* of London of 20 June 1964, had mentioned the possibility of a unilateral declaration of independence by the Southern Rhodesian racist rulers.

496. In view of that disturbing situation, some members of the Committee had decided to submit a draft resolution (A/AC.109/L.132). It was sponsored by Cambodia, Ethiopia, India, Iraq, Iran, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, the United Republic of Tanganyika and Zanzibar and Yugoslavia. It was drafted in moderate terms. It recalled previous resolutions of the General Assembly and the Special Committee on the question and adopted the

report of the Sub-Committee on Southern Rhodesia, which expressed the Committee's concern and its determination to bring about a peaceful settlement of the explosive situation in the Territory. It deplored the negative attitude of the administering Power and drew the immediate attention of the Security Council to the Sub-Committee's report, and, in particular, to its conclusions and recommendations.

497. The representative of Poland expressed agreement with arguments put forward by the Ethiopian representative at the 271st meeting to refute the contentions by which the administering Power tried to evade its responsibilities towards the Africans in Southern Rhodesia. The Special Committee had always tried to obtain the co-operation of the administering Powers and, in that spirit, it had on three occasions sent sub-committees to London to discuss the question of Southern Rhodesia with the United Kingdom Government. Many members of the Committee had interpreted the willingness of that Government to receive the sub-committees and discuss the problems facing the African population in Southern Rhodesia as an indication of its desires to find a just solution to those problems. The results, however, had proved that the United Kingdom Government had no such desire and for this reason all the efforts of the Special Committee and its sub-committees had failed.

498. The report on the most recent discussions (appendix IV) showed that the United Kingdom Government had not changed its attitude and was still "pre-occupied with the interests of the minority European element and with its own economic relations with Southern Rhodesia". As stated in paragraph 61 of the report of the Sub-Committee, the plea that the United Kingdom was not competent in the matter was untenable. The Polish delegation was deeply distressed that the United Kingdom Government had declined to use its powers and prerogatives and to take the measures outlined by the Sub-Committee in paragraph 64 of its report. The implementation of those measures would remove many of the causes of the explosive situation in Southern Rhodesia and would pave the way for a constitutional conference with the participation of all the political parties, which would formulate constitutional arrangements for early independence on the basis of universal adult suffrage.

499. Owing to recent developments, the grave situation in the Territory could lead to the creation of a second racist state in Africa and, as stated by the Sub-Committee in paragraph 63 of its report, to "serious conflict and violence, the repercussions of which will not be limited to Southern Rhodesia". A critical stage had been reached: the minority Government of Southern Rhodesia was seeking the assistance of the Pretoria régime, contemplating a unilateral declaration of independence and openly opposing the establishment of a Government based on the principle of majority rule; at the same time, the United Kingdom was continuing to ignore all the appeals of the General Assembly and the Organization of African Unity. The United Nations should take immediate and vigorous action to rescue the indigenous inhabitants of Southern Rhodesia. The Polish delegation endorsed the Sub-Committee's recommendation that the question should be referred to the Security Council and would vote for the draft resolution.

500. The representative of Italy said that, although his delegation appreciated the work done by the Sub-Committee, it had doubts about some of its conclusions

and in particular about the view that the United Kingdom was refusing to co-operate with the United Nations in implementing the resolutions of the General Assembly and the Special Committee. That view was refuted by the very fact that the Sub-Committee had been invited to London. The Italian delegation was not satisfied with the results of the talks held in London but it was convinced that the United Kingdom was deeply concerned about the situation and intended to use all its influence to achieve a peaceful settlement of the problem of Southern Rhodesia. The United Kingdom Government had said that it did not intend to grant independence to Southern Rhodesia until the principle of majority rule was applied and that it would firmly oppose any unilateral declaration of independence by the Salisbury Government. The Italian delegation shared the concern of the free African peoples about the unsatisfactory situation in Southern Rhodesia. However, it was doubtful whether a solution would be facilitated by requesting the Security Council to adopt a resolution along the same lines as those previously adopted by the General Assembly and the Special Committee. Such a resolution would meet the same fate as the previous ones and the prestige and authority of the Security Council would only be undermined.

501. His delegation again appealed to the United Kingdom to exert all its influence on the Salisbury Government in order to pave the way for the recognition of the rights of the African majority. It was confident that the Commonwealth countries would make a similar appeal. In line with its past position on the question under discussion, the Italian delegation would abstain from the vote on the draft resolution.

502. The representative of the Ivory Coast said that the serious and explosive nature of the situation in Southern Rhodesia could be seen from the extensive efforts and lengthy discussion devoted to it in the United Nations. In the view of his delegation, the question should be considered in relation to several other matters. With its persistent racial policy, Southern Rhodesia was undoubtedly an outpost of the South African empire of racism and segregation. Together with Angola, South West Africa and Mozambique, Southern Rhodesia formed a belt around South Africa. The racial policies of those countries were interrelated and they supported South Africa's policies of *apartheid*.

503. Although the United Kingdom Government claimed that its powers were limited to certain residual responsibilities for Southern Rhodesia's external relations, all the civilized nations of the world appealed to the United Kingdom to impel the Southern Rhodesian Government to take a clearer view of the situation and keep in step with history. No time should be lost in initiating a dynamic process that would enable the Government of Southern Rhodesia to adopt a policy in line with the principles of the United Nations Charter and thus ensure friendly relations among nations and world peace.

504. The more the United Kingdom adopted an attitude which seemed unlikely to please the South African Government, the more the Government of Southern Rhodesia turned towards the Pretoria Government and expressed support for its policy of domination by the white minority. South Africa wanted buttresses outside the country in order to protect and propagate its policies of *apartheid*. It would find itself in difficulties if the countries surrounding it attained independence and

elected Governments representing the majority of the people.

505. The main concern at the moment should be political considerations. A constitution should be elaborated which would satisfy the African majority in Southern Rhodesia and permit the formation of a Government with an African majority. The infamous laws should be repealed and African leaders such as Mr. Joshua Nkomo and the Reverend Ndabaningi Sithole should be released from prison. The United Nations should condemn anything which might be a source of conflict or an obstacle to universal peace.

506. He urged the members of the Special Committee to vote for the draft resolution and thus express their willingness to contribute affectively to the building of peace.

507. The representative of Uruguay said that his delegation endorsed the report of the Sub-Committee and would vote for the draft resolution, which contained provisions similar to those which it had supported on previous occasions. Operative paragraph 4 did not pre-judge the action to be taken by the Security Council. Since the Special Committee had last drawn the attention of the Council to the situation in Southern Rhodesia, that situation had not only failed to improve but had actually deteriorated.

508. The representative of the United Kingdom said that his Government's policy on Southern Rhodesia had been explained in the Special Committee and was reflected in the report of the Sub-Committee. The verdict that the mission of the Sub-Committee had been a complete failure was contradicted by the description of the conversations held and by some of the Sub-Committee's own conclusions. In particular, in paragraph 59 of the report the Sub-Committee accepted in principle the idea of a compromise solution; that seemed to suggest that the positions were not as far apart as had been said and that there was a prospect of progress. In addition, in paragraph 56 of the report, the Sub-Committee acknowledged that the United Kingdom Government was totally opposed to a unilateral declaration of independence; that implied that the United Kingdom Government had observed the principal recommendation of the General Assembly by not granting independence to Southern Rhodesia. The Sub-Committee had also noted his Government's acceptance of the principle of majority rule and its intention to widen the franchise. The Sub-Committee's support of those principles, which were the basis of the United Kingdom policy, was a welcome step forward. He hoped that it might lead the Special Committee to agree that his Government should be allowed to bring its policy to fruition without further outside intervention.

509. The imputations contained in paragraphs 61 and 62 of the Sub-Committee's report were supported neither by fact nor by the substance of the report itself. United Kingdom investments in Southern Rhodesia were greatly exceeded by those in Northern Rhodesia, which would attain independence before the end of the year; the constitutional status of Southern Rhodesia was quite different from that of territories for whose administration the United Kingdom Government was responsible.

510. The report contained no indication of why or how the Security Council should examine the question. His Government acknowledged that there was tension in Southern Rhodesia but could not agree that the situation was a threat to international peace and security.

There was no action which the Security Council could take to resolve the situation. The four measures outlined in paragraph 64 of the report could be taken only with the agreement of all concerned; such agreement would not be facilitated by a discussion of the matter in the Security Council. On the contrary, there was a risk that such discussion might strengthen the hand of those who sought extreme solutions.

511. For reasons which were familiar to the Committee, his delegation would not participate in the vote on the draft resolution.

512. The representative of Ethiopia said that the position of the United Kingdom Government was not supported by the facts. The United Kingdom representative had not dealt with any of the facts at length, because they showed a different picture from the one he had attempted to depict. The Sub-Committee supported a compromise solution but had specified that it must be based on the principle of majority rule. It could therefore not accept the compromise envisaged by the United Kingdom Government, which would be based on something far less than majority rule. The United Kingdom Government admitted that there was tension in Southern Rhodesia, a fact which it had denied a year earlier; it was only a matter of time before it would admit that the situation was a threat to international peace and security.

513. The draft resolution (A/AC.109/L.132) was then adopted by the Special Committee by 20 votes to none, with 3 abstentions.

514. The representative of Denmark said in explaining his vote that his delegation could not agree with the implication contained in operative paragraph 3 of the draft resolution that responsibility for the deplorable situation in Southern Rhodesia lay with the United Kingdom Government. It felt that the persons responsible were to be found in Southern Rhodesia, among those who would not take into account the political changes occurring in Africa. Nor did his delegation agree that the situation in Southern Rhodesia was a threat to international peace and security. However, it had voted in favour of the resolution because it agreed with what was the heart of the resolution—the termination of the policy of racial discrimination pursued by the Government of Southern Rhodesia.

515. The representative of Venezuela said that his delegation had voted in favour of the resolution because the Sub-Committee's report, which was an excellent document, contained conclusions and recommendations endorsed by the majority of the members of the Committee.

516. However, his delegation had certain reservations about operative paragraph 2 and, if there had been a separate vote on that paragraph, it would have abstained, not because the paragraph approved the report of the Sub-Committee but because it also endorsed the conclusions and recommendations in the report. In his delegation's view, the Special Committee could not indicate, even indirectly, what the Security Council should or should not do. Operative paragraph 4 would have been quite sufficient since it drew the attention of the Council to the Sub-Committee's report and to the conclusions and recommendations contained therein.

517. The representative of Australia explained that his delegation had abstained from the vote because it could not support the wording of the final preambular paragraph or of operative paragraph 3 of the resolution. In his delegation's opinion, the United Kingdom Gov-

ernment had demonstrated beyond a doubt its intention in a difficult situation of carrying out its responsibility for negotiating a settlement on a basis of reconciliation.

518. His delegation appreciated the work done by the Chairman and members of the Sub-Committee which had recently held discussions with the United Kingdom Government in London. Although the discussions had not resulted in agreement, they had been frank and marked by mutual respect. His delegation had been unable to accept the Sub-Committee's conclusions and recommendations and had certain reservations with regard to operative paragraph 2 of the resolution. His delegation felt that in view of the courtesy shown to the Committee by the United Kingdom, its conclusions and recommendations should have been worded differently.

519. The representative of the United States of America explained that his delegation had abstained for the same reasons as on previous occasions in connexion with resolutions concerning Southern Rhodesia. While his delegation appreciated the good work done by the Sub-Committee, it could not agree with all the conclusions and recommendations in the report. His delegation felt that in operative paragraph 3 more emphasis should have been laid on the grave situation in Southern Rhodesia rather than on criticism of the United Kingdom. His delegation did not believe that the United Kingdom had refused to co-operate in seeking to achieve a peaceful and equitable solution of the question of Southern Rhodesia.

520. As his delegation had already pointed out in previous statements, it believed that the United Kingdom still had a role to play in influencing the course of events in Southern Rhodesia and that the ultimate solution of the question of Southern Rhodesia lay with the entire population of Southern Rhodesia.

521. In reiterating the continuing concern with which the United States Government viewed the situation in Southern Rhodesia, he quoted from a statement he had made at the 227th meeting to the effect that the Southern Rhodesian Government must be aware of the widely held view that independence under conditions which did not have the approval of the majority of the people of Southern Rhodesia would obtain little endorsement throughout the world community; there could be no doubt in the minds of anyone in Southern Rhodesia as to the international reaction that would follow a unilateral declaration of independence.

522. The representative of Sierra Leone, speaking on behalf of the sponsors of the resolution, expressed their deep appreciation of the near unanimous support that the Committee had given to the resolution. The increasing support which the Committee was giving to the cause of Africans in Southern Rhodesia was not only a rejection of the United Kingdom position but a means of affirming that all freedom-loving people all over the world were behind them.

523. The resolution (A/AC.109/88 and Corr.1) adopted by the Special Committee at its 273rd meeting on 26 June 1964 reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling its resolution adopted on 18 May 1964 [A/AC.109/76] by which it established a Sub-Committee on Southern Rhodesia to hold talks with

the authorities of the administering Power in London with a view to implementing the resolutions of the General Assembly and of the Special Committee regarding Southern Rhodesia,

"Having considered the report submitted by the Sub-Committee on 17 June 1964 [appendix IV],

"Deplores the negative attitude of the administering Power which prevented the Sub-Committee from attaining its objectives in the implementation of the resolutions of the General Assembly and of the Special Committee regarding Southern Rhodesia,

"1. Expresses its deep appreciation to the Chairman and to the members of the Sub-Committee for undertaking the mission entrusted to them;

"2. Adopts the report of the Sub-Committee and endorses its conclusions and recommendations;

"3. Deplores the persistent refusal of the administering Power to co-operate with the United Nations in the implementation of the resolutions of the General Assembly and of the Special Committee with regard to Southern Rhodesia;

"4. Draws the immediate attention of the Security Council to the report submitted by the Sub-Committee on 17 June 1964 and particularly to the conclusions and recommendations contained therein."

524. The text of this resolution and the report of the Sub-Committee (appendix IV) were transmitted to the President of the Security Council on 30 June 1964 (S/5789), and to the representative of the United Kingdom on 2 July 1964.

525. At its 278th meeting on 3 July 1964, the Special Committee adopted its report to the General Assembly, covering its consideration of Southern Rhodesia up to that date (A/5800/Add.1). In accordance with a decision taken by the Special Committee at the same meeting, the report was transmitted to the President of the Security Council on 28 July 1964 (S/5856).

H. LATEST DEVELOPMENTS CONCERNING THE TERRITORY

526. At its 286th meeting, on 5 October 1964, the Special Committee decided to request the Secretariat to prepare a working paper giving information on the latest developments concerning Southern Rhodesia. This information accordingly furnished to the Special Committee is set out below.

The question of independence

527. The question of independence for Southern Rhodesia under the present Constitution has remained a major preoccupation of the Government of that Territory. During May and June 1964, statements made by the Prime Minister, Mr. Ian Smith, and some of his Ministers led to a widespread feeling that the Southern Rhodesian Government was seriously contemplating a unilateral declaration of independence and was accordingly preparing the ground for the event.

528. On 2 May 1964, Mr. Smith was reported as stating that his Government reserved the right, in the event of the Government of the United Kingdom of Great Britain and Northern Ireland reneging on the promises, obligations and contracts it entered into at the time of the 1961 referendum, to take matters into its own hands. On 12 May 1964, he called for a united approach to the independence issue throughout the country. The Government, he said, must sever its apron

strings and create its own conditions; otherwise, the country would never be able to build a unified nation. The country must live in the hope that negotiations with the United Kingdom Government would succeed; but if they failed, the Government would make up its mind as to what decision to take. The people, in their turn, would have to decide whether to side with those who wanted appeasement and lowering of standards or to make a stand with the Government.

529. On 5 June 1964, Mr. Smith was quoted as saying that it was wishful thinking for anyone still to believe that there was much hope of negotiating independence on the lines desired by his Government. As long as there was even a thread of an apron string attaching Southern Rhodesia to the United Kingdom Government, foreign politicians would continue to press that Government to exert its influence on Southern Rhodesian affairs; this was one reason why his Government could not relinquish its pursuit of independence.

530. In another speech on 15 June 1964, he reiterated that he was not hopeful of the outcome of his efforts to negotiate with the United Kingdom Government. There was, he added, a limit to the time his Government could go on negotiating and drifting, and that limit, in his view, was not very far off. The time was not distant when his Government would be able to give the people of Southern Rhodesia what had been promised them for years and was their right.

531. Following pressures from the Rhodesia National Party members of the Legislative Assembly and from other quarters, Mr. Smith announced in a broadcast, on 25 June 1964, that his Government would not resort to a unilateral declaration of independence unless it had the substantial support of the electorate. The Government, he stated, was in the midst of independence negotiations with the United Kingdom Government. If these negotiations failed, the Southern Rhodesian Government would consider and place before the people all the pros and cons of a unilateral declaration. That would be the time when, as never before in the history of the Territory, the people must stand together, and when their loyalty must be to Southern Rhodesia only.

Visit by Mr. Ian Smith to South Africa

532. Mr. Ian Smith paid a three-day official visit to South Africa on 1 July 1964 for talks with Mr. Hendrik Verwoerd, the South African Prime Minister. Mr. Smith was expected to seek assurances that South Africa would be prepared to back Southern Rhodesia economically if the Government of the Territory unilaterally declared its independence. He was also expected to discuss general economic relations, the trade agreement between the two countries and matters of common defence interest. At the end of his visit, Mr. Smith was reported to have stated at a press conference that his country was closer than ever to South Africa and that he knew where Southern Rhodesia stood with that country.

Commonwealth Prime Ministers Meeting

533. Southern Rhodesia was not invited to the Commonwealth Prime Ministers' Meeting that took place in London during July 1964. The reasons put forward in official statements was that in the view of the United Kingdom Government, no members of the Commonwealth not fully independent should be in-

vited to attend the Meeting without the general agreement of all the independent members. The consensus that emerged from consultations with these members was that, in view of the size of the modern Commonwealth, the meetings of Prime Ministers should be confined to the representatives of fully independent States. The United Kingdom Prime Minister, however, invited Mr. Smith to visit London for general talks on the question of independence for Southern Rhodesia before or after the Meeting.

534. The final *communiqué* issued by the Commonwealth Prime Ministers on 15 July 1964 (see appendix I of this report) welcomed the previous announcement by the United Kingdom Government, that, as in the case of other Territories, the existence of sufficiently representative institutions would be a condition of the grant of independence to Southern Rhodesia. It also contained a pledge that no Commonwealth Government would recognize a unilateral declaration of independence by Southern Rhodesia. The *communiqué* also recorded views expressed during the Meeting, to the effect that all the detained African leaders should be released and that an independence conference should be convened, which leaders of all parties in Southern Rhodesia would attend, with the object of seeking agreement on the steps by which the Territory might achieve early independence on the basis of majority rule.

535. Commenting on the Meeting in the House of Commons on 16 July 1964, the United Kingdom Prime Minister stated that the final *communiqué* recognized two essential facts: that the responsibility for decisions on the progress of Southern Rhodesia towards independence rested with the United Kingdom Government, and that there were certain basic prerequisites, on which the whole Commonwealth agreed, before a Territory moved towards full independence. It was on this basis that the United Kingdom Government had agreed to give full consideration to the views expressed by the other Governments represented at the Meeting.

536. On 16 July 1964, Mr. Smith declared that he had no intention of adhering to the proposals made at the Commonwealth Prime Ministers Meeting that there should be new constitutional talks on the future of the Territory. He characterized these proposals as interference in Southern Rhodesian affairs, which he would brush aside and treat with the contempt it deserved. His Government would continue to press for a negotiated independence based on the present Constitution.

Motions of no confidence in the Southern Rhodesian Government

537. On 28 July 1964, Sir Edgar Whitehead, the Leader of the Rhodesia National Party proposed to the Southern Rhodesia Legislative Assembly a motion of no confidence in the Government. The motion asserted that the Government had forfeited the confidence of Parliament which, it said, deplored statements implying that the Government was contemplating the seizure of independence. The motion called on the Southern Rhodesian Government to state categorically that it would not initiate unconstitutional action on the independence issue.

538. Another motion of no confidence was proposed the same day by Mr. Ahrn Palley, an independent European member of Parliament, to the effect that the Government had refused to acknowledge the urgent need to make the franchise available to an increasing

number of Africans, had failed to establish good race relations and had continued to deprive people of their personal liberty by arbitrary restriction.

539. These motions were defeated. On 25 August, another motion was carried by 31 votes to 24, expressing the full support of the Assembly for the Government in its approach to the United Kingdom for independence on the basis of the 1961 Constitution, and deploring statements from certain Opposition spokesmen which implied that the Government was contemplating a unilateral declaration of independence.

Resolution adopted by the Cairo Conference of Heads of African States and Governments

540. The Assembly of Heads of African States and Governments, meeting in Cairo from 17 to 21 July 1964, adopted a resolution (see appendix VI) requesting the African States to take a vigorous stand against a unilateral declaration of independence by the Southern Rhodesian Government, and to take appropriate measures, including the support of an African nationalist government in exile, should such an eventuality arise. The resolution also requested the United Kingdom to convene immediately a constitutional conference, in which representatives of all political groups in Southern Rhodesia would participate with a view to preparing a new constitution on the basis of "one man, one vote". Further, it called for the immediate release of all political prisoners and detainees, and it designated the Governments of Malawi and the United Republic of Tanganyika and Zanzibar to offer their good offices to the nationalist parties in Southern Rhodesia so as to bring about a united front for the attainment of their common objective of independence.

Visit by Mr. Smith to Portugal

541. Mr. Smith paid a two-day visit to Lisbon on 4 September 1964 for talks with the Portuguese Government. He denied on arrival an allegation that he had come to conclude a secret pact with the Portuguese Government in order to assure Southern Rhodesia of Portuguese support should his Government unilaterally declare its independence. He emphasized however that Portugal was one of Southern Rhodesia's oldest and most trusted allies and friends and that friendly relations must accordingly be maintained with that country. He also alluded to the common frontier between Southern Rhodesia and Mozambique and to the importance of Lourenço Marques as an outlet for Southern Rhodesian trade.

542. According to reports, the talks between Mr. Smith and the Portuguese Government touched on such matters as closer economic and political relations, mutual defence measures and an exchange of intelligence.

Discussions between Sir Alec Douglas-Home and Mr. Ian Smith

543. In response to an invitation by Sir Alec Douglas-Home, Mr. Ian Smith went to London on 6 September 1964 for discussions concerning the question of independence for Southern Rhodesia. He told the Press on his arrival that he had come not to demand, but to negotiate for independence. He added that if the Southern Rhodesian Government eventually got to the position where it believed there was no alternative, then it was firm in its resolution unilaterally to declare its independence.

544. The joint *communiqué* issued at the end of the discussions on 11 September 1964, (see appendix VII) noted that Mr. Smith did not feel bound by any of the statements made at the Commonwealth Prime Ministers' Meeting which had been conveyed to him by Sir Alec Douglas-Home. The *communiqué* also stated that, while the United Kingdom Government looked forward to Southern Rhodesia becoming independent as soon as practicable, it must and had yet to be satisfied that the basis for such independence was acceptable to the people of the country as a whole. Further, the *communiqué* recorded Mr. Smith's conviction that the majority of the population supported his request for independence on the basis of the present Constitution; he would accordingly consider how best this could be demonstrated, so that independence could be granted. Further, the *communiqué* made it clear that the United Kingdom Government, while ready to take account of any views freely expressed by the population on this issue, reserved its position.

545. Following the release of the *communiqué*, Mr. Smith told a press conference that he hoped Southern Rhodesia would attain independence by agreement this year and that the possibility of a unilateral declaration of independence had been ruled out for the time being. He hoped to arrange in a couple of months for opinion in the Territory to be tested. According to him there had recently been a dramatic change in African thinking, which had been antagonized by the use of intimidation and extortion on the part of African nationalist leaders. He was confident that he could get a mandate from the majority of the population, including the mass of Africans, in favour of independence under the present Constitution and franchise. With this mandate, he would obtain independence for the Territory.

Plans for testing public opinion on the question of independence

546. On 15 September 1964, Mr. Smith announced to the Southern Rhodesia Legislative Assembly his plans for testing public opinion on the question of independence for the Territory on the basis of the present Constitution. Asserting that the rural Africans did not support the extreme African nationalists, who, owing to their resort to violence, had lost most, if not all, of the little support they commanded, he said he hoped to obtain their views within the framework of the tribal structure. To this end he would use the chiefs and headmen as a means of consultation with the people. He stressed that the consultation would be as wide as possible but that it could not and would not mean "one man, one vote". Over and above this consultation, a referendum would be held of all registered voters.¹²

547. He also informed the Assembly that after discussion, the Leader of the Opposition had agreed to co-operate with him to find the best means of carrying out this exercise. Finally, he emphasized that the success of the exercise would mean independence for

¹² The numbers of voters registered on the two rolls as at April 1963 were as follows:

	"A" Roll	"B" Roll
Europeans	88,256	570
Africans	2,251	10,214
Asians	1,193	107
Coloured	1,275	166
Total	92,975	11,057

Southern Rhodesia by the end of the year, "on the present Constitution and franchise, and with no lowering of standards". The text of Mr. Smith's statement appears in appendix VIII.

548. In a subsequent statement on 17 September 1964, Mr. Smith notified the Legislative Assembly of the formation of a committee of Government and Opposition members to investigate the best means of testing public opinion. He added that the greatest guarantee of fairness which people outside the country could have was that the Southern Rhodesians were the only people who would continue to live with the country's problems.

549. Commenting in the Legislative Assembly on Mr. Smith's announcement, Mr. P. H. J. Chanetsa, an African member (Independent),¹³ stated that the only machinery for consultation that would be acceptable to the Africans was one which gave every man an opportunity to express an opinion. He deplored the detention and restriction of African nationalists as a device for preventing them from canvassing public opinion on the issue. Further he rejected the idea that chiefs and headmen in any way represented African opinion, particularly as they were salaried officials and virtual "stooges" of the Government. Finally, he urged that the proposed consultation of public opinion be held under the independent chairmanship of either a United Kingdom Cabinet Minister, or a personality from Tanganyika or from the United Nations. Similar views were expressed by another African Member (Independent), Mr. P. E. Chigogo, who also remarked that the chiefs and headmen could not be relied upon to express independent political judgement. Their bias, he added, could be inferred from statements they had made during their recent Government-sponsored tour of the Transkei in South Africa.

550. On 18 September 1964, Mr. Smith announced that the Secretary for Internal Affairs was touring the country in order to collect views to put before the committee which had been appointed to advise on the testing of public opinion. He said he would welcome United Kingdom Members of Parliament to witness the opinion-testing process.

Political parties

551. On 31 July 1964, the Government extended the ban on meetings of the Peoples Caretaker Council (PCC) for a further three months. The reason given was that violence was likely to increase if the Peoples Caretaker Council was allowed to hold meetings.

552. Sir Roy Welensky, the former Prime Minister of the dissolved Central African Federation, announced on 12 August 1964 that he would lead a newly formed political group, the Rhodesia Party, which would be a party of national reconciliation. It was expected to include most of the members of the Rhodesia National Party led by Sir Edgar Whitehead, as well as many other supporters of Sir Roy Welensky before the dis-

solution of the Federation. The Party's basic policy would be to obtain independence for Southern Rhodesia by negotiation as well as continued membership in the Commonwealth and sterling area. It would uphold the present Constitution until independence could be negotiated on a basis acceptable to Southern Rhodesia. It was firmly opposed to any unilateral declaration of independence.

553. Following a call for unification addressed by the Foreign Ministers of Malawi and the United Republic of Tanganyika and Zanzibar¹⁴ to the Peoples Caretaker Council (PCC) and the Zimbabwe African National Union (ZANU), Mr. James Chikerema, the Vice-President of the Peoples Caretaker Council, was reported to have issued a statement on 18 August 1964 that his movement could not consider a united front under any circumstances. At the same time, the leaders of ZANU were reported to have called on all Africans to resist offences which they claimed were being committed by the PCC.

554. Following the declaration of a state of emergency in the Salisbury African township of Highfield on 26 August 1964, the PCC and ZANU were declared illegal by proclamation. Explaining this ban, the Southern Rhodesian Minister of Law and Order, Mr. Lardner-Burke, stated that Highfield had been the scene of considerable lawlessness for some time and that the two rival organizations had indulged in intimidation and violence against each other and against law-abiding Africans.

555. The formation of a new party, the Zimbabwe African Democratic Union (ZADU) was announced on 31 August 1964. The leaders of this party, most of whom were executive members of the proscribed ZANU, stated at a press conference that the party would aim at uniting African nationalists in Southern Rhodesia in an attempt to secure majority rule. The party, however, would not accept the leadership of Mr. Joshua Nkomo, the President of the PCC. On 2 September 1964, the new party was also banned under the Unlawful Organizations Act which prohibits the formation of a party in succession to a proscribed organization.

556. In a letter addressed to Sir Alec Douglas-Home on 15 September 1964, Mr. Joshua Nkomo said that while he agreed with the principle of early independence by consent, he categorically rejected Mr. Smith's assessment that the African people wished to have independence under the present Constitution. He reiterated his previous demands for the convening of a conference to work out a constitution based on majority rule, and asserted that he and his supporters had been detained, restricted and imprisoned because of the massive support they commanded from the African people.

557. On 5 October 1964, the formation of a multi-racial group to challenge the Southern Rhodesian Government's assessment of opinion on the independence issue was announced at a press conference by Mr. Enoch Dumbutshena, a supporter of Mr. Joshua Nkomo. The group was to be known as the Majority Rule Independence Committee (MRIC) and its object would be to present the views of those opposed to independence under the present Constitution. Members of the Committee included Mr. Garfield Todd, former Prime Minister of Southern Rhodesia.

¹³ The 65-member Southern Rhodesian Legislative Assembly is composed as follows:

	<i>Rhodesian Front</i>	<i>Rhodesia Party (which has superseded the Rhodesia National Party)</i>	<i>Independent</i>
European	37	12	1
African	—	12	2
Coloured	—	1	1
Total	37	25	4

¹⁴ See paragraph 540 and appendix VI.

558. Meanwhile the annual congress of the Rhodesian Front adopted a resolution pledging its full support to the Prime Minister, even to the extent of a unilateral declaration of independence.

Results of recent by-elections

559. By-elections were held on 1 October 1964 for two vacant seats in the Legislative Assembly which had previously been held by members of the Opposition. Mr. Clifford Dupont, the Deputy Prime Minister and Minister of External Affairs, who had resigned his own seat in order to contest one of these elections, defeated Sir Roy Welensky by a vote of 1,079 to 633. The second seat was won by Mr. J. W. Pithey, another Rhodesian Front candidate, against Mr. Sydney Sawyer, a supporter of Sir Roy Welensky, by a vote of 1,042 to 416.

560. During the campaign preceding the elections, both Mr. Smith and Mr. Dupont had said that a victory in the elections would not be interpreted as a mandate for a unilateral declaration of independence. At the same time, Mr. Dupont had also stated that he would regard the results as a vote of confidence in the Government headed by Mr. Smith.

Other developments

561. On 13 August 1964, the Southern Rhodesian Appeal Court rejected a government appeal against a High Court decision of 27 June 1964 that the restriction of Mr. Nkomo and some of his followers was illegal. The Chief Justice remarked that to confine the restrictees virtually under guard in a small area and to cut them off from free contact with the outside world was a form of custody. This, he ruled, was not permitted under the Law and Order (Maintenance) Act. Following this judgement, the Southern Rhodesian Government announced that it would not release those restricted but would instead move them to another restriction area, also near the Mozambique border.

562. On 26 August 1964, a government motion was presented in the Southern Rhodesian Legislative Assembly calling for the banning of the *Daily News*, one of Salisbury's two daily newspapers. Speaking on the motion, Mr. Lardner-Burke, the Minister of Law and Order, stated that the newspaper had presented African nationalist propaganda of the most blatant kind and that its editorial policy had been designed deliberately to promote dissatisfaction and hostility towards the Europeans. The Government, he said, could not permit the use of the free Press for supporting subversion. The motion was carried by 24 votes to 18.

563. On 8 September 1964, the Rev. N. Sithole, President of the banned ZANU, was sentenced to twelve months' imprisonment with hard labour, with six months of that sentence suspended for three years. He was convicted of subversion in calling on Africans to arm themselves with axes, bows and arrows, and other instruments, and to be prepared to use them if the Government seized independence. Earlier in the trial, the Judge had ruled that a unilateral declaration of independence by the Southern Rhodesian Government would be an illegal act.

564. On 11 September 1964, the Southern Rhodesian Government raised the financial qualification for voters in parliamentary elections to take effect immediately. The announcement concerning this revision stated that, because of the decrease in the purchasing power of

money, the minimum financial qualification for people wishing to register had been increased by 10 per cent.

565. On 14 September 1964, an appeal court upheld a previous conviction for subversion against Mr. Nkomo and restored the original sentence of nine months' imprisonment. The charge arose from a speech allegedly made by him earlier this year. It was expected that Mr. Nkomo would accordingly be moved from his area of restriction to prison in order to serve the sentence.

566. It was reported on 17 September 1964, that, according to government sources, the number of Africans then detained, restricted or imprisoned for political offences, amounted to more than 2,000.

567. On 27 September 1964, it was also reported that the Chairman of the Southern Rhodesia Broadcasting Corporation had banned the reporting of a news item concerning a view expressed by the head of the Sociology and Anthropology Department of the University College in Salisbury. This view was to the effect that all Africans should be able to vote on the independence issue. The explanation given for the ban was that in broadcasting the statement to an unsophisticated audience at this juncture, the Corporation would have been lending its services to an undesirable exercise in political tactics.

568. On 7 October 1964, a three-month state of emergency was declared in the Salisbury African township of Harare, where it was reported that over 100 persons had been detained. As mentioned in paragraph 554 above, a similar state of emergency was declared in the Highfield African township on 26 August 1964.

I. CONSIDERATION BY THE SPECIAL COMMITTEE OF RECENT DEVELOPMENTS

Introduction

569. The Special Committee gave further consideration to the question of Southern Rhodesia at its 294th to 296th meetings between 26 and 28 October 1964, in the light of the latest developments concerning the Territory.

Written petitions

570. The Special Committee had before it the following additional written petitions concerning the Territory:

<i>Petitioner</i>	<i>Document No.</i>
The Zimbabwe African People's Union (ZAPU)	A/AC.109/PET.189/ Add.4
Mr. E. F. C. Sithole, Mr. C. P. Mandizvidza and Mr. A. C. Mudzingwa on behalf of the restrictees in the Wha Wha area	A/AC.109/PET.322
Mr. Carl-Axel Valen, Secretary-General of the World Assembly of Youth (WAY)	A/AC.109/PET.327

General statements by members

571. The representative of the United Kingdom of Great Britain and Northern Ireland read out the following statement, which had been issued in London on the morning of 27 October 1964:

"The Prime Minister is deeply concerned about future relations between Southern Rhodesia and Britain, and particularly about any possibility of a unilateral declaration of independence on the part of the Southern Rhodesian Government. He therefore invited Mr. Ian Smith, the Prime Minister of South-

ern Rhodesia, to come to London for discussions early this week. Mr. Smith replied that he could not come at that time.

"The British Government would not like there to be any misunderstanding that in their view the inevitable consequences of a unilateral declaration of independence would be very serious indeed. The previous Administration made this clear earlier in the year to Mr. Field and later repeated the warning to Mr. Smith. On Sunday 25th October the British Government communicated to the Government of Southern Rhodesia the text of a statement which they would feel obliged to issue at a very early date unless they received from that Government an assurance that no attempt at a unilateral declaration of independence would be made. The Prime Minister would have preferred to put the points in the statement to Mr. Smith privately and in person; he still hopes that an early opportunity will be found for him to have discussions with the Prime Minister of Southern Rhodesia before any irrevocable steps are taken. Since however the assurance sought was not forthcoming the British Government are now publishing this statement."

572. The text of the statement by the United Kingdom Government on a unilateral declaration of independence in Southern Rhodesia read as follows:

"The British Government look forward to the day when Southern Rhodesia can take her place as an independent sovereign State within the Commonwealth. The decision to grant independence rests entirely with the British Government and Parliament and they have a solemn duty to be satisfied that before granting independence it would be acceptable to the people of the country as a whole. Indeed, the present Government of Southern Rhodesia have already recognized that independence must be based on general consent and that the British Government are entitled to be satisfied about this.

"The British Government trust, therefore, that the progress of Southern Rhodesia will proceed on constitutional lines. Nevertheless, in view of reports that there might be a resort to a unilateral declaration of independence they find it necessary to declare what serious consequences would flow from such an act. The British Government cannot believe that once the consequences have been made clear the Government and people of Southern Rhodesia will take an irrevocable step of this kind.

"A mere declaration of independence would have no constitutional effect. The only way Southern Rhodesia can become a sovereign independent State is by an act of the British Parliament. A declaration of independence would be an open act of defiance and rebellion and it would be treasonable to take steps to give effect to it.

"In the final communiqué of the meeting of Commonwealth Prime Ministers in July it was made clear that no Commonwealth Government would be able to recognize a unilateral declaration. There would then be no prospect of Southern Rhodesia becoming a member of the Commonwealth with all the economic consequences that would then ensue.

"The British Government would be bound to sever relations with those responsible for such a declaration. It would not be possible for Southern Rhodesia to establish a new and special relationship with the

Crown or with Britain. The British Government would not be prepared to advise Her Majesty to accede to any request that she should become a separate Sovereign of a territory which has rebelled. The ultimate result would inevitably be that Southern Rhodesians would cease to be British subjects.

"The reactions of foreign Governments would likewise be sharp and immediate. With one or two exceptions they are likely to refuse to recognize Southern Rhodesia's independence or to enter into relations with her. Many of them might recognize a Government in exile if, as seems probable, one were established.

"The economic effects would be disastrous to the prosperity and prospects of the people of Southern Rhodesia. All financial and trade relations between Britain and Southern Rhodesia would be jeopardized. Any further aid or any further access to the London market would be out of the question. Indeed, most serious consequences would be involved for anyone in the United Kingdom who afforded aid, financial or otherwise, to the illegal Government. Southern Rhodesia's external trade would be disrupted.

"In short, an illegal declaration of independence in Southern Rhodesia would bring to an end relationships between her and Britain, would cut her off from the rest of the Commonwealth, from most foreign Governments and from international organizations, would inflict disastrous economic damage upon her and would leave her isolated and virtually friendless in a largely hostile continent."

573. Mr. Bottomley, the Commonwealth Secretary, had offered to go to Salisbury to meet Mr. Smith, after attending the independence celebrations of Zambia at Lusaka, and had asked if arrangements could be made for him to meet persons representing a cross-section of public opinion, in particular Mr. Nkomo and Mr. Sithole, the acknowledged leaders of African nationalists. Mr. Smith had replied that he was unable to agree to that condition. The Commonwealth Secretary had therefore not gone to Salisbury.

574. The aim of the United Kingdom Government policy was to ensure a peaceful transition to African majority rule. The United Kingdom Government looked forward to the negotiation of a new Constitution but it must be satisfied that the terms on which independence would be granted were acceptable to the people as a whole. Although it had been reported that chiefs and headmen had pronounced themselves in favour of independence under the present Constitution, that consultation did not, in his Government's view, provide conclusive evidence that such was the case.

575. The representative of Ethiopia emphasized the importance of the United Kingdom statement and thought that the Committee should formally take note of it. As the meeting progressed, the Chairman should be in a position to formulate the consensus of the Special Committee on the developments in Southern Rhodesia. His delegation thought that the Committee should reaffirm all the resolutions it had adopted in the past, in particular the conclusions and recommendations of its Sub-Committee on Southern Rhodesia, and should discuss with the United Kingdom Government how they could be implemented. His delegation agreed that the views of 600 or 800 chiefs, more or less under the supervision of the Government of the country, could not be accepted as representing the views of 4 million Africans. Finally, it seemed that the situa-

tion should be brought to the attention of the Security Council, before it got out of hand.

576. The representative of India welcomed the categorical statement by the United Kingdom, which contained some of the terms he himself had used at the 224th meeting of the Special Committee. He noted that the attitude of a large number of members of the Committee and of the Heads of State or Government of Non-Aligned Countries who had met at Cairo in October 1964 had been explicitly stated in the Cairo *communiqué*, from which he quoted certain passages (see A/5763). He associated himself with the remarks made by the representative of Ethiopia.

577. The representative of the Ivory Coast said that he had listened with both satisfaction and anxiety to the United Kingdom statement: with satisfaction, because that statement opposed the plans of a racist minority which wanted to impose a constitution denying Africans the right to vote; anxiety, because the sanctions which the United Kingdom was envisaging might, so to speak, cause the death of the patient. It would perhaps be better to adopt a preventive method which would stop the Southern Rhodesian minority régime from putting its threat into effect. Like the representative of Ethiopia, he hoped that the Chairman would be able to formulate a consensus of the Committee designed to obtain forceful but flexible preventive action, which his delegation would wholeheartedly support.

578. The representative of Iraq said that he, too, welcomed the forthright and clear statement made by the United Kingdom representative, although he regretted that so much valuable time had been lost. He stressed the historic significance, for other colonial Territories, of a statement which affirmed that independence should be based on the freely expressed wishes of the people. He was glad that the United Kingdom was contemplating effective measures and hoped that there would be greater and more fruitful co-operation between the Committee and the United Kingdom Government in respect not only of Southern Rhodesia but also of other colonial Territories for which the United Kingdom was responsible.

579. He feared, however, that the minority Government of Southern Rhodesia would carry out its threat. In that event, the United Nations could do no less than the United Kingdom proposed to do, but it would be for the Security Council to take the necessary steps to deal with the situation, which was clearly a threat to international peace and security on the African continent. It was certainly necessary to have a consensus in the Committee, but the matter was of such an urgent nature that there was no time to be lost. While he would have no objection to further contacts with the United Kingdom Government, he thought that the matter was no longer a question between the Committee of Twenty-Four and the United Kingdom but was henceforth within the competence of the Security Council.

580. The representative of Cambodia supported the Ethiopian representative's proposal that a consensus on the question should be drawn up. While taking note of the United Kingdom statement, it would be well to reaffirm all the resolutions adopted on the matter by the United Nations, to retain the item on the Committee's agenda and to seek, in co-operation with the administering Power, appropriate measures for the settlement of the question of Southern Rhodesia.

581. The representative of the Union of Soviet Socialist Republics said that, notwithstanding its statements, the conservative United Kingdom Government had so far not taken the necessary steps to prevent the Southern Rhodesian racists from carrying out their plans but had, on the contrary, followed a policy of concessions to them which encouraged lawlessness. At the most recent meeting of the Prime Ministers of the United Kingdom and Southern Rhodesia, the United Kingdom Government had been satisfied with the assurances given by Mr. Smith that he would provide proof that independence under the present Constitution had the support of the overwhelming majority of the white and African population. That was only a manoeuvre on the part of Mr. Smith. Upon his return from London, he had proceeded to carry out his plans, which made no provision for a genuine national referendum. Instead, he had decided to hold a referendum among the European settlers, who would undoubtedly support the plans of the Government, which represented that minority and not the interests of the African population. In so far as the Africans were concerned, their views, according to Mr. Smith's statement, could be represented by a handful of chiefs and headmen who were in the pay of the Government. That was a natural result of the course of events in Southern Rhodesia against which the United Nations had repeatedly warned the United Kingdom Government when it had called on the conservative Government to refrain from transferring the weapons and armed forces of the former Central African Federation to the Southern Rhodesian racists, to abrogate the racist Constitution of 1961 and to transfer power to the government of the majority. The United Kingdom Government had refused to act accordingly.

582. The statement made by the United Kingdom at the present meeting was a step in the right direction. The question of Southern Rhodesia, however, had for a long time assumed an international aspect and it was the duty of the Committee to take account of the resolution adopted in Cairo by the Conference of Heads of African States and Governments, which stated explicitly that the question should be referred once again to the Security Council (see appendix VI). The Soviet delegation would have no objection if the Special Committee took all the necessary steps and explored all possible ways and means to settle that dangerous and complicated situation and to give effect to the relevant resolutions of the General Assembly and the Committee, particularly the decision which the Committee had adopted at its first session of the current year.

583. The representative of Tunisia took note of the statement in which the United Kingdom declared its readiness to shoulder its responsibilities and to put down the rebellion in Southern Rhodesia. Whatever assurances were given, however, and whatever official statements were made, the fact remained that the future of the Africans in Southern Rhodesia, deprived of their political rights and subjected to an undisguised system of slavery, continued to be threatened. Thus, in view of the serious and urgent nature of the situation, it was imperative that the Security Council should reaffirm the many resolutions adopted by the Special Committee and by the General Assembly, give them executive force and take all the necessary steps to redress a situation fraught with danger for the entire African continent. The Tunisian delegation accordingly associated itself with the suggestions made by the representative of Ethiopia.

584. The representative of Yugoslavia said that he, too, fully endorsed the Ethiopian representative's suggestions. No one denied the seriousness of the situation which had resulted from the irresponsible policy of the minority Government of Southern Rhodesia. The time had come to take immediate and categorical action to prevent any senseless decision by this Government, and to find the final solution of the problem of Southern Rhodesia in accordance with the resolutions of the General Assembly as well as in the interests of the African population of that Territory. The Yugoslav delegation also welcomed the statement of the United Kingdom and the fact that the United Kingdom Government had finally associated itself with general opinion, expressed many times previously by the Committee on the problem of Southern Rhodesia.

585. The representative of Syria expressed his indignation at the developments which were taking place in Southern Rhodesia. His delegation could not but welcome the stand of the United Kingdom Government and the steps which it contemplated taking if the worst happened. The Special Committee and the Security Council, however, had great responsibilities to discharge. The representative of the Ivory Coast had suggested that the Committee should consider some preventive measures. The Syrian delegation was prepared to accept that suggestion. The United Kingdom Government could issue an ultimatum to the Smith Government, informing it that the United Nations and world opinion were seriously considering the adoption of steps to frustrate its designs.

586. Syria supported the suggestions that a consensus should be prepared and that the matter should be referred to the Security Council, in the hope that the whites in Southern Rhodesia would return to their senses before their ultimate destruction. It thought that the Under-Secretary should immediately inform the Secretary-General of the feelings of the Committee and ask him to assist the people of Southern Rhodesia, if necessary.

587. The representative of Sierra Leone said that it was regrettable that the administering Power had not promptly extended to the Special Committee and the United Nations the co-operation which was necessary for an early and peaceful solution of the problem. The delegation of Sierra Leone was happy to note that the United Kingdom had now taken a position which was more in keeping with the aims and obligations of the Special Committee.

588. He denounced the dishonesty of the Southern Rhodesian Government, which sought to present the views of a handful of tribal chiefs as the expression of the wishes of millions of indigenous inhabitants. The Committee should reject the spurious referendum held by the Smith Government; he hoped that the consensus to be adopted would include a statement to that effect. The Committee could also inform the Security Council of the situation so that it could take the necessary action. Meanwhile, the Committee should avail itself of the opportunities offered by the new attitude of the United Kingdom and, in an atmosphere of co-operation, should endeavour to find a peaceful and satisfactory solution to the problem.

589. The representative of Madagascar said that he had listened with satisfaction to the statement made by the United Kingdom representative, which the Special Committee had been impatiently awaiting for years. The Malagasy delegation hoped that Mr. Smith, however

misguided he might be, had not lost the modicum of common sense needed to understand the warning. Nevertheless, the danger was still there and the Malagasy delegation was therefore in favour of a consensus that would express the satisfaction of the members of the Committee at the United Kingdom statement and specify the steps that should be taken to avoid a *fait accompli*.

590. The representative of Poland welcomed the unambiguous statement of the United Kingdom Government, which was of historic importance in that the United Kingdom had at long last dissociated itself from the practices which had existed in Southern Rhodesia since 1923 and which were the very basis of the tragic situation obtaining in the Territory.

591. The statement did not, however, resolve the question of Southern Rhodesia. Indeed, the rebellion to which the United Kingdom had referred had already begun. As Mr. Smith had said at a meeting of the chiefs and headmen, whatever the United Kingdom Government or anyone else might say or do, the Southern Rhodesian Government had set its course and that course led to a unilateral declaration of independence by Southern Rhodesia. It was the duty of the Special Committee to ward off the danger. The Polish delegation would therefore associate itself with the consensus to be prepared by the Chairman.

592. The representative of the United Republic of Tanzania reiterated his delegation's support for the just cause of the Africans of Southern Rhodesia in opposing the ambitions of the tiny white racist minority. Despite the fact that the plans of the racists had encountered strong opposition not only from the indigenous people of Southern Rhodesia but also from some of the white settlers who realized the folly of the Smith Government, that Government was proceeding to carry out its designs by making use of the tribal chiefs who were its puppets.

593. His delegation welcomed the statement by the United Kingdom but would like to know whether the administering Power was prepared, if necessary, to crush any rebellion and to protect the rights of the Africans of Southern Rhodesia.

594. The Committee should inform the Security Council of a situation which constituted a threat to international peace and should call upon the administering Power to take positive steps, in keeping with the Committee's resolutions and recommendations, to enable the African majority to rule themselves in tranquillity and national independence.

595. The representative of Bulgaria deplored the wretched farce being played by the racist Government of Ian Smith in isolating the indigenous chiefs, who were presumed to represent African opinion. That step had certainly been taken with the connivance of certain nearby countries, which were doing everything in their power to help to set up a system of racial discrimination in the Territory. That situation should not be tolerated either by world public opinion, or by the United Nations or by the administering Power. The United Kingdom had repeatedly said that it would never countenance a unilateral declaration of independence by the white minority. His country would now like to see those words become deeds.

596. However effective they might be, the measures announced by the United Kingdom Government could not solve everything. Bulgaria nevertheless did not believe that the worst was inevitable and thought that

there was still a possibility of bringing the Smith Government to see reason.

597. A unilateral declaration of independence by the Government of Southern Rhodesia would have immediate repercussions on the neighbouring State, where the terrorist policy of *apartheid* was practised, and the African countries would have to make a vigorous response. Such a decision would therefore constitute an immediate danger to peace in the Territory, in the region and in the world.

598. The United Kingdom Government had said that it would consider a unilateral declaration of independence to be an act of treason. In the past, the United Kingdom Government had also branded as "treason" and "rebellion" certain African movements which it had been able to put down. In the present case, it would undoubtedly keep its word and punish the traitors who wished to endanger peace in that region of the world.

599. The United Nations, too, must take certain measures. The matter could be brought before the Security Council, which could take the necessary action. The Special Committee, for its part, should take certain decisions to help the peoples of Southern Rhodesia and the neighbouring countries to defend themselves from the nefarious consequences of a unilateral action. His delegation was prepared to support any measures or consensus directed to that end.

600. The representative of Denmark said that his delegation, whose position on the question was well known, also welcomed the statement made by the United Kingdom. His delegation agreed with the representative of Sierra Leone that the so-called referendum organized by the Southern Rhodesian Government was completely unacceptable. It also agreed with the representative of Iraq that the Security Council's attention should be drawn to the developments in Southern Rhodesia so that the Council might be able to take up the matter in the event of the minority Government issuing a unilateral declaration of independence.

601. The representative of Chile said that he shared the deep concern expressed by the other members of the Special Committee. If it wished to remain true to the principles it was bound to uphold, the United Nations could not be complacent about the Southern Rhodesian Government's defiance of the numerous resolutions adopted over a period of several years. It must marshal all the means at its disposal to protect the fundamental rights of the overwhelming majority of the inhabitants of Southern Rhodesia.

602. His country was gratified that the administering Power had taken a progressive and firm stand. Its statement, which could have far-reaching importance, should give the Salisbury Government food for thought, and if the latter still had any common sense, it would ultimately give up its plan.

603. His delegation was prepared to join with the other members of the Committee in supporting a consensus.

604. The representative of Australia considered that, in its language and in its implications, the United Kingdom statement was one of the most serious which the Special Committee had ever heard. He referred, in particular, to the sentence in which the United Kingdom said that a unilateral declaration of independence would be an open act of rebellion and that it would be reasonable to take steps to give effect to it. That warning, which reflected great credit on the United

Kingdom, would probably have a profound effect in Southern Rhodesia.

605. In such circumstances, Australia believed that the Committee should tread very warily. There was little the Committee could do to affect the situation; the most it could do would be to take note of the fact that the solution of the problem still rested with the Governments of the United Kingdom and Southern Rhodesia and to be encouraged by the nature of the United Kingdom statement.

606. It had been repeatedly said that the United Kingdom possessed the key to the situation. If that was so, that key was obviously being turned. The Committee should be careful not to complicate the situation by taking action without further contact with the United Kingdom Government, which had moved with great speed and decision.

607. The representative of Venezuela said that, despite the disturbing nature of the situation in Southern Rhodesia and despite the Special Committee's concern, his delegation could not support a resolution or a consensus or subscribe to any measure that was not in keeping with the terms of reference received by the Committee from the General Assembly. Any action designed to counteract a unilateral decision by Southern Rhodesia must be taken through the administering Power. The United Kingdom's statement in the matter seemed quite clear and categorical, and he was gratified that it had been brought to the Committee's attention.

608. With regard to bringing the question before the Security Council, the Committee could not, within its terms of reference, do more than draw the Council's attention—as his country hoped it would do—to the situation in Southern Rhodesia without making any judgement on that situation, because the Security Council had the sole responsibility for doing so and for deciding what action should be taken. If the situation endangered the countries of the region, those countries could apply to the Security Council directly without going through the Special Committee, which had no jurisdiction in the matter. His country agreed on the other hand that the Committee should reaffirm its own resolutions and those of the General Assembly.

609. While, moreover, his delegation could see no objection to the Committee's making contact with the new British Government, it regarded the United Kingdom statement as a sufficiently clear and categorical explanation of its position. Such contact, if decided upon, should be undertaken only through the Permanent Mission of the United Kingdom to the United Nations.

610. The representative of Uruguay said that his delegation welcomed the statement by the representative of the United Kingdom and considered it very important. Although it would have liked to be able to study the statement more thoroughly, it approved its general lines. With regard to preventive measures, it was difficult to go further than those which the United Kingdom Government was apparently ready to take. However, he did not think that the decision regarding the granting of independence fell exclusively within the competence of the United Kingdom Government.

611. Some delegations had suggested that the question should be referred to the Security Council, and his delegation had no basic objection to that procedure. It had approved of it previously, when the situation in Southern Rhodesia had been much less serious than

at present and had still concerned only the transfer of arms and military equipment to the Government of Southern Rhodesia; it had all the more reason to approve that procedure now.

612. It would nevertheless be more useful for the Special Committee to resume contact with the United Kingdom Government, especially as that Government had now gone much further than it had done previously. Although the representative of the United Kingdom had not mentioned the responsibilities incumbent upon the United Nations and the Special Committee with regard to Southern Rhodesia, it was desirable for the Committee to obtain assurances concerning the action that the United Kingdom Government would take if the contemplated preventive measures should prove inadequate. It was also important for the Committee to know what the United Kingdom Government considered to be a peaceful transition to a system of government by the African majority and how it intended to ensure that transition.

613. The representative of Iran said that his delegation welcomed the statement by the representative of the United Kingdom. It was gratified that the United Kingdom Government had categorically affirmed its responsibility with regard to Southern Rhodesia and had specified the measures it would take if the minority Government of that Territory should unilaterally declare its independence.

614. His delegation, like the Uruguayan delegation, would have preferred to have time to study the statement by the United Kingdom Government more thoroughly; however, it would defer to the apparent desire of the majority of the Special Committee to take a decision at that meeting. It supported the Ethiopian suggestion regarding a consensus formulated by the Chairman.

J. ACTION TAKEN BY THE SPECIAL COMMITTEE IN THE LIGHT OF LATEST DEVELOPMENTS

615. The Chairman thought that he would be expressing the general feeling of the Special Committee if he said that all the members had listened to the statement of the administering Power with great interest. Although the members of the Committee had not had the time to study the statement thoroughly, they were already in a position to conclude that the attitude of the new United Kingdom Government was, to a great extent, in conformity with the opinions expressed by the majority of Committee members on the question of Southern Rhodesia.

616. All the members of the Committee agreed that the situation had become very serious and that urgent measures must be taken if the Committee was to avoid being faced with a *fait accompli*. It was certainly with that thought in mind that some delegations had spoken of calling a meeting of the Security Council. In its statement, the United Kingdom Government had outlined the measures it would take against the racist minority Government of Southern Rhodesia in the case of a unilateral declaration of independence. However, even if those measures were taken into consideration, a declaration of independence by the Territory under minority rule would have consequences constituting a real threat to international peace and security and thus calling for action by the Security Council.

617. He submitted to the Committee the following consensus, which would have the force of a decision by

the Committee at the present stage of its debate on the question of Southern Rhodesia:

"1. The Special Committee has taken note of the statement by the representative of the United Kingdom of Great Britain and Northern Ireland with great interest.

"2. The Committee also wishes to recall all the resolutions on the question of Southern Rhodesia already adopted by the General Assembly and the Special Committee.

"3. The Committee reaffirms the inalienable right of the people of Southern Rhodesia to self-determination and independence.

"4. In view of the gravity of the situation, the Special Committee once again draws the attention of the Security Council to the question of Southern Rhodesia.

"5. The Committee affirms that any decision the Government of Southern Rhodesia might take on the basis of the spurious consultation with the tribal chiefs or of consultations organized solely with the present electorate of Southern Rhodesia would be illegal, since the people of Southern Rhodesia have rejected the Territory's present Constitution.

"6. Irrespective of when or how the question is referred to the Security Council, the Special Committee hopes to establish renewed contacts with the present Government of the United Kingdom in an endeavour, in accordance with the provisions of the Declaration on the granting of independence to colonial countries and peoples, to find a solution to the grave problems of Southern Rhodesia. The aim of these contacts will be to induce the present Government of the United Kingdom to implement the resolutions of the General Assembly and the Special Committee on the question of Southern Rhodesia.

"In view of the foregoing, the Special Committee invites the Sub-Committee on Southern Rhodesia to keep the situation in Southern Rhodesia under review, to establish renewed contacts with the United Kingdom Government, if the desire should be expressed by the latter, and to report to the Special Committee as soon as possible."

618. He pointed out that the last part of the consensus gave the representative of the United Kingdom the opportunity to inform the Special Committee or its Chairman whether his Government wished to resume contact with the Sub-Committee on Southern Rhodesia. As soon as such a desire had been expressed, the Sub-Committee on Southern Rhodesia could meet and study the methods which would best enable it to comply with its terms of reference.

619. The representative of the United Kingdom said that his delegation had taken note of the statements made during the meeting and of the consensus just read out by the Chairman, and would report them to his Government as soon as possible. He reserved the right to comment on the statements that had been made.

620. At the 295th meeting on 27 October 1964, the Special Committee adopted without objection the consensus as read out by the Chairman.

621. At the 296th meeting on 28 October 1964, the representative of the United States of America read a statement issued by the Department of State of the United States.

622. The statement said that the Government of the United States had followed the course of events in

Rhodesia with mounting concern. It had on frequent occasions expressed its hope that a solution would be found to the Rhodesian problem acceptable to the majority of the people. It continued to hope that Rhodesia would gain independence as a united nation with a government based upon the consent of the governed. It had been encouraged by the forthright position taken by the British Government in insisting that it would not sanction independence for Rhodesia until satisfied that the people had been allowed the full exercise of self-determination. Mr. Wilson's message to the Rhodesian Prime Minister made clear some of the serious consequences which could befall Rhodesians should their Government continue to follow its present course. The United States therefore hoped that the Rhodesian Government would continue to discuss with the United Kingdom Government ways to achieve a satisfactory solution.

623. The representative of India read a statement issued by the Indian Government the previous evening. The statement declared that the likelihood of a unilateral declaration of independence by Southern Rhodesia had created a grave situation which was bound to have serious repercussions in Africa and the rest of the world. Steps recently taken in Salisbury indicated the determination of the minority Government to achieve its objective without delay and without the consent of the people of the country through recognized democratic processes. The settlers' Government had no authority or moral right to act in flagrant disregard of the wishes of the people and any semblance of constitutionality sought to be given by the process of a so-called referendum and consultation of African opinion through African chiefs, who were in reality paid government servants, would be completely unacceptable.

624. The Government of India had made it known that the only basis on which Southern Rhodesia should gain independence was after the establishment of a duly constituted democratic government elected on the principle of "one man, one vote". Any unconstitutional declaration of independence by the present minority Government would not be recognized by the Government of India. Those views had been made clear to the British Government and there had been close consultation in the past with the African member States of the Commonwealth who held similar views on this issue. The Government of India welcomed and supported the categorical public declaration by the British Government that a unilateral declaration of independence by the minority Government would be an open act of defiance and rebellion.

K. ACTION ARISING FROM THE FURTHER REPORT OF THE SUB-COMMITTEE ON SOUTHERN RHODESIA

625. At the 315th meeting of the Special Committee on 17 November 1964, the Chairman of the Sub-Committee on Southern Rhodesia¹⁵ submitted an oral report on its work.

626. In his report, the Chairman, after alluding to the circumstances in which the Special Committee had adopted its consensus on 27 October 1964, described the action taken by the Sub-Committee in the discharge of its mandate as follows.

627. Following consultations between the Chairman of the Sub-Committee and Lord Caradon, the Per-

manent Representative of the United Kingdom to the United Nations, the Sub-Committee held a meeting with the Permanent Representative of the United Kingdom on 4 November 1964.

628. At these talks, the Sub-Committee explained the mandate conferred on it by the Special Committee and invited the Permanent Representative of the United Kingdom to furnish it with information on any changes that may have occurred in the United Kingdom Government's position regarding the question of Southern Rhodesia and what steps the United Kingdom Government proposed to take for the implementation of the resolutions of the General Assembly and Special Committee concerning the Territory.

629. In response to this invitation, the Permanent Representative of the United Kingdom recalled that his Government had issued a statement on 27 October 1964, of which the Sub-Committee was aware, warning the Southern Rhodesian Government, in clear and firm terms, of the consequences for the Territory which would flow from a unilateral declaration of independence. He added that it was not yet possible to assess the full impact of this warning on the Government and on public opinion in Southern Rhodesia. Meanwhile, his Government had invited Mr. Ian Smith, the Prime Minister of Southern Rhodesia, to London for talks on the future of the Territory, but no firm reply was yet available. In conclusion, the Permanent Representative of the United Kingdom assured the Sub-Committee that, on behalf of his Government, he would be prepared in due course to explore with the Special Committee new forms and areas of co-operation in the work of the Committee.

630. The Sub-Committee took note of the remarks of the Permanent Representative of the United Kingdom and expressed the view that, while the warning addressed by the United Kingdom Government to the Southern Rhodesian Government might be adequate to deter that Government from a unilateral declaration of independence for the time being, stronger measures should be considered. These measures should be aimed at achieving a solution of the question of Southern Rhodesia in conformity with the resolutions of the General Assembly and Special Committee and the wishes of the African majority.

631. The Chairman then presented the conclusions of the Sub-Committee as follows.

632. The Sub-Committee notes the steps taken by the United Kingdom Government with a view to discouraging the Southern Rhodesian Government from resorting to a unilateral declaration of independence. The Sub-Committee considers, however, that whatever the effectiveness of these steps as a deterrent to a unilateral declaration of independence by the Southern Rhodesian Government, energetic measures require urgently to be taken by the United Kingdom Government for the implementation of the resolutions of the General Assembly and Special Committee concerning Southern Rhodesia.

633. The Sub-Committee notes that the United Kingdom Government has rejected the results of the recent test of public opinion conducted by the minority settler régime in Southern Rhodesia as unsatisfactory evidence of the wishes of the African population. The Sub-Committee is also aware that consultations are in progress between the United Kingdom Government and the minority régime in Southern Rhodesia regarding the future constitutional development of the Ter-

¹⁵ The composition of the Sub-Committee is described in paragraph 461. The representative of Syria was Mr. Rafik Asha.

ritory, but has no information regarding the status and substance of these consultations.

634. The deep concern about the gravity of the prevailing situation, which was expressed by the Sub-Committee in its report on 17 June 1964, has by no means been allayed by recent developments, inasmuch as the underlying causes of that situation have not yet been eliminated. Accordingly, the Sub-Committee would again stress the urgent necessity of the following measures being taken, in order to remedy the situation prevailing in Southern Rhodesia:

(1) The release of all political prisoners and the removal of all constraint on African nationalist detainees and restrictees;

(2) The repeal of all repressive and discriminatory legislation, and in particular, the Law and Order (Maintenance) Act and the Land Apportionment Act;

(3) The removal of all restrictions of African political activity and the establishment of full democratic freedom and equality of political rights;

(4) The holding of a constitutional conference in which representatives of all political parties will take part with a view to making constitutional arrangements for independence, on the basis of universal adult suffrage, including the fixing of the earliest possible date for independence.

635. Finally, the Sub-Committee would recommend that, as its talks with the Permanent Representative of the United Kingdom were of a preliminary character, the Special Committee may wish to authorize it to continue to keep the situation under review and to maintain contact with the Permanent Representative of the United Kingdom with a view to the fulfilment of its mandate.

636. At its 315th meeting on 19 November 1964 the Special Committee decided to take note of the oral report of the Sub-Committee on Southern Rhodesia.

APPENDIX I

Resolution on Southern Rhodesia adopted at the second regular session of the Council of Ministers of the Organization of African Unity (OAU) held in Lagos, Nigeria, from 24 to 29 February 1964^a

COUNCIL RESOLUTION 4 (II)

The Council of Ministers, meeting in Lagos, Nigeria, from 24 to 29 February 1964,

Recalling the resolution on Southern Rhodesia adopted at the Addis Ababa Conference of Heads of State and Government held in May 1963,

Having noted with grave concern the critical and explosive situation prevailing in Southern Rhodesia where a minority white settler government has been imposed upon the African peoples against their wishes,

Convinced that this situation constitutes a threat to the solidarity and peace of Africa and the world,

I

Calls on the British Government to:

1. Prevent effectively the threat of unilateral independence or subtle assumption of power by the minority settler régime in Southern Rhodesia;

2. Convene, without further delay, a fully representative constitutional conference of all political parties in Southern Rhodesia to decide on the granting of immediate independence to Southern Rhodesia on the basis of "one man, one vote";

^a Previously issued under the symbol A/AC.109/59.

3. Take immediate steps to end the present explosive political situation in Southern Rhodesia.

II

4. Further, the Council recommends to member States of the OAU to consider their diplomatic and other relations with Britain should the British Government ignore the above recommendations.

III

5. The Council calls on the Liberation Committee of the OAU to strengthen its support of the courageous African nationalists in order that they may intensify the struggle and carry it to its logical conclusion, namely, independence based on the principle of "one man, one vote";

6. Requests the African Group at the United Nations, with the help of the Asian and other interested groups, to take appropriate diplomatic measures to ensure that the British Government implement, without delay, past United Nations resolutions on Southern Rhodesia.

APPENDIX II

Letter dated 20 March 1964 from the Chairman of the Special Committee to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations

I have the honour to inform you that during its meeting of 20 March 1964, the attention of the Special Committee was drawn to document A/AC.109/PET.188. The Special Committee is told in this document that the white settler minority Government of Southern Rhodesia has sentenced an African nationalist named Richard Mapolisa to death by hanging. The Special Committee has also been informed that following the sentencing of Mr. Richard Mapolisa, two other Africans were sentenced to death.

In view of the seriousness of these sentences and their possible consequences, the Special Committee has requested me, without prejudice to the decisions it might take on the question of Southern Rhodesia, to issue an appeal to the United Kingdom Government to use its powers and prerogatives in order to prevent the sentences from being carried out.

Following the agreement reached in the Special Committee to direct this appeal to the United Kingdom Government, the representative of the United Kingdom in the Special Committee stated that he would transmit it to his Government.

I would therefore request you, Sir, urgently to approach your Government so that a decision may be taken along the lines which we have indicated.

(Signed) Sori COULIBALY
Chairman of the
Special Committee on the Situation
with regard to the Implementation of
the Declaration on the Granting of
Independence to Colonial Countries
and Peoples

APPENDIX III

Letter dated 20 April 1964 to the Chairman of the Special Committee from the Secretary-General transmitting a message dated 18 April 1964 from the President of the Republic of Ghana^b

I have the honour to transmit herewith a copy of a message from the President of Ghana concerning "the restriction of Mr. Joshua Nkomo and three of his colleagues to an area close to the Mozambique and South African borders". Since the question of Southern Rhodesia is on the agenda of the Special Committee, you may wish to bring this message to the attention of the members of your Committee.

^b Previously issued under the symbol A/AC.109/67.

I might add for your information that I am taking up this matter with the Permanent Representative of the United Kingdom.

(Signed) U THANT
Secretary-General
of the United Nations

I have the honour to transmit to your Excellency the following message received from Osagyefo Dr. Kwame Nkrumah, President of the Republic of Ghana:

"Dear Mr. Secretary-General,

"I have received with great concern the news of the restriction of Mr. Joshua Nkomo and three of his colleagues to an area close to the Mozambique and South African borders. This news is disquieting in view of the statements made by petitioners from South West Africa in the Fourth Committee of the General Assembly of the United Nations regarding the banishment of certain African nationalists to neighbouring Portuguese territories and the torture and eventual execution to which these nationalists have been subjected by the Portuguese authorities. The fate of the Congolese patriot and hero, Mr. Patrice Lumumba, is still fresh in our minds and we in Africa cannot stand by while a similar fate is meted out to other nationalist leaders.

"I am therefore requesting you to seek to obtain a guarantee for the safety of Mr. Nkomo and his colleagues from the Government of the United Kingdom, which is the Administering Authority of the colony, and also to seek their immediate release and freedom of movement as requested by the many resolutions of the General Assembly.

"You will agree, Mr. Secretary-General, that this act, following closely on the change of régime in Southern Rhodesia, clearly indicates the extreme ends to which the minority settler-government of Southern Rhodesia is prepared to go in its desperation. The situation therefore calls for the firmest and urgent action. I hope that you will consider the situation serious and urgent enough to use your good offices in urging the British Government for proper guarantees of the safety of these African nationalist leaders.

"I look forward to hearing from you as soon as possible. Meanwhile, you may, at your discretion, wish to circulate this message to the Members of the United Nations.

"With assurances of my highest consideration.

Kwame NKUMAH
President of the Republic of Ghana"

(Signed) Nathan A. QUAO
Chargé d'affaires,
Permanent Mission
of Ghana to the
United Nations

APPENDIX IV

Report of the Sub-Committee on Southern Rhodesia^a

INTRODUCTION

1. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of Southern Rhodesia at its 223rd to 233rd meetings, between 6 and 24 March 1964, and at its 245th to 249th, 252nd, 258th, 259th, 262nd and 263rd meetings between 20 April and 22 May 1964. The discussions on this question were held in the context of General Assembly resolutions 1747 (XVI) of 28 June 1962, 1755 (XVII) of 12 October 1962, 1760 (XVII) of 31 October 1962, 1883 (XVIII) of 14 October 1963, 1889 (XVIII) of 6 November 1963 and 1956 (XVIII) of 20 December 1963.

2. The Special Committee had before it two reports submitted by the Secretary-General on 11 December 1963^d and 5 March 1964 (A/AC.109/57) regarding the implementation

of operative paragraph 8 of General Assembly resolution 1889 (XVIII).

3. The Special Committee also had before it a working paper prepared by the Secretariat containing information on recent developments concerning Southern Rhodesia. The Special Committee was also aware, among other things, of the following subsequent developments:

(a) On 24 March 1964, the Southern Rhodesia Legislative Assembly adopted, by 31 votes to 26, a motion requesting the Governor to address a petition to the Queen, praying that Section 111 of the Constitution be amended so that the residual powers of the United Kingdom should be exercised at the request and only with the consent of the Government of Southern Rhodesia. The object of the desired amendment was to ensure that those powers, which include the power to disallow certain categories of Southern Rhodesian legislation, would be exercised exclusively at the request of the Southern Rhodesian Government. The present Constitution of Southern Rhodesia prescribes in this connexion that amendments to any of its specially entrenched provisions which have been duly passed by a two-thirds majority of the Legislative Assembly shall not become law unless an address is presented to the Governor requesting him to submit them to the Queen for assent. However, the Government of the United Kingdom had not received a submission from the Governor to this effect.

(b) The Prime Minister of Southern Rhodesia, Mr. Winston Field, resigned on 13 April 1964. He was succeeded on the same day by Mr. Ian Smith, the Deputy Prime Minister and Minister of the Treasury. On the day of his accession to office, the new Prime Minister was reported to have told a Press conference that, though his Government would strive for a negotiated independence, it could visualize circumstances which would drive it to do something else. At another Press conference on 16 April 1964, he stated that he did not believe that there would be an African government in Southern Rhodesia during his lifetime. He added that his life expectancy was about thirty more years.

(c) A motion calling for the repeal of the Land Apportionment Act was defeated by 31 votes to 27 in the Southern Rhodesia Legislative Assembly on 10 March 1964.

(d) Mr. Joshua Nkomo and three of his leading supporters, Mr. Josiah Chinamano, his wife, Mrs. Ruth Chinamano and Mr. Joseph Msika, were arrested on 16 April 1964 and placed under restriction for twelve months.

4. At its 232nd meeting on 23 March 1964, the Special Committee adopted, by a roll-call vote of 18 to none, with 5 abstentions a draft resolution as orally amended by the co-sponsors (A/AC.109/L.103 and Add.1), jointly sponsored by Cambodia, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia (see Chapter III, para. 345).

5. At its 233rd meeting on 24 March 1964, the Special Committee adopted by a roll-call vote of 21 votes to none, with 2 abstentions, another draft resolution (A/AC.109/L.105), co-sponsored by Cambodia, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia (see Chapter III, para. 355).

6. At its 249th meeting on 27 April 1964, the Special Committee adopted by a roll-call vote of 19 to none, with 3 abstentions, another draft resolution (A/AC.109/L.111) jointly sponsored by Cambodia, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia (see Chapter III, para. 430).

7. At the same meeting, the representative of the United Kingdom recalled during the current discussion of the question of Southern Rhodesia that reference had been made by some delegations to a possible visit by a sub-committee of the Special Committee to London. In his statement at the 229th meeting of the Special Committee on 18 March 1964, he had indicated that his Government would be prepared to receive a sub-committee in London. He stated that this position had not changed; if the Special Committee decided to form a sub-committee, and if that sub-committee wished to go to London in connexion with its inquiries into the situation in

^a Previously issued under the symbol A/AC.109/L.128.

^d Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 75, document A/5664.

Southern Rhodesia, then his Government would welcome them in London and invite them to have discussions on the same basis as last year.

8. At the 247th, 248th and 249th meetings of the Special Committee on 25 and 27 April 1964, Mr. G. B. Nyandoro, Secretary-General of the Zimbabwe African People's Union, and Mr. Garfield Todd, former Prime Minister of Southern Rhodesia, appeared as petitioners and provided it with information on recent developments in Southern Rhodesia.

9. At its 252nd meeting on 30 April 1964, the Special Committee decided, on the proposal of the representative of Ethiopia, to request the Chairman to obtain from the representative of the United Kingdom certain clarifications of his statement on 27 April 1964 concerning a possible visit to London of a sub-committee of the Special Committee.

10. At the 258th meeting on 15 May 1964, the Chairman informed the Special Committee that, in response to his inquiries, the representative of the United Kingdom had confirmed that his Government was prepared to receive a sub-committee in London. The Ministers concerned were prepared to discuss with it all questions relating to Southern Rhodesia and to examine with it any suggestions it might make. However, the United Kingdom Government could not undertake any commitment as to the coming to London of various leaders of political parties in Southern Rhodesia.

11. At the 259th meeting of the Special Committee on 18 May, the Special Committee had before it a report submitted by the Secretary-General on 4 May 1964 (A/AC.109/70) concerning the position of the United Kingdom Government with regard to the implementation of the resolutions adopted by the Committee on this question during its current session. At the same meeting, the Special Committee adopted without a formal vote a draft resolution, co-sponsored by Ethiopia, Iraq and Sierra Leone. The text of the resolution (A/AC.109/76) is as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Taking note of the willingness of the administering Power to enter into an exchange of views on the question of Southern Rhodesia with a mission of the Special Committee on the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV),

"1. Decides to send a Sub-Committee composed of five members, to be appointed by the Chairman, to London to discuss with the Government of the United Kingdom the implementation of the resolutions of the General Assembly as well as of the Special Committee concerning Southern Rhodesia;

"2. Requests the Sub-Committee to report to the Special Committee without delay on the result of its discussions with the Government of the United Kingdom."

12. At its 262nd meeting on 21 May 1964, the Chairman informed the Special Committee that, in accordance with this resolution, he had nominated the following as members of the Sub-Committee: Mali (Chairman), Ethiopia, Sierra Leone, Syria and Yugoslavia.

13. At its 263rd meeting on 22 May 1964 the Special Committee adopted by a roll-call vote of 18 to none, with 4 abstentions, a draft resolution (A/AC.109/L.122) sponsored by Ethiopia. The text of the resolution (A/AC.109/80) is as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling its resolution on the question of Southern Rhodesia, adopted on 18 May 1964, by which it decided to send a Sub-Committee of five members to London,

"Decides to authorize the Sub-Committee to visit such places in Africa as it may consider necessary in connexion with the implementation of the resolutions of the General

Assembly and the Special Committee concerning Southern Rhodesia."

14. The Sub-Committee was composed of the following representatives: Mr. Sori Coulibaly (Mali), *Chairman*; Mr. Gershon B. O. Collier (Sierra Leone); Mr. Tesfaye Gebre-Egzy (Ethiopia); Mr. Danilo Lekić (Yugoslavia). The representative of Syria was unable to take part in the work of the Sub-Committee, owing to ill health.

15. In accordance with its mandate, the Sub-Committee visited London from 30 May to 5 June 1964. It was accompanied by Mr. G. K. J. Amachree, Under-Secretary for Trusteeship and Non-Self-Governing Territories, as representative of the Secretary-General. Also accompanying the Sub-Committee was a secretariat composed of Mr. M. E. Chacko, Secretary of the Special Committee, Mr. K. K. S. Dadzie, Political Affairs Officer, and Miss Colette Charpentier, Secretary.

16. During its stay in London, the Sub-Committee held two meetings, on 1 and 2 June 1964 with representatives of the United Kingdom Government. At these meetings the United Kingdom Government was represented by the following, together with their advisers:

The Right Honourable Duncan Sandys, M.P., Secretary of State for Commonwealth Relations and for the Colonies; The Duke of Devonshire, Minister of State, Commonwealth Relations Office; Mr. Peter Thomas, M.P., Minister of State, Foreign Office; Mr. C. E. King, Foreign Office; Sir Arthur Snelling, Commonwealth Relations Office.

17. In addition to the two formal meetings, the Sub-Committee paid a courtesy call on the Secretary of State for Foreign Affairs. The Sub-Committee also had talks with African nationalist leaders from Southern Rhodesia and with representatives of certain organizations interested in developments in the Territory. The Sub-Committee also held a Press conference in London on 3 June 1964.

DISCUSSIONS WITH THE UNITED KINGDOM GOVERNMENT

18. At the first meeting with the United Kingdom Ministers, the Sub-Committee explained the purpose of its visit to London.

19. The Sub-Committee pointed out that the mandate conferred on it by the Special Committee was, as set forth in that Committee's resolution of 18 May 1964 (A/AC.109/76), to discuss with the Government of the United Kingdom the implementation of the resolutions concerning Southern Rhodesia of the General Assembly and of the Special Committee. Bearing that mandate in mind, the Sub-Committee would refrain from going into the historical background of the question, which had been exhaustively discussed during the visits to London of previous Sub-Committees.

20. The Sub-Committee also recalled that the question of Southern Rhodesia had been discussed by the General Assembly at its eighteenth session, when on 14 October 1963 and 6 November 1963 it had adopted resolutions 1883 (XVIII) and 1889 (XVIII), the contents of which were known to the United Kingdom Government. It was a matter for deep regret that these and other resolutions of the General Assembly on the question had not been implemented by the United Kingdom.

21. The Sub-Committee stated that the explosive situation prevailing in the Territory, which the General Assembly held to be a threat to international peace and security, had been further aggravated by recent developments. Among these developments were the arrest and detention of Mr. Joshua Nkomo and his colleagues, the imposition of death sentences on other African nationalist leaders, the ban on the People's Caretaker Council from convening meetings, the continued denial of political rights and elementary freedoms to the African population and the increasing danger of a unilateral declaration of independence by the present minority Government of Southern Rhodesia.

22. These developments had caused grave concern to the Special Committee, which had consequently accorded priority of consideration to the question of Southern Rhodesia and had adopted three substantive resolutions (A/AC.109/61,

A/AC.109/62 and A/AC.109/68) on this matter during its present session. These resolutions had laid stress, *inter alia*, on two points, namely, the immediate release of Mr. Joshua Nkomo and other political prisoners and the immediate holding of a constitutional conference, to be attended by all political parties, which would make constitutional arrangements for independence on the basis of universal adult suffrage.

23. The Sub-Committee also pointed out that the grave concern expressed in these resolutions regarding Southern Rhodesia was not confined to the United Nations. The African States, in particular, had adopted similar resolutions (A/AC.109/59) on the question at the Conference of Heads of African States and Governments held at Addis Ababa in May 1963 and at the second regular session of the Council of Ministers of the Organisation of African Unity held at Lagos, in February 1964. The positions set forth in these resolutions were a reflection of the deep anxiety felt by the international community regarding the situation in Southern Rhodesia which constituted a serious threat to international peace.

24. The Sub-Committee interpreted the willingness of the United Kingdom Government to discuss the question as an indication of its desire to find a solution to the problem. The Sub-Committee would accordingly be glad to learn what steps the United Kingdom Government intended to take for the implementation of the resolutions of the General Assembly and of the Special Committee. These resolutions were aimed at the attainment of independence by the Territory on the basis of majority rule, a principle to which the United Kingdom Government had previously declared its adherence.

25. The United Kingdom Ministers then proceeded to explain the position of the United Kingdom Government.

26. With regard to the constitutional position of the United Kingdom Government in relation to Southern Rhodesia, the Ministers reiterated the statements previously made on this matter by them and their representatives. Southern Rhodesia had enjoyed control of its internal affairs for over forty years. Unlike other United Kingdom dependencies, it had the power to amend its own constitution, and exercised control over its defence forces. It had wide discretion to conduct relations with other Commonwealth countries at the level of High Commissioner, and with South Africa, as well as relations at the consular level with other countries. The powers of the United Kingdom Government were limited to certain residual responsibilities for Southern Rhodesia's external relations. The United Kingdom Government had over the years accepted the convention that it does not intervene in the internal affairs of Southern Rhodesia, and that the United Kingdom Parliament does not legislate for matters within the competence of the Legislative Assembly of Southern Rhodesia except with the agreement of the Southern Rhodesian Government. The Ministers asked the Sub-Committee to accept that this was the constitutional position, in accordance with which the United Kingdom Government would act.

27. The United Kingdom Ministers agreed that there was tension in Southern Rhodesia but did not share the view that the situation constituted a threat to international peace. According to them, there was similar and sometimes greater tension in other countries which the United Nations often did not regard as a threat to international peace. They also maintained that no one in Southern Rhodesia, of whatever race or party, had the slightest desire to be a threat to international peace. Such a threat would only come into existence if there were intervention from outside in the internal affairs of the Territory.

28. With regard to the arrests mentioned by the Sub-Committee, the United Kingdom Ministers asserted that while they would agree that conditions of liberty in Southern Rhodesia were not comparable to those existing in the United Kingdom, the United Kingdom Government was not competent to express an opinion on the wisdom or rightness of actions which, in their view, were the responsibility of the Southern Rhodesian Government. At the same time, the Ministers pointed out that many of the countries, which were only too ready to

criticize the situation in Southern Rhodesia, had far less regard for liberty, justice and democracy.

29. As to the threat of a unilateral declaration of independence, to which the Sub-Committee had alluded, the United Kingdom Government had explained to the Southern Rhodesian Government in no uncertain terms that it would be totally opposed to such a step.

30. With reference to the need for majority rule in the Territory, the Ministers recalled the United Kingdom Government's affirmations that it was prepared to grant independence to Southern Rhodesia on the same conditions as it had granted it to other United Kingdom Territories and that one of the matters to which it would give attention in that connexion would be the widening of the franchise. It was true that the present franchise in Southern Rhodesia was limited, but this was a matter to be worked out by the Southern Rhodesian Government, whose responsibility it was.

31. On the question of a constitutional conference, the Ministers remarked that the African nationalist leaders had participated in the constitutional conference which produced the 1961 Constitution, but that after agreeing to that Constitution, they had repudiated it under pressure from their followers and decided to boycott the subsequent elections. Many of Southern Rhodesia's present difficulties stemmed from this boycott. The Ministers also pointed out that when the Southern Rhodesian Government submitted its demand for independence a year ago, the United Kingdom Government had replied that as a normal precedent to independence a conference would have to be held at which such matters as the constitution and the franchise would be discussed. The reaction of the Southern Rhodesian Government, however, was that since it had the right to amend its own Constitution, it was not for the United Kingdom Government to convene such a conference. Consequently, in the view of the United Kingdom Government, no useful purpose would be served by planning a conference in which the Southern Rhodesian Government would not participate.

32. The Ministers reaffirmed the conviction they had expressed in their discussions with the Sub-Committee last year that only agreement and persuasion, not force, could lead to rapid progress in the solution of the problems of Southern Rhodesia. This implied a reconciliation of views between those who insisted on the immediate application of majority rule on the "one man, one vote" principle, and others who preferred the present Constitution to be maintained, with the prospect of an African majority emerging in fifteen years' time. In the belief of the Ministers, a compromise was not impossible. This meant that all who looked for a settlement must approach the problem constructively, in a spirit of sympathy and with understanding of the points of view of both communities in Southern Rhodesia, as well as a desire to bring them together in an atmosphere of confidence. The Ministers recalled that the United Kingdom Government had suggested that the Commonwealth countries might be able to play some part in bringing about such a solution. Though much progress had not been made along this line, the United Kingdom Government still held the belief that it offered some possibility of advance.

33. The Ministers remarked, however, that the confidence of the European population of Southern Rhodesia at the prospect of transferring power to an African majority had not been increased by recent events in East Africa and elsewhere. At the same time the continued expression of sharply critical opinion in the United Nations and elsewhere was not likely to influence conditions in Southern Rhodesia in the direction desired.

34. The Ministers emphasized that the United Kingdom Government was anxious that Southern Rhodesia should move towards greater prosperity with the unity and co-operation of all its peoples and that this result could be achieved, not by concentration on criticism or by the advocacy of extreme and impractical solutions, but by the promotion of reconciliation in the Territory. In this task, the United Nations and in particular the Special Committee could play a part by helping to create an atmosphere in which agreement might prove possible.

35. The Sub-Committee undertook to examine the statement of the United Kingdom Ministers and, at a later meeting, to make comments and suggestions for a solution to the Southern Rhodesian problem. It had no wish, however, to engage in a discussion of the differing conceptions of liberty held by the Governments of independent countries.

36. After studying the statement of the United Kingdom Ministers concerning the position of the United Kingdom Government, the Sub-Committee, at the second meeting with the Ministers, presented its reply to the points made during the previous discussion and made suggestions for consideration by the United Kingdom Government.

37. The Sub-Committee recalled that at the end of the previous meeting it had expressed the wish to confine the discussions to the question of Southern Rhodesia and within the framework of its mandate. The system of government, the electoral arrangements and the degree of liberty obtaining in independent countries were matters within the exclusive sovereignty of the people concerned. In deference to the provisions of the Charter and to the principles of peaceful coexistence among States with different political, economic and social systems, the Sub-Committee would refrain from interference in the internal affairs of sovereign independent countries. It was precisely in order to permit the people of Southern Rhodesia to accede to sovereign independence in accordance with the resolutions of the General Assembly and Special Committee that the Sub-Committee had been assigned its task. Southern Rhodesia was a colony where a minority of some 220,000 settlers aimed at perpetuating its domination over the three and a half million African majority, through the use of force, racial discrimination and anti-democratic legislation. Such a colonial régime could not be compared to the governmental system which the independent peoples of Africa and elsewhere enjoy in full sovereignty.

38. The Sub-Committee also pointed out that discussions in the United Nations, far from defeating the aims advanced within the Organization, had impressed on the African nationalists the need for a peaceful solution. If the Africans in Southern Rhodesia had not had recourse to violence it was because of their confidence in the United Nations ability to achieve a peaceful solution to the problem. Rejecting the contention of the United Kingdom Ministers that the situation was not a threat to peace, the Sub-Committee recalled that the General Assembly had stated in resolution 1889 (XVIII) that the aggravation of the situation in Southern Rhodesia constituted a threat to international peace and security. The Special Committee, in its resolution of 23 March 1964, had also drawn the attention of the Security Council to the explosive situation in Southern Rhodesia which constituted a grave threat to international peace and security. The Sub-Committee further pointed out that, in the event that the Africans were reduced to despair and took up arms to regain their legitimate rights, the African States, having regard to their decisions at the Addis Ababa Conference last year, and for reasons of solidarity, could not remain indifferent to such a situation. This applied also to a number of non-African States. The existing threat to international peace would then become a breach of the peace.

39. Further, the Sub-Committee stated that it was aware of the United Kingdom Government's position that it could not intervene in the internal affairs of Southern Rhodesia. It was not necessary to go into either the historical background or to a detailed argument of the point. Nor was this the occasion to argue the claim advanced by the Ministers that the African nationalist leaders had accepted the 1961 Constitution and then repudiated it in the face of pressure from their supporters. These matters had been considered in detail by the Sub-Committee which visited London in 1962, and in 1963, and by the Special Committee and by the General Assembly. However, the United Kingdom position had been rejected by the United Nations, when, in resolutions 1747 (XVI) and 1760 (XVII), the General Assembly clearly affirmed that Southern Rhodesia was a Non-Self-Governing Territory. This affirmation had lost none of its validity. The United Kingdom was fully responsible as the administering Power for the Territory. It bore an inescapable responsibility concerning the

destinies of the people of Southern Rhodesia and particularly for the African people who were the principal victims of the present state of affairs in Southern Rhodesia.

40. Concerning the allusion made by the Ministers to the impact of recent events in Africa on the Europeans in Southern Rhodesia, the Sub-Committee observed that while regretting the crises which had, for a time, troubled that part of Africa, these situations were not peculiar to Africa and that similar crises had occurred in other parts of the world without provoking such reactions.

41. The Sub-Committee stated that it had noted with appreciation the United Kingdom Government's opposition to a unilateral declaration of independence by the minority settler government and its adherence to the principle of majority rule. The Sub-Committee had also taken note of the United Kingdom Government's readiness to examine suggestions for a solution, and its belief that a compromise solution was not impossible. While recognizing that only the interested parties, namely the United Kingdom as administering Power and the two communities living in Southern Rhodesia, were competent to discuss the nature and content of a compromise, the Sub-Committee emphasized that the essential prerequisite for a compromise was the removal of the grave tension prevailing in the Territory.

42. The causes of the grave tension were, in essence, the arrest and detention of Mr. Nkomo and other political leaders, the ban on the People's Caretaker Council and other restrictions on African political activity, which had deprived the Africans of the possibility of participating in the running of the country, the inequitable electoral system embodied in the present Constitution, and the existence of repressive and discriminatory laws, particularly the Law and Order (Maintenance) Act and the Land Apportionment Act.

43. In this situation, the Sub-Committee strongly urged the United Kingdom Government immediately to use all its powers, influence and prerogatives to carry out the following suggestions: first, Mr. Joshua Nkomo and all other political prisoners should forthwith be released. Secondly, action should be taken without delay to repeal all repressive and discriminatory legislation, particularly the Law and Order (Maintenance) Act and the Land Apportionment Act. Thirdly, all restrictions on African political activity should immediately be removed and full democratic freedom and equality of political rights established. Finally, as a matter of urgency, steps should be taken to hold a constitutional conference, with the participation of all political parties in Southern Rhodesia, which would formulate constitutional arrangements for early independence on the basis of universal adult suffrage.

44. In order to enable it to assess how the United Nations could assist in the desired direction, the Sub-Committee invited the Ministers to give it some indication of their intentions and of their reactions to these suggestions. The Sub-Committee was ready to co-operate in the search for a solution which would embody the principle of majority rule and at the same time protect the rights of the minority; but such a solution must speedily be found and implemented before explosions of hate and violence make impossible all co-operation between the two communities.

45. At the same meeting, the Ministers explained their reaction to the Sub-Committee's statement. They appealed to the Sub-Committee to bear in mind, in considering its attitude to the United Kingdom Government's policy, the remarkable record of that Government in bringing to complete independence some 700 million people. The desire of the United Kingdom Government was to bring Territories independence under conditions of freedom and efficiency. It had done so for Territories with large European populations such as Kenya, and Northern Rhodesia. However, the realities of the situation, which the Sub-Committee did not wish to accept, were that the United Kingdom Government had no power to intervene in Southern Rhodesia either constitutionally or physically and it could not enforce its will even if it wished to do so. The United Kingdom Government had no intention of attempting any action which would be both wrong and impracticable.

46. The Ministers recognized that conditions in other countries were outside the Sub-Committee's terms of reference, but they emphasized that developments in certain African countries had in fact disturbed and frightened the Europeans who control Southern Rhodesia. The Europeans were therefore concerned that what had taken place in these African countries should not happen in Southern Rhodesia. Though there was legislation in force in Southern Rhodesia which might be oppressive, the rule of law prevailed there, and the Southern Rhodesian Government did not wish to see it undermined, as was the case in other countries.

47. The Ministers also pointed out that the level of economic and educational development in Southern Rhodesia was far in advance of that of most other African countries, and that insistence on a doctrinaire and unrealistic approach to the problems of Southern Rhodesia could lead to a deterioration in this position. Referring to the suggested repeal of discriminatory legislation, the Ministers affirmed that the United Kingdom Government was opposed in principle to all discriminatory legislation. They asked the Committee to bear in mind, however, that had the African nationalist groups not decided to boycott the elections under the 1961 Constitution, there would have been fewer difficulties in the way of the removal of these laws.

48. Addressing themselves to the view that the situation in Southern Rhodesia constituted a threat to international peace, the Ministers stated that the adoption of a resolution by the General Assembly of the United Nations on this point did not establish it as a fact nor did it entitle the United Nations to intervene in the internal affairs of Southern Rhodesia. At the same time, the Ministers expressed surprise at the Sub-Committee's statement that the African States would not remain indifferent to the situation, should the Africans in Southern Rhodesia resort to armed struggle. This, in their estimation, implied that these States would in certain circumstances intervene militarily in an internal struggle. A breach of the peace would arise from such military intervention, but that was no valid argument for the position that the situation was a threat to the peace.

49. Regarding the removal of the tension in Southern Rhodesia, the Ministers considered that confidence was the key to the whole situation. Every step that was taken should be directed towards bringing the races together, towards reducing the suspicion that existed on both sides and towards creating greater confidence between them. Only thus could an atmosphere be produced in which some agreed solution might be possible. To intensify animosities and to encourage aspirations which could not be attained overnight except by force was the wrong approach.

50. In response to a question by the Sub-Committee regarding the economic and other pressures that the United Kingdom was in a position to bring to bear on Southern Rhodesia, the Ministers stated that it was not the policy of the United Kingdom Government to seek to change the internal policies of another Government through the imposition of economic pressures. At the same time, it was not the wish of the United Kingdom Government to take measures which would weaken its own economic position. The Ministers further explained that the United Kingdom Government's powers in relation to Southern Rhodesia amounted simply to the right to grant or not to grant independence to the Territory. The only role the United Kingdom Government could play was by way of persuasion and in the establishment of confidence. Asked what action the United Kingdom Government might take if the Southern Rhodesian Government made a unilateral declaration of independence, the Ministers replied that they did not wish to speculate on the matter during these discussions. However, a unilateral declaration of independence was, in their opinion, neither an easy undertaking nor a satisfactory step from the point of view of the country concerned.

51. Concerning the kind of compromise solution they had in mind, the Ministers stated that there was no disagreement between the communities in Southern Rhodesia as to the objective of eventual majority rule. They also recalled their previous statement that a compromise solution would therefore

lie between the positions of those who sought majority rule immediately and those who wished to maintain the present Constitution together with the prospect that it offered of an African majority in Parliament in fifteen years' time.

52. Finally, the Sub-Committee observed that the differences between it and the United Kingdom Government stemmed from a difference of appreciation as to the status of Southern Rhodesia. So far as the Sub-Committee was concerned, Southern Rhodesia was a Non-Self-Governing Territory, as had been determined by the General Assembly, and the United Kingdom was the administering Power, which could not escape the full responsibility for the fate of the African majority. The Sub-Committee could at no time accept that Southern Rhodesia was self-governing, when over three and a half million Africans were excluded from participation in the running of the Territory, which was in the hands of a European minority of some 220,000. Whatever powers were conferred on Southern Rhodesia in 1923 took no account of the views of the Africans, who were not even consulted. Nor were they associated with the development of the convention regarding non-interference in the Territory's affairs. Even if the United Nations were to accept the United Kingdom position that it had no power to intervene, the United Kingdom Government would be acting contrary to all principles of justice and democracy in ignoring the legitimate rights of the Africans.

53. The suggestions that the Sub-Committee had offered were aimed at the removal of the basic causes of the present grave situation and to prepare the ground for a peaceful solution of the problem, in conformity with the decisions of the General Assembly and the Special Committee. The Sub-Committee was ready to co-operate in every way possible in order to achieve the implementation of these suggestions. The Sub-Committee would therefore be grateful if the United Kingdom Government would examine them and inform it of its reactions.

54. At the same meeting, the United Kingdom Ministers stated in reply that these suggestions related to matters which fell within the competence of the Southern Rhodesian Government and consequently, all that the United Kingdom was in a position to do would be to ensure that they were conveyed to the Southern Rhodesian Government.

55. In conclusion, the Ministers expressed the hope that while there might be differences between them and the Sub-Committee regarding the interpretation of the constitutional position and on the possibilities open to the United Kingdom Government, these discussions had revealed to the Sub-Committee that so far as objectives were concerned, there was a wide measure of agreement. They also appealed to the Sub-Committee to have confidence in the sincere desire of the United Kingdom Government to do whatever was in its power to bring about a peaceful and honourable settlement of this problem.

CONCLUSION

56. In the course of the discussions, the Sub-Committee impressed on the United Kingdom Ministers the gravity of the situation in Southern Rhodesia and the danger of upheaval and conflict if the United Kingdom Government, in disregard of General Assembly resolution 1889 (XVIII), acceded to the demands of the present minority Government of Southern Rhodesia for independence before the establishment of majority rule based on universal adult suffrage or if it acquiesced in a unilateral declaration of independence by that Government. It is therefore important to note the assurances conveyed to the Sub-Committee that the United Kingdom Government has explained to the Southern Rhodesian Government in no uncertain terms that it was totally opposed to a unilateral declaration of independence. The United Kingdom Ministers however gave no indication to the Sub-Committee of the measures their Government proposed to take in opposition to such a declaration.

57. The Sub-Committee also took note of the reaffirmation made to it of the United Kingdom Government's acceptance of the principle of majority rule, together with protection for minorities, in relation to Southern Rhodesia. In particular, the

Sub-Committee had in mind the repeated declarations of the United Kingdom Government that it would grant independence to Southern Rhodesia in the same circumstances as it had granted it to other Territories and that, to this end, it looked for a "widening of the franchise" so as to give greater representation to the Africans who constitute nine-tenths of the population but have less than a quarter of the seats in Parliament.

58. At the same time, it was made clear to the Sub-Committee that the United Kingdom Government regarded the present situation with concern, and that though in the view of the United Kingdom Government this situation did not constitute a serious threat to international peace and security, it appreciated that conditions of tension prevailed in the Territory. The Sub-Committee also noted the belief expressed by the United Kingdom Government that in order to prevent a deterioration in the situation, a compromise solution was not only desirable, but was not impossible.

59. The United Kingdom Government did not elaborate upon the nature of the compromise solution it envisaged, or upon the steps it proposed to take to achieve it. Nevertheless, the impression of the Sub-Committee was that the United Kingdom had in mind an enlargement of the franchise, but to an extent which would fall significantly short of universal adult suffrage, as called for in the resolutions of the General Assembly and Special Committee, and as desired by the Africans. The Sub-Committee has no objection to a compromise solution freely agreed upon between all the parties concerned on the basis of full democratic freedom, the principle of majority rule and equality of political rights; however, the continued denial to the Africans of their legitimate and inalienable rights precludes the attainment of any compromise solution in keeping with the resolutions of the General Assembly and Special Committee.

60. The United Kingdom Government has made no progress beyond its initial position regarding the implementation of these resolutions. It continued to maintain that it had no power to intervene in the internal affairs of Southern Rhodesia, owing to the constitutional status of the Territory. This question, however, was determined by the General Assembly in resolution 1747 (XVI) which affirmed that Southern Rhodesia is a Non-Self-Governing Territory and that the United Kingdom is the administering Power. All subsequent resolutions of the General Assembly concerning Southern Rhodesia have been based on this finding. As has been made clear by previous Sub-Committees, the United Nations has thus rejected the United Kingdom contention that it has no power to intervene in the internal affairs of the Territory.

61. In the view of the Sub-Committee the attitude of the United Kingdom suggests that it is preoccupied with the interests of the minority European element and with its own economic relations with Southern Rhodesia, to the exclusion of the interests of the African population, for which it bears responsibility. As was pointed out by previous Sub-Committees on Southern Rhodesia, the granting of so-called self-government to the European minority in 1923, as well as the development of the convention of non-interference in the internal affairs of Southern Rhodesia, took place without any consultation with the African people. Reference should also be made in this connexion to the adoption by the Southern Rhodesian Legislative Assembly of a motion seeking to ensure that the United Kingdom Government should exercise its residual powers under Section 111 of the Constitution exclusively at the request and with the consent of the Southern Rhodesian Government. The passage of this resolution, in the opinion of the Sub-Committee proves that even the Southern Rhodesian Parliament holds that the United Kingdom Government has the constitutional competence to intervene in the affairs of the Territory. At the same time, the Sub-Committee recalls that on at least two occasions in recent colonial history, the United Kingdom has actively intervened in Territories which had a no less extensive measure of autonomy in order to implement decisions which it thought fit to make. In all these circumstances, the plea put forward that the United Kingdom has not the competence to ensure the establishment of the legitimate rights

of the people is in the opinion of the Sub-Committee untenable, and serves only to perpetuate the injustice and inequality meted out to the African majority forty years ago.

62. The Sub-Committee deeply regrets that the suggestions it submitted to the United Kingdom Government, which were aimed at the removal of the underlying causes of the present explosive situation in the Territory, did not receive a favourable response. In the opinion of the Sub-Committee, the reaction of the United Kingdom Government that, having no power to ensure the implementation of these suggestions, it would merely transmit them to the Southern Rhodesian Government, amounts to a flagrant denial of its responsibilities to protect the interests of the majority of the Territory's inhabitants, and a deplorable refusal to discharge its obligations under the Charter and under the resolutions adopted by the General Assembly on this question.

63. The situation in Southern Rhodesia, which the General Assembly has previously acknowledged as a threat to international peace and security, has been seriously aggravated by recent developments. Owing to these developments, there has set in a mood of desperation which, unless present trends are arrested, will lead to serious conflict and violence, the repercussions of which will not be limited to Southern Rhodesia. At the same time, the Sub-Committee considers that further discussions with and representations to the United Kingdom Government within the framework of its mandate are unlikely to yield fruitful results.

64. In the light of the foregoing conclusions, and in view of the increasing gravity of the situation, the Sub-Committee is of the considered view that the question of Southern Rhodesia should be considered by the Security Council as a matter of great urgency. Without wishing to indicate to the Security Council what steps it should take, the Sub-Committee would nevertheless stress the necessity of envisaging the following measures in order to eliminate the causes of the grave situation prevailing in the Territory:

- (1) The release of Mr. Joshua Nkomo and all other political prisoners;
- (2) The repeal of all repressive and discriminatory legislation, and in particular, the Law and Order (Maintenance) Act and the Land Apportionment Act;
- (3) The removal of all restrictions on African political activity and the establishment of full democratic freedom and equality of political rights;
- (4) The holding of a constitutional conference in which representatives of all political parties will take part with a view to making constitutional arrangements for independence, on the basis of universal adult suffrage, including the fixing of the earliest possible date for independence.

ADOPTION OF THE REPORT

65. This report was unanimously adopted by the Sub-Committee on 17 June 1964.

APPENDIX V

Meeting of Commonwealth Prime Ministers, July 1964

EXCERPT FROM FINAL COMMUNIQUÉ

1. The Prime Ministers of the other Commonwealth countries welcomed the progress of British territories to independent membership of the Commonwealth. They recognized that the authority and responsibility for leading her remaining Colonies to independence must continue to rest with Britain.

2. At the same time, Prime Ministers of other Commonwealth countries expressed their views to the Prime Minister of Britain on the question of the progress of Southern Rhodesia towards independence within the Commonwealth. They welcomed the decision already announced by the British Government that, as in the case of other territories, the existence of sufficiently representative institutions would be a condition of the grant of independence to Southern Rhodesia. They also noted with approval the statement already made by the

British Government that they would not recognize any unilateral declaration of independence; and the other Prime Ministers made it clear that they would be unable to recognize any such declaration. The view was also expressed that an Independence Conference should be convened which the leaders of all parties in Southern Rhodesia should be free to attend. The object would be to seek agreement on the steps by which Southern Rhodesia might proceed to independence within the Commonwealth at the earliest practicable time on the basis of majority rule. With a view to diminishing tensions and preparing the way for such a conference, an appeal was made for the release of all the detained African leaders. The Prime Ministers called upon all leaders and their supporters to exercise moderation and to abstain from violence; and they affirmed their belief that the best interest of all sections of the population lay in developing confidence and co-operation, on the basis of tolerance, mutual understanding and justice. In this connexion, they recognized the necessity for giving confidence to the minority community in Southern Rhodesia that their interests would be protected.

3. The Prime Minister of Britain said that he would give careful consideration to all the views expressed by other Commonwealth Prime Ministers. At the same time he emphasized that the Government of Southern Rhodesia was constitutionally responsible for the internal affairs of that territory and that the question of the granting of independence was a matter for decision by the British Parliament.

APPENDIX VI

Resolution concerning Southern Rhodesia adopted at the First Ordinary Session of the Assembly of Heads of African States and Governments

The Assembly of Heads of State and Government meeting in its First Ordinary Session in Cairo, the United Arab Republic, from 17 to 21 July 1964,

Recalling the Resolution on Decolonization adopted by the Conference of Heads of State and Government in Addis Ababa, in May 1963, and Resolution CM.14 (II)* adopted by the Council at its Second Session in Lagos,

Recalling further the resolutions adopted by the General Assembly of the United Nations on the question of Southern Rhodesia,

Deeply concerned over the continued deterioration of the situation in Southern Rhodesia resulting from the increasingly repressive measures being applied by the racist minority government of European settlers,

Noting with satisfaction the stand taken by the leaders of the African Member States of the Commonwealth at the 13th Conference of Commonwealth Presidents and Prime Ministers held in London, in July 1964,

Noting further the final communiqué issued by the Conference on the question of Southern Rhodesia,

Having examined the Report of the African Group at the United Nations, submitted in response to Resolution CM.14 (II) of the Council of Ministers to take appropriate diplomatic measures to ensure that the British Government implement, without delay, the resolutions of the United Nations on Southern Rhodesia,

Requests:

1. African States to take a vigorous stand against a Declaration of Independence of Southern Rhodesia by a European minority government and to pledge themselves to take appropriate measures, including the recognition and support of an African nationalist government in exile should such an eventuality arise;

2. The African Group at the United Nations to examine further measures to be taken in the event of declaration of independence by the European minority government and to submit a report to the Council;

* See appendix I.

3. The United Kingdom to convene immediately a constitutional conference in which representatives of all political groups in Southern Rhodesia would participate with a view to preparing a new and democratic constitution ensuring majority rule on the basis of "one man, one vote";

4. The immediate release of Joshua Nkomo, the Rev. Ndabaningi Sithole and all other political prisoners and detainees;

5. The Foreign Ministers of Algeria and Senegal assisted by the African Group at the United Nations to undertake the task of presenting the problem of Southern Rhodesia at the appropriate time before the Security Council;

6. The Governments of Malawi and the United Republic of Tanganyika and Zanzibar to offer their good offices to the nationalist parties in Southern Rhodesia so as to bring about a united front of all the liberation movements for the rapid attainment of their common objective of independence;

7. The African nationalist movements in Southern Rhodesia to intensify their struggle for immediate independence.

APPENDIX VII

Text of the joint communiqué issued at the end of discussions between the Prime Minister of the United Kingdom, Sir Alec Douglas-Home, and the Prime Minister of Southern Rhodesia, Mr. Ian Smith, in London, 7 to 11 September 1964

1. There was a full discussion of all aspects of the problem of independence for Southern Rhodesia. The Prime Minister of Southern Rhodesia expounded his case for the grant of independence on the basis of the present constitution and franchise. The British Prime Minister restated and explained the position of the British Government, as already stated in Parliament.

2. The British Prime Minister conveyed to the Prime Minister of Southern Rhodesia the views expressed at the meeting of Commonwealth Prime Ministers in July as set out in their final communiqué. The Prime Minister of Southern Rhodesia, for his part, made it clear that he did not feel bound by any of the statements made at the Commonwealth Prime Ministers' meeting to which he had not been invited.

3. The British Prime Minister told the Prime Minister of Southern Rhodesia that the British Government looked forward to the day when Southern Rhodesia would take her place as an independent sovereign State within the Commonwealth. For their part they were anxious that this should come about as soon as practicable. The British Prime Minister said that the British Government must be satisfied that any basis on which it was proposed that independence should be granted was acceptable to the people of the country as a whole.

4. The Prime Minister of Southern Rhodesia accepted that independence must be based on general consent and stated that he was convinced that the majority of the population supported his request for independence on the basis of the present constitution and franchise. The British Prime Minister took note of this statement but said that the British Government had, as yet, no evidence that this was the case. The Prime Minister of Southern Rhodesia recognized that the British Government were entitled to be satisfied about this and said that he would consider how best it could be demonstrated so that independence could be granted.

5. The British Prime Minister said that the British Government would take account of any views which might be freely expressed by the population on the issues involved, but he must make it plain that the British Government reserved their position.

APPENDIX VIII

Statement by the Prime Minister of Southern Rhodesia in the Legislative Assembly on 15 September 1964

1. The joint communiqué which was issued last Friday (11 September 1964) by the British Prime Minister and myself

is the culmination of a long and intensive exercise on the part of my Government. Over two years ago I had myself come to the conclusion, through my association with the rural areas and the affairs of those areas, that the rural African did not support the extreme African nationalists, and I found that these views were widespread amongst others in the rural areas, and this has been confirmed by my advisers. This Government realized that the activities of these extreme African nationalists, and their resort to the use of intimidation and violence, even murder and arson, has been deliberately designed to undermine the tribal structure. We have taken, and are still taking, steps to remedy this position. In the meantime, the African nationalists over-played their hand and lost most—if not all—of the little sympathy they commanded amongst the African people. I made it very clear to the British Government—and I would stress this point of view to the House—that the bulk of the African people retain their affiliations with the Tribal Trust Areas, and these include the older and more mature African, who is a good and reasonable citizen of this country. The fact that some are not literate is hardly their fault, but they are by no means lacking in wisdom, and I feel that it is only fair and right to obtain from these people an expression of their opinion in this matter. This can most reasonably be done within the framework of the tribal system by using the chiefs and headmen as a means of consultation with the people. I must stress further that the expression of opinion to which I refer cannot and will not mean "one man, one vote". The consultation will, however, be as wide as possible but the plan must be practicable and must operate within the tribal structure. Over and above this, a referendum will be held of all registered voters.

2. I have already discussed this question with the Leader of the Opposition, and am happy to inform the House that he has agreed to co-operate with me in an effort to find the best means of carrying out this vast exercise and I repeat that the necessary consultation must be fair, honest and above-board, and although there will be practical difficulties we must go ahead now, and deal with these difficulties in the best manner available to use when and if they occur.

3. I regret that certain people, in spite of the earnest appeal I made to the contrary, rushed into print on this question before even listening to the case which I have to present, and in these circumstances, as is only to be expected, they have completely misunderstood and misinterpreted the position. By so doing they have confused what would have been a very clear picture had I first had the opportunity of placing the correct facts before the country.

4. Finally, I would like to make an earnest appeal that whatever party differences exist in this House, I believe that the issue of independence for Southern Rhodesia should be placed completely above party politics, and in fact, in the national interest, it is essential that it be so placed, and that all Rhodesians should treat it as such. If we are prepared to do this, our chances of success, which are already excellent, will be even further strengthened.

5. I must emphasize that if we succeed in this exercise it will mean independence for Southern Rhodesia on the present Constitution and franchise and with no lowering of standards.

6. Let our united aim be: independence by Christmas 1964—an achievement which could be shared by all Honourable members of this House who support me in this mission.

CHAPTER IV

SOUTH WEST AFRICA

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963 AND BY THE GENERAL ASSEMBLY AT ITS EIGHTEENTH SESSION

1. Following the adoption by the General Assembly of resolution 1805 (XVII) on 14 December 1962, the Special Committee in 1963 again considered the question of the implementation in respect of South West Africa of the Declaration on the granting of independence to colonial countries and peoples. It also assumed the duty of discharging, *mutatis mutandis*, the tasks previously assigned to the former Special Committee on South West Africa under General Assembly resolution 1702 (XVI) of 19 December 1961.

2. By the resolution adopted on 10 May 1963,¹ the Special Committee recorded its regret that the Government of the Republic of South Africa had taken no steps to implement the resolutions of the General Assembly on South West Africa, and in particular had refused to allow a United Nations Technical Assistance Resident Representative to be stationed in the Territory, and it deplored the refusal of South Africa to co-operate with the Special Committee. The Special Committee also noted with deep concern the continued deterioration of the situation in South West Africa as a result of the intensification of the policy of *apartheid* and considered that any support the Government of South Africa received from any power or financial group encouraged it to persist in its attitude. Taking into consideration the special responsibilities of the United Nations with regard to the Territory, the

Special Committee solemnly reaffirmed the inalienable right of the people of South West Africa to national independence and sovereignty and condemned the continued refusal of South Africa to co-operate with the United Nations in implementing the principles of the Charter and the resolutions of the General Assembly. The Special Committee recommended that the General Assembly consider any attempt by South Africa to annex the Territory as an act of aggression and that it take all necessary steps to establish an effective United Nations presence in the Territory with a view to achieving the objectives of resolution 1702 (XVI) of 19 December 1961. The Special Committee further decided to draw the attention of the Security Council to the situation in South West Africa, deeming it a critical situation, the continuation of which constituted a serious threat to international peace and security. It also recommended that both the General Assembly and Security Council invite all Member States to lend their support for the application of measures advocated in this resolution and other resolutions. In addition, the Special Committee requested the Secretary-General to continue his efforts with a view to achieving the objectives of resolution 1805 (XVII).

3. The resolution of the Special Committee was included in its report on South West Africa submitted to the General Assembly at its eighteenth session (A/5446/Rev.1) and was also transmitted to the Security Council (S/5322). In accordance with a decision taken by the Special Committee at its 200th meeting on 25 July 1963, its report on South West Africa was also transmitted to the Security Council (S/5375).

¹ Official Records of the General Assembly, Eighteenth Session, Annexes, addendum to agenda item 23, document A/5446/Rev.1, chapter IV, para. 213.

4. On 25 October 1963, during the consideration of the question of South West Africa in the Fourth Committee, the representative of South Africa stated that his Government would be unable to announce any decisions regarding its future policy in South West Africa until after it had made a detailed study of the recommendations of the Odendaal Commission, which had not at the time completed its report.

5. On 13 November 1963, the General Assembly adopted resolution 1899 (XVIII) on the question of South West Africa, the operative paragraphs of which read as follows:

"1. *Approves* the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the question of South West Africa, particularly its conclusions and recommendations, and expresses its keen appreciation for the work of the Committee;

"2. *Solemnly reaffirms* the inalienable right of the people of South West Africa to self-determination and independence;

"3. *Condemns* the Government of the Republic of South Africa for its persistent refusal to co-operate with the United Nations in applying the principles of the Charter of the United Nations and implementing the resolutions of the General Assembly;

"4. *Considers* that any attempt to annex a part or the whole of the Territory of South West Africa constitutes an act of aggression;

"5. *Requests* the Secretary-General:

"(a) To continue his efforts with a view to achieving the objectives stated in paragraphs 5 and 6 of General Assembly resolution 1805 (XVII);

"(b) To invite the Government of South Africa to inform him of its decision regarding the provisions of those paragraphs not later than 30 November 1963;

"(c) To report to the General Assembly immediately after he has received the reply of the Government of South Africa;

"6. *Decides* to draw the attention of the Security Council to the present critical situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security;

"7. *Urges* all States which have not yet done so to take, separately or collectively, the following measures with reference to the question of South West Africa:

"(a) Refrain forthwith from supplying in any manner or form any arms or military equipment to South Africa;

"(b) Refrain also from supplying in any manner or form any petroleum or petroleum products to South Africa;

"(c) Refrain from any action which might hamper the implementation of the present resolution and of the previous General Assembly resolutions on South West Africa;

"8. *Requests* the Special Committee:

"(a) To continue its efforts with a view to discharging the tasks assigned to it by resolution 1805 (XVII);

"(b) To consider, in co-operation with the Secretary-General and the agencies of the United Nations, the implications of the activities of the

mining industry and the other international companies having interests in South West Africa, in order to assess their economic and political influence and their mode of operation;

"(c) To report on these questions to the General Assembly at its nineteenth session;

"9. *Decides* to maintain the question of South West Africa on the agenda of its eighteenth session and to resume consideration of this question in the light of the reply of the Government of South Africa, given in accordance with paragraph 5 above, and immediately after receipt of that reply."

6. On 14 November 1963, the text of this resolution was transmitted by the President of the General Assembly to the President of the Security Council (S/5455).

7. Pursuant to operative paragraph 5 of resolution 1899 (XVIII), the Secretary-General submitted a report to the General Assembly on 2 December 1963 (A/5634). This report indicated that there had been no change in the position of the South African Government.

8. Following consideration of this report, the Assembly adopted resolution 1979 (XVIII) on 17 December 1963, the operative paragraphs of which read as follows:

"1. *Condemns* the Government of the Republic of South Africa for its refusal to co-operate with the United Nations in the implementation of the Declaration on the granting of independence to colonial countries and peoples and for its non-compliance with the General Assembly resolutions with regard to South West Africa;

"2. *Requests* the Security Council to consider the critical situation prevailing in South West Africa;"

9. The text of resolution 1979 (XVIII) was transmitted by the Secretary-General to the President of the Security Council on 10 January 1964 (S/5515).

10. Two other resolutions concerning South West Africa were adopted by the General Assembly at its eighteenth session. The draft resolution recommended by the Special Committee with respect to petitions concerning South West Africa was adopted by the General Assembly on 13 November 1963 as resolution 1900 (XVIII). By resolution 1901 (XVIII) of 13 November 1963, the General Assembly provided for the continuation of the United Nations Special Training Programme for South West Africans established by resolution 1705 (XVI) of 19 December 1961. It also invited States to consider providing for secondary education and vocational training in their offers of scholarships and to give sympathetic consideration to requests by the Secretary-General for places in secondary, vocational and technical training schools, and it requested all Members, particularly South Africa, to facilitate the travel of South West African students. It requested the Secretary-General to consult with the Special Committee concerning the implementation of the Programme and to report thereon to the General Assembly at its nineteenth session.

B. INFORMATION ON THE TERRITORY

General

11. Information on the Territory is contained in the reports submitted by the Special Committee to the General Assembly at its seventeenth and eighteenth

sessions.³ Supplementary information on recent developments is set out below.

International Court of Justice

12. In January 1964, South Africa filed a counter-memorial to the memorial submitted by the Governments of Ethiopia and Liberia in proceedings initiated on 4 November 1960 before the International Court of Justice with respect to the mandate for South West Africa and the duties and performance of South Africa, as mandatory, thereunder.

13. The International Court of Justice, by an Order of 20 January 1964, fixed 20 June 1964 as the time-limit for the filing of the reply of the Governments of Ethiopia and Liberia to the South African counter-memorial, and 20 November 1964 for the filing of the rejoinder of South Africa.³

Political parties

14. In October 1963, a new organization, the South West Africa National Liberation Front (SWANLIF), was formed, comprising or supported by: the South West Africa Peoples Organisation (SWAPO), the South West Africa National Union (SWANU), the Rehoboth Advisory Board (Basterraad), the Rehoboth Citizens Association, the Volks Organisasie van Suidwes Afrika (VOSWA) and the South West Africa United National Independence Organisation (SWAUNIO).

15. Earlier in the year, a joint declaration calling for collaboration for the liberation of Angola and South West Africa was reportedly signed by Mr. Holden Roberto and a representative of SWAPO.

Report of the Odendaal Commission

16. In its report to the General Assembly at the eighteenth session, the Special Committee referred to the appointment of a five-member commission of inquiry under the Chairmanship of Mr. F. H. Odendaal to investigate the progress of the inhabitants of South West Africa and to make recommendations on a comprehensive five-year plan for the accelerated development of "the various non-White groups of South West Africa, inside as well as outside their own territories" (A/5446/Rev.1, chapter IV, paras. 23 and 24). This was also referred to by the representative of South Africa during the debate on the question of South West Africa at the eighteenth session of the General Assembly (see para. 4 above).

17. The report of the Commission of Enquiry into South West Africa Affairs, 1962-63, or Odendaal Commission, was tabled in the South African Parliament on 27 January 1964. The Commission's recommendations include proposals for the division of the Territory into at least eleven parts, a closer degree of integration with South Africa, as well as three five-year plans for the development of the Territory.

Recommendations for the partitioning of South West Africa

18. The Odendaal Commission has recommended the partitioning of South West Africa into ten separate

"homelands" for non-Europeans covering an aggregate area of 32,629,394 of the Territory's 82,388,000 hectares, a Coloured rural irrigation settlement of 92,421 hectares, and a "white area". The proposed "white area" is not clearly defined to comprise the balance of the Territory. The Commission proposed that it consist of surveyed farms, the urban areas and those portions of two game reserves not included in the "homelands". Such a definition of the "white area" would include Walvis Bay⁴ and exclude the two large diamond areas on the south-western coast of the Territory, other than the urban areas therein, and also exclude areas of unsurveyed government lands. The Commission also proposed that administrative and legislative authority over all mines and lands delegated to the territorial Legislative Assembly in 1949, revert exclusively to South Africa.

19. The ten proposed non-European "homelands" and one "white area" are as follows:

(a) Ovamboland, for the Ovambo peoples, numbering 239,363.⁵ A total of 230,559 (96.32 per cent), including 27,771 Ovambos temporarily employed in the "white area", live in the existing Ovamboland Native Reserve; the remaining 8,804 Ovambos are settled in urban areas within the "white area".

(b) Okavangoland, for the 27,871 Okavango peoples. A total of 27,702 (99.40 per cent), including about 850 employed temporarily in the "white area", live in the existing Okavango Native Reserve.

(c) The Kaokoveld, for the 9,234 Kaokovelders, who live in the existing Kaokoveld Native Reserve.

(d) Eastern Caprivi, for the 15,840 East Caprivians, who live in the existing Eastern Caprivi Zipfel Native Reserve.

(e) Damaraland, for the 44,353 Damaras, 2,400 of whom live in native reserves to be included in Damaraland, 1,224 live in other native reserves, and 38,329 live in "white" urban and rural areas.

(f) Hereroland, for 35,354 Hereros, of whom 9,017 live in native reserves to be included in Hereroland, 6,436 live in other reserves, and 19,901 live in "white" urban and rural areas.

(g) Namaland, for 34,806 Namas, of whom 2,292 live in native reserves to be included in Namaland, 2,009 live in other reserves and 30,505 live in "white" areas, 8,998 of them in "white" urban areas.

(h) Rehoboth Gebiet, for the 11,257 Basters, a Coloured group, of whom 8,893 live in the Gebiet, 2,026 live in "white" urban areas and the balance live in Native reserves and "white" rural areas.

(i) Bushmanland, for the 11,762 Bushmen, of whom 9,484 live in the "white" urban and rural areas or in native reserves in the southern section and 2,278, described as nomadic, live mainly in the north-eastern part of South West Africa.

(j) Tswanaland, for the Tswana population of 2,632, of whom 437 live in a native reserve to be abolished and

² *Ibid.*, Seventeenth Session, Annexes, addendum to agenda item 25, document A/5238, chapter IX; and A/5446/Rev.1, chapter IV.

³ The time-limit for the filing of the South African rejoinder was later extended to 23 December 1964.

⁴ Walvis Bay, territorially a part of the Cape Province of South Africa, is administered as an integral part of South West Africa. The Odendaal Commission report stated that the Walvis Bay area, which was initially estimated at 374 square miles, was "re-estimated" in 1962 at 434 square miles.

⁵ Population figures are for 1960.

the balance live mainly in "white" urban and rural areas; the area to be set aside as a Tswana "homeland" was promised by the Government to the Herero people as a future addition to the Aminuis Native Reserve which is now recommended for abolition.

(k) "White area", whose proposed administration was referred to as the "South West Africa Administration", for the 73,464 Europeans, of whom 53,680 (73 per cent) live in urban areas and 19,426 (27 per cent) live in rural areas of the Police Zone, and 358, mainly missionaries and officials, are stationed in the northern Native reserves.

20. Of the total 1960 population of 526,004, a majority (286,485) lived in the Kaokoveld, Ovamboland, Okavango and Eastern Caprivi Zipfel Native Reserves on the northern boundary of the Territory. Of the total northern population, 10 per cent were recruited as migrant labourers under one to two and a half year contracts for work on the mines, European farms, industries and for domestic service in the southern section of the Territory. The population of Ovamboland accounts for 45 per cent of the total population of South West Africa. It was proposed that the areas of three of the existing northern reserves be altered, the size of Ovamboland and Okavango increased, and the area of the Kaokoveld reduced.

21. In the southern section of the Territory, most of the population, both European and non-European, now live in the proposed "white area". A total of 13,709 Damaras, Hereros and Namas and 8,893 Basters are settled in native reserves and the Rehoboth Gebiet which will be included in their respective "homelands"; this total represents less than 10 per cent of the non-European population permanently settled in the southern section of the Territory. The Odendaal Commission recommended that twelve of eighteen existing native reserves in the southern areas of the Territory, and the Rehoboth Gebiet, be included in "homelands" which are to be extended and consolidated by the addition of European farmland, Government land and game reserve land. Six of the existing "permanent" native reserves are recommended for dissolution: Aminuis, Bondelswarts, Neuhoof, Otjimbingwe, Ovitoto and Warmbad. The report of the Odendaal Commission envisages the transfer of residents of all native reserves to their respective "homelands"; the transfer of non-Baster groups from Rehoboth to their "homelands"; and the transfer of Namas and Basters in "white" urban areas to their "homelands". A total of 32,906 non-Europeans would accordingly be moved to their respective "homelands", 20,882 of them from existing Native reserves or the Rehoboth Gebiet, and 11,024 from "white" urban areas. Some 1,000 Europeans would also be expected to move from the Rehoboth Gebiet, as had already been decided before the appointment of the Odendaal Commission. Approximately 1,000 to 1,500 Europeans would have to vacate European farm areas which would be included in the proposed non-European "homelands". From 4,000 to 6,000 non-European employees on these farms would also have to be moved to their "homelands".

22. The Commission did not propose that non-Europeans, other than 11,024 Namas and Basters, be resettled from the "white areas" to their "homelands". Some relocation of non-Europeans within the "white area" was, however, proposed, involving the transfer of 2,500 or more Coloureds to three urban centres in the

"white area", and the transfer of some 6,000 natives⁶ in the Windhoek area from the old native location to a new native location (Katutura).

23. On the basis of 1960 population statistics and the recommendations of the Odendaal Commission, the proposed "white area" would initially have a *de facto* population of 73,106 Europeans and 116,383 non-Europeans, as well as an additional 28,621 non-European migrant labourers recruited from the "homelands" on the northern border of the Territory. A majority of the non-Europeans in the southern portion of the Territory would thus live in the "white" area rather in their "homelands". Unless continued European immigration alters the position, non-Europeans would also continue to form the majority of the population in the "white" area. In this respect, it may be noted, only Europeans are permitted to enter the Territory from South Africa without permit, and the Commission recommended that further Coloured immigration from South Africa be curtailed due to unemployment among Coloureds in South West Africa.

24. The existence or future disposition of Hoachanas, referred to in official sources both as a "temporary" native reserve and as "government land", is not mentioned in the report of the Odendaal Commission. The planned removal of the Rooinasie Nama inhabitants of Hoachanas to Itsawisis, one of the European farm areas to be included in the proposed Namaland, has not previously been carried out, due, *inter alia*, to the lack of potable water at Itsawisis. It may be noted that the General Assembly, by resolution 1357 (XIV) of 17 November 1959, urged the Government of South Africa to desist from the planned removal.

Government

25. The Commission recommended that only the proposed "white area" be administered by an Administrator, Executive Committee and Legislative Assembly, the latter to consist, as at present, of eighteen Europeans elected by the European voters of the Territory. Under the proposals, these government bodies would have greatly reduced powers.

26. At present the Administrator, Executive Committee and Legislative Assembly of South West Africa exercise authority over all matters except defence, police, foreign affairs, native affairs (excluding, *inter alia*, health, education and agriculture for natives), transport, interior, information, immigration, customs and excise, audit and the custody of enemy property, all of which are administered as integrated services by the Government of South Africa. The Commission proposed that South Africa also take over the following additional branches of the South West Africa Administration with respect to all population groups: justice, prisons, mines, commerce, industries and labour, land, the Land and Agricultural Bank of South West Africa, agriculture, Meat Trade Control Board, water affairs, deeds, Surveyor-General, posts and telegraphs, social welfare, archives and the State Museum. The South African Government would also take over from the local Administration and the territorial Legislative Assembly the following: Coloured Affairs, all education

⁶ According to the Odendaal Commission. Information later given to the South African House of Assembly on 11 February 1964 revealed that the non-European population of the old location totalled 7,435 in January. Republic of South Africa, House of Assembly Debates (*Hansard*), 3rd session, Second Parliament, No. 4, col. 1094-1095.

for non-Europeans, health for non-Europeans outside of the "white area", and roads and works outside of the "white area" as well as supplies and transport, excluding transport of the South West Africa Administration. In addition, the South African Government would take over revenue other than that to be controlled by the South West Africa Administration.

27. The European Legislative Assembly would retain powers within the "white area" over education for Europeans, health services for Europeans and non-Europeans, roads, local authorities and townships, public works, personal and income tax, the licensing of businesses, motor vehicles and entertainment, and all other matters not specifically taken over by the Republic of South Africa. Its legislation would be subject to the approval and signature of the State President of South Africa.

28. It may be noted that under the South West Africa Constitution,⁷ exclusive authority to impose taxes, other than customs and excise duties, on Europeans and Coloureds is delegated to the territorial Legislative Assembly. The relevant financial provisions in the Constitution may not be altered except with the approval of the Legislative Assembly, notwithstanding a general reservation of powers to South Africa under the Constitution.

29. With respect to natives, the Commission recommended, in effect, that all aspects of their administration and development other than health and environmental services for those in the "white area", and their education, be transferred to the South African Minister of Bantu Administration and Development. The education of natives, it recommended, should be integrated with the organization of the South African Department of Bantu Education.

30. With respect to Coloureds (other than Basters) and Namas, the Commission recommended that the development and promotion of their administration be transferred to the Department of Coloured Affairs of South Africa and that their education as well as the education of the Rehoboth Basters be integrated with the organization of that Department. It also recommended that education and all matters in respect of the Rehoboth Basters be left to the Government of South Africa to deal with at its discretion, due regard being had to the Commission's recommendation concerning the integration of their education.

31. For each of the "homelands" other than Bushmanland, the Rehoboth Gebiet and Tswanaland, the Commission proposed a Legislative Council, to be statutorily instituted, consisting of the chiefs and headmen *ex officio* and of members elected by all citizens or members of the "homeland" group over 18 years of age, living both within and outside the "homeland" area, provided they registered as voters in the "homeland". Elected members were initially to constitute not more than 40 per cent of the legislature.

32. It was proposed that executive power should be vested in an Executive Committee consisting of chiefs and other members elected by the Legislative Council.

33. The "homeland" Legislative Councils were gradually to take over from the Department of Bantu Administration and Development the legislative authority and administrative functions entrusted to it. This was eventually to include all functions except:

defence, foreign affairs, internal security and border control posts, water affairs and power generation, and transport. All "homeland" legislation would be subject to the approval and signature of the State President of South Africa.

34. The Commission recommended that each legislative Council institute a "homeland" citizenship for all members of its group born within South West Africa or born outside of the Territory but permanently resident in the "homeland" and not declared "a prohibited immigrant in South West Africa". It also recommended that the Legislative Council institute inferior and superior courts, with appeals from the inferior courts lying to the superior courts, the latter's decisions subject to appeal to the South West Africa Division of the Supreme Court of South Africa and thereafter to the Appeal Court of South Africa.

35. The transfer of land within each "homeland" to the respective Legislative Council in trust for the population was recommended, subject to the proviso that the Council be allowed, with the approval of the State President of South Africa, to release certain parts of the land for alienation to individual citizens, and subject to the further proviso that neither the Executive Committee nor a citizen have the right to alienate land to a non-citizen except with the approval of both the Legislative Council and the State President.

36. With respect to Bushmanland, the Commission stated: "The position is, as is generally known, that the Bushmen are a nomadic people who have nowhere permanently established themselves as a community or indeed even as a fairly large group. They are scattered throughout South West Africa . . . There is no feeling of solidarity among them, and any form of government is wholly unknown to them. In their case, therefore, there is no conceivable form of self-government in which they can participate at this stage." The Commission also observed that "the greater part of the Bushman population is no longer nomadic" and that "9,484 (or 80.63 per cent) . . . have to a large extent been drawn into the economy of the southern sector of the country".

37. For the Rehoboth Gebiet, the Commission recommended that a form of self-government be granted and that the provisions of the required constitution be determined by consultation between the Baster Community and South Africa. The report outlined previous unsuccessful efforts in recent years to reach a mutually acceptable constitution and noted that the Community itself was engaged in drafting a new constitution.

38. For Tswanaland, the Commission recommended the establishment of a community authority consisting of a headman and two councillors.

39. The Commission recommended that four chief officers, to be stationed in the "white area" at Windhoek, be appointed by the South African Department of Coloured Affairs for the Rehoboth Gebiet, Namaland and the Coloureds, and by the Department of Bantu Administration and Development for the Native "homelands".

40. The Commission further proposed that a diplomatic post of Commissioner-General be established for Ovamboland, the Kaokoveld and Okavango combined, to serve as a link between these "homelands" and the South African Government and suggested that this recommendation be carried out even before any of its other recommendations. Mr. J. P. van S. Bruwer, who had served on the Commission, was appointed the first Commissioner-General early in 1964. The Commission also proposed that a Chief Commissioner and a Com-

⁷ Act No. 42 of 1925, as amended.

missioner be stationed in Ovamboland, and that a Commissioner be stationed in each of the other "homelands" other than Namaland, the Rehoboth Gebiet and Tswanaland, to serve in an advisory capacity to the local "homeland" governing bodies.

41. The Commission made a number of recommendations regarding the local government of Non-Europeans who would remain settled in the "white area". For the Coloureds, it suggested that the existing Coloured Council, which is composed of members appointed by the Administrator of the Territory, should in future include as many elected members as may be agreed between that Council and the South African Government. Apart from a small number of Coloured farmers, for whom a rural irrigation settlement was proposed on the Orange River, the Commission recommended that all Coloureds, who, it observed, were distributed over the whole "white area", be persuaded to move to the areas of their greatest concentration—Windhoek, Walvis Bay and Luderitz—and that the management of their separate Coloured townships be entrusted to Coloured local township authorities.

42. With respect to natives settled in separate non-white townships in "white" urban areas, the Commission recommended the establishment of non-white councils, at least 60 per cent of their members to be elected by the local non-white residents and the balance appointed by the "homeland" Legislative Councils. The White urban authority, or local government, was to delegate such functions, powers and authorities to the proposed non-white councils as might be approved by the South African Minister of Bantu Administration and Development.

Five-Year Plans for the Development of South West Africa

43. The Odendaal Commission recommended a five-year development plan at an estimated cost of R114,512,485,⁸ to be followed by a second five-year plan involving an estimated expenditure of R60 million, and a third plan for which no estimates were given. The main recommendations for development may best be assessed in relation to the existing economic position of South West Africa, and of the various "homeland" areas.

44. Mining, agriculture and fisheries are the most important contributors to the economy. In 1962, exports of minerals amounted to R53,133,000, the Consolidated Diamond Mines and Tsumeb Corporation accounting for 95 per cent of the Territory's mineral production; fish production was valued at about R24 million; agricultural exports and local sales exceeded R27 million, cattle and karakul pelts accounting for over R24 million of the total. The highest published official figure for the sale of produce from native areas is that for 1957, when the value of the sale of livestock, cream, pelts and hides totalled R834,000, followed by a drop to R638,000 the following year.⁹

45. The Commission noted that the most important economic activities were concentrated at a few places,

e.g., diamond mining at Oranjemund, metal production at Tsumeb and Grootfontein, fisheries at Walvis Bay and Luderitz, and commerce and industry mainly in Windhoek and Walvis Bay. None of these areas are to be included in non-European "homelands".

46. According to the Odendaal Commission, the "modern market sector links up with the traditional sector by attracting unskilled non-white employees, virtually to the maximum of their availability, as wage earners on farms and mines, and in domestic service and industries". In 1962 migrant labourers were being recruited at a beginning rate of R60 to R66 for the first year's work. According to a territorial commission of inquiry, average wages amounted in 1956 to about R120 per year for farm and domestic workers and to almost R200 for native workers in urban areas, mines, industries, administration and railway employment. According to the Odendaal Commission, average wages of non-white workers in mining rose from R123.8 in 1961 to R202.9 in 1962 and wages of white workers from R2,321 in 1961 to R2,452 in 1962.

47. The sales of agricultural produce from native areas referred to above relate exclusively to native areas within the Police Zone, in the southern sector of the Territory. According to the Odendaal Commission and numerous official sources, the northern native areas, which contain the majority of the Territory's population, also have the highest agricultural potential in South West Africa. Official publications indicate, however, that these areas have had no export market throughout the history of the mandate. Due to cattle diseases, the sale or movement of animals or animal produce outside the individual reserves except under special permit is prohibited by law. As regards crop farming in the northern "homeland" areas, the Odendaal Commission reported that production is sufficient to meet the needs of the population in the Eastern Caprivi. It is negligible in the Kaokoveld and reasonably constant only during favourable years in Ovamboland and the Okavango. These three areas require supplementary food during the prolonged droughts which occur in the Territory.

48. According to the Odendaal Commission, the agricultural economy of the four northern "homeland" areas is based largely on their livestock population. It considered that the lack of exports from those areas for a considerable period had been a severe blow to the economy of South West Africa. The Commission estimated that these areas had from 10,000 to 15,000 head of cattle available for marketing annually, and that the number would in all probability increase to 30,000 per year in the future. These estimates of future potential may be compared to the Territory's annual cattle exports of 167,800 head of cattle and 50,000 frozen beef carcasses in 1962, an additional 92,000 being slaughtered for local consumption in the southern section. The southern section also exported in 1962 a total of 67,437 sheep, 2,345,563 karakul pelts and dairy produce as well as fish products and minerals.

49. The Commission considered it imperative that a market be found for livestock from the northern areas and suggested the possibility of establishing quarantine camps from which animals could be taken to canneries in sealed vehicles. It observed that the possibility of establishing canneries within the northern areas had been explored and considered uneconomic and impractical. The Commission nevertheless suggested that in course of time such facilities should be provided for

⁸ One Rand equals 10 shillings sterling or 1.40 United States dollars.

⁹ The Odendaal Commission gave one figure of the income derived from the sale of produce in native reserves, relating to Damaraland only. It reported that the income from livestock, skins, hides, bones, and the sale of cream amounted to R162,228 in 1956. According to another commission of inquiry, total sales of stock and produce in all native reserves amounted to R782,718 during 1956.

canning beef from the Kaokoveld, Ovamboland and the Okavango. For a long time to come, it stated, the meat canning factory at Otavi, in the "white area", would be the market outlet for Ovambo cattle; another canning factory, at Okahandja, in the "white area", might also play a role in the future in canning meat from the Kaokoveld and western Ovamboland, the Commission observed. Other possibilities suggested for the northern area included the establishment of a furniture factory in Ovamboland, which would be the first factory in the northern area, and the establishment of a jute industry in the Okavango.

50. The Commission was of the opinion that there were further possibilities for the development of mining in the Territory and suggested that the South African Department of Mines organize the exploration of the whole Territory, giving attention first to areas where minerals had already been exploited profitably. According to the recommendations of the Commission, mineral and mining rights in the various "homelands" would eventually be transferred to the "homeland" authorities. The Commission also considered it important that the inhabitants of the "homelands" be encouraged and assisted to become *entrepreneurs* in their own areas, as well as managers and responsible officers in their own mining.

51. While prospecting is being carried out in several of the native reserve areas, the only operating mine within a native reserve is the Uis tin mine in the Okombahe native reserve in the Police Zone, a reserve which is proposed to be included in Damaraland. The mine, which has ore reserves estimated at 21 million tons, is owned by the statutory South African Iron and Steel Industrial Corporation Limited (ISCOR). Production is being expanded, at a cost of R2 million, from 15,000 to 66,000 tons of ore per month. With respect to this particular mine, the Odendaal Commission recommended the establishment by the mining concern of a native township within the native reserve, and a native labour force drawn in future from within the reserve. This would represent the first native mine labour community settled on a family basis in South West Africa. As of early 1964, a small white community, which includes 41 houses and a school for European children, had already been established within the native reserve for European employees of the Uis mine. Under existing laws, the income derived from taxation of the mine profits is payable into the central revenue of the Territory rather than into the native reserve trust fund.

52. The Commission also referred to limited possibilities for the further development of industry, in the "white area" as well as in "homeland" areas, and it made detailed recommendations for the expansion of health, education and social welfare services.

Allocations under the first five-year plan

53. In view of the fact that it considered water and power development the most important needs for the further economic development of South West Africa, the Commission proposed that of the total of almost R115 million recommended for allocation for the first five-year plan, R72 million be spent for water and power, mainly for the further development of the "white area".

54. The Commission considered the Kunene scheme, earlier drawn up by the Water Affairs Branch of the South West Africa Administration, to be the most im-

portant development project, and R49 million of the proposed R72 million recommended for water and power development was allocated for that scheme. Some R40 million for the allocation for the Kunene scheme was proposed for the extension of power from the Kunene River on the northern boundary of South West Africa to the European mining areas of Tsumeb and Grootfontein and to Walvis Bay and Windhoek in the "white" area of South West Africa, as well as to pump water from the Kunene River into the Ovamboland canal system. Under the scheme, power would initially be extended to Ovamboland, Tsumeb and Grootfontein from the Matala hydroelectric scheme under construction in Angola, pending the completion some four to five years later of a proposed power station across the Kunene River under the five-year plan. The proposed power station, to be situated at Ruacana Falls, in Angola, would have a capacity of 100,000 kW. As of 31 March 1963, according to the Commission's report, there were a total of twenty power stations in South West Africa, with a capacity of 78,160 kW producing over 286 million kilowatt hours; with the exception of one power station at the Uis tin mine in the Okombahe native reserve, these were all in the "white area".

55. The further development of the Ovamboland canal scheme for the vital provision of water for the Ovamboland "homeland" was considered by the Commission an important and urgent item of the five-year plan. The canal scheme, a project estimated to cost R4 million, falls under the Kunene scheme. When completed, the canal scheme is intended to bring a total of 10,000 hectares of Ovamboland under irrigation and ensure a permanent water supply, the first in that "homeland", for approximately 430,000 hectares stretching five miles wide on either side of the canal, to be developed into controlled and fenced pasture lands. The scheme would benefit about 10 per cent of the present area of Ovamboland, or about 20 per cent of the present inhabited area. The Onkulonkathi and Eunda people, with a combined population of 1,500, would derive the greatest benefit from the scheme, obtaining an area of 6,000 hectares of the irrigable lands. Four other groups, with a combined population of 27,000, would each have 1,000 of the irrigable lands. A brochure issued by the Water Affairs Branch of the South West Africa Administration states: "The two biggest tribes have unfortunately no direct benefit from the scheme." The two tribes have a combined population of 121,000. The Odendaal Commission reported that it "was not supplied with any statistics as to the tribes or particular areas in Ovamboland to which it was desired to supply water". The Commission expressed its view that the policy in regard to the Ovamboland canal scheme should be that water for humans and stock should be distributed through a strategically located network of canals and pipelines traversing the more densely populated areas.

56. It was proposed that the balance of the R72 million for water and power be spent as follows: R12,200,000 for water supplies in non-white "homelands", including R1,350,000 for the projected Coloured irrigation settlement; and R10,800,000 for water supplies in the "white area".

57. Apart from its proposals for the development of water supplies in non-European "homelands", the Commission recommended a total of R18,650,000 for development projects for non-Europeans as follows:

R4 million for housing and community centres for Coloureds; R3,500,000 for schools, hostels and training centres in non-white "homelands"; R1,250,000 for hospitals and clinics in non-white "homelands"; R1,250,000 for community centres for non-white local authorities and Legislative Councils in non-white "homelands"; and R8,400,000 for 700 miles of roads in non-white "homelands".

58. In addition, the Commission proposed that R3 million be spent for airports, with immediate attention given to the erection and expansion of airfields at Ruacana, the site of the projected power station on the Kunene River, and at Grootfontein and Windhoek in the "white area". As a second phase, the Commission recommended that adequate airfields be made available or expanded at other points in both the non-white "homelands" and the "white area".

59. The Commission also included as development plan expenditure a total of R20,862,485 to be spent in buying out, at R5 per hectare, 3,406,180 hectares of European farmlands which it proposed be added to non-white "homelands", and 1,277,195 hectares of native reserve lands, at R3 per hectare, which would then become Government land.

60. To finance the first five-year plan, the Commission recommended that the Government of South Africa provide or guarantee capital funds of R115 million, of which R61,200,000 for the Kunene Scheme and water in non-white "homelands" would be repayable by South Africa, and the balance by South West Africa. South Africa would also undertake to meet estimated annual excesses of expenditure over revenue in South West Africa, costing an estimated R3.6 million per year during the first five years, and would continue its contributions to the railways and police services in the Territory, totalling some R4,682,657 annually.

Allocations under the second five-year plan

61. The Odendaal Commission proposed expenditure of R60 million under a second five-year plan, including R13.7 million to supply water and power to non-European "homelands" and R14 million to augment the power supply from the Kunene River. In the opinion of the Commission, the financing of R30 million of the second five-year plan could be met annually from revenues of South West Africa.

Third five-year plan

62. The Commission also recommended a third five-year plan, for which no estimates of expenditure were given, proposing additional power and water projects in both white and non-white areas. The possibility of developing iron and steel production in the Kaokoveld, with fuel transported from Wankie, Southern Rhodesia, by pipeline, was also listed among projects for consideration under the third five-year plan.

Future economic and financial relationship between South Africa and South West Africa

63. Commenting on the future economic and financial relationship between South Africa and South West Africa, the Commission stated:

"That in the same way as the Territory of South West Africa forms an economic entity with the Republic of South Africa in which commercial traffic is carried on freely, every homeland shall form an economic entity with the rest of the Territory and

with the Republic of South Africa. The Commission envisages a gradual development towards political independence, with the retention of the best mutual co-operation realizing that mutual economic dependence will continue as at present."

64. Under the Commission's proposals, South Africa would initially undertake the full financial responsibility for the development of the non-white population groups and their "homelands" until they became self-supporting.

65. The Commission, which had proposed that personal and income tax in the proposed "white area" be within the powers delegated to the Legislative Assembly in that area, also recorded its opinion that taxation in South West Africa should be raised to the same level as that in South Africa. It recommended the appointment of financial experts to study this question as well as a formula for the provision of loan funds by South Africa to the Administration of South West Africa for road construction and other capital works in the "white area".

Decisions by the South African Government on the recommendations of the Odendaal Commission

66. On 29 April 1964, the Prime Minister presented a White Paper to the South African Parliament announcing that the Government accepted the report of the Odendaal Commission in broad principle. The White Paper, which was approved by the South African Parliament, stated that the South African Government agreed with the Commission's finding that the objective of self-determination for the various population groups would not be promoted by the establishment of a single multiracial central authority and fully endorsed the view that the aim should be, as far as practicable, "to develop for each population group its own homeland in which it can attain self-determination and self-realization".

67. Although it reiterated throughout the White Paper its clear endorsement of the Odendaal Commission's proposals for the establishment of separate "homelands" and indicated that it intended to proceed with certain of the steps preliminary to their establishment, including the purchase of white-owned farms and two townships which the Odendaal Commission had proposed be included in the "homelands", the Government announced that "no decisions are at present being taken on any of the recommendations concerning the constitution of homelands as self-governing areas, the demarcation of their boundaries and changes in their forms of government". It pointed out in this connexion that these recommendations were affected by considerations pertaining to the case pending before the International Court of Justice, which could issue interim measures with a view to preventing action which might prejudice the alleged rights of the other parties, and that the Government would refrain from action which might be regarded, even theoretically, as detrimental or prejudicial to those alleged rights or which might unnecessarily aggravate or extend the dispute before the Court. At the same time, the White Paper stated that apart from considerations relating to the case before the International Court, it was in any event not practicable to proceed immediately with the constitution of the "homelands", as in some instances, involving the addition of considerable areas of land now privately owned by white persons, the demarcation of borders was impossible before the State had at its disposal at least the greater portion of the land required. As indicated

above, the Government intended to proceed with the necessary land purchases. In view of the case pending before the International Court, however, it would defer a decision on the buying out of non-white reserve areas. In a statement in the House of Assembly on 5 May 1964, the Prime Minister observed:

"Of course when the case is settled and when the other conditions are such that one can proceed... then we can go ahead on the lines in accordance with these broad principles which we now indicate as having our support." *Hansard*, No. 15, col. 5454.

68. The Government decided to recommend that the South West Africa Administration proceed with the establishment of the proposed irrigation settlement for Coloured persons. "In this instance," the Government explained, "nothing more is involved than an ordinary settlement scheme for needy and rural Coloured persons".

69. The Government decided to postpone decisions on the reorganization of administrative functions and on new financial relations between the Territory and South Africa, due both to considerations relating to the case before the Court, and to the Government's conviction that it could not take decisions on these matters before the details of the changes had been carefully worked out, particularly in relation to the precise manner of effecting every change-over. The Government therefore decided to appoint a committee of experts, to consist of officials and persons of authority, to report on all the practical problems involved.

70. Meanwhile, the Government planned to proceed immediately with the implementation of the major portion of the five-year development plan, involving an amount of at least R110 million, leaving at the most some R5 million provisionally in abeyance as inseparably connected with the creation of "homelands". With regard to the construction of 700 miles of roads in "homelands" at an estimated cost of R8.4 million, the Government, while endorsing most of the roads proposed by the Odendaal Commission, indicated that it would postpone a decision concerning a proposed road to link Runtu (Okavango) and Katima Mulilo (Eastern Caprivi Zipfel), a distance of some 300 miles, pending further investigation of the technical and economic possibilities and implications of such a project. It observed that such a connecting road had been carefully investigated and considered impracticable in the past, and, further, that the proposed road link opened up "interesting possibilities of considerable importance regarding the future administration and development of the Eastern Caprivi", which is at present administered as an integral part of South Africa. Another recommendation of the Odendaal Commission, for the improvement and construction of roads in the "white" area, at an estimated cost of R32.5 million over and above the amounts listed under the five-year plan, was endorsed by the Government.

71. Pending final decisions regarding financial and administrative arrangements, responsibility for implementing decisions would rest with both the Administration of South West Africa and the Government of South Africa, according to the White Paper, and a temporary liaison committee would be appointed to ensure the smooth working of the interim arrangements.

72. The Government decided to defer any decisions with respect to the second and third five-year plans

proposed by the Odendaal Commission. It also decided to defer its decision on a recommendation by the Commission that the prohibition on the supply of liquor to non-whites be lifted until after the conclusion of the case before the International Court. The Commission had noted in this connexion that it was "aware of a provision in the old mandate prohibiting the supply of liquor to non-whites".

Views of petitioners concerning the recommendations of the Odendaal Commission

73. A number of petitions received by the Special Committee, including petitions from the predominantly African organizations in the Territory, as well as the African National Congress, Herero Chief Hosea Kutako and Nama Chief H. S. Wittbooi, Chief Munjuku II of the Mbanderu Hereros and members of the Tribal Committee of the Damaras, have appealed to the United Nations to take action to stop the South African Government from implementing the recommendations of the Odendaal Commission. In one of the petitions, Chief Hosea Kutako stated: "The Security Council should stop the South African Government forthwith from putting this vicious plan into effect."

C. IMPLEMENTATION OF THE DECLARATION IN RESPECT OF SOUTH WEST AFRICA

74. The implementation of the recommendations of the Odendaal Commission would involve the division of the Territory and the establishment of different administrations directly responsible to the Government of South Africa, without a Government for South West Africa exercising jurisdiction over the Territory as a whole, and closer integration with South Africa.

75. In this connexion it may be recalled that the Declaration on the granting of independence to colonial countries and peoples embodied in General Assembly resolution 1514 (XV) states in paragraph 6:

"Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

D. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

76. The Special Committee considered the question of South West Africa at its 244th, 245th, 252nd, 253rd, 255th, 259th to 262nd, and 276th meetings between 15 April and 2 July 1964.

77. By letter dated 13 April 1964 (see A/AC.109/65), the Chairman of the Special Committee invited the Government of the Republic of South Africa to designate a representative to attend the Committee's meetings during its consideration of the question and to participate in the debate on the item. By letter dated 17 April 1964 (see A/AC.109/65) from the Permanent Representative of South Africa to the United Nations, the Government rejected the invitation, reiterating that, apart from its attitude on the constitutional position, it was incumbent not only on the parties to the proceedings before the International Court of Justice but also upon the United Nations to comply with the *sub judice* principle.

78. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat (A/AC.109/L.108 and Corr.1 and Add.1, incorporated in paras. 1 to 75 above) and an

interim report by the Secretary-General on special educational and training programmes for South West Africa (A/AC.109/L.118), submitted in compliance with operative paragraph 5 of General Assembly resolution 1901 (XVIII).

Written petitions and hearings

79. The Special Committee circulated the following petitions concerning South West Africa:

<i>Petitioner</i>	<i>Document No.</i>
Five petitions from the Caprivi African National Union (CANU)	A/AC.109/PET.202 and Add.1-2
Chief H. S. Wittbooi, Mr. J. D. Gertze, President-General, South West Africa United National Independence Organization (SWAUNIO) and others	A/AC.109/PET.203
Thirty-three petitions from Mr. Jacobus Beukes	A/AC.109/PET.204 and Add.1-4
Mr. Johannes Links, Mr. Ismael Kukuri and Mr. Philipps K. K. Musirika	A/AC.109/PET.205
Mr. J. D. Gertze, General Chairman, SWAUNIO	A/AC.109/PET.206
The Reverend Markus Kooper, SWAUNIO	A/AC.109/PET.206/Add.1
Mr. G. E. Lee	A/AC.109/PET.207
Mr. Kame D. Tjozongoro	A/AC.109/PET.208
Six petitions from the South West Africa Peoples Organization (SWAPO)	A/AC.109/PET.209 and Add. 1-3
Mr. Peter Frederick Nguvauva	A/AC.109/PET.210
Ten petitions from Chief Hosea Kutako and others	A/AC.109/PET.211 and Add.1-2
Mr. Jackson Kambod	A/AC.109/PET.212
The Reverend Michael Scott	A/AC.109/PET.213
Mr. J. J. Hadebe, African National Congress of South Africa (ANC) ...	A/AC.109/PET.214
Mr. Jacob Kuhangua, National Secretary, SWAPO, and Mr. Moses Kitjuongua, South West Africa National Union (SWANU)	A/AC.109/PET.215
Chief H. S. Wittbooi and others	A/AC.109/PET.216
Members of the Tribal Committee of the Damaras	A/AC.109/PET.217
Mr. Sam Nujoma, President, SWAPO	A/AC.109/PET.218
Mr. I. G. Nathaniel, Acting President, SWAPO, on behalf of the South West Africa National Liberation Front (SWANLIF)	A/AC.109/PET.219
Mr. M. Shailemo, Tsumeb Branch Secretary, SWANLIF	A/AC.109/PET.219/Add.1
Mr. Nathaniel Mbaeva, SWANU	A/AC.109/PET.229
Mr. Brian Bassingthwaight and Mr. Moses Garoëb	A/AC.109/PET.261
Mr. Jariretundu Kozonguizi, President, SWANU	A/AC.109/PET.266
Mr. Mburumba Kerina, on behalf of nine leaders of the National Convention Independence Party (NACIP)	A/AC.109/PET.279
Mr. Mburumba Kerina, on behalf of the United Namib Independence Peoples Party (UNIPP)	A/AC.109/PET.279/Add.1

<i>Petitioner</i>	<i>Document No.</i>
Three petitions from Mr. Mburumba Kerina	A/AC.109/PET.279/Add.2
Mr. Isilima Sokugcina, Secretary-General, UNIPP	A/AC.109/PET.279/Add.3
Members of the Advisory Board of Rehoboth	A/AC.109/PET.329

80. The Special Committee heard the following petitioners concerning South West Africa: Mr. Brian Bassingthwaight (255th meeting); Mr. Nathaniel Mbaeva, on behalf of SWANU and SWANLIF (255th meeting); the Rev. Markus Kooper, on behalf of SWAUNIO (259th meeting); Mr. Sam Nujoma, President, SWAPO (276th meeting).

81. Mr. Bassingthwaight said that it was impossible to draw a distinct line between legal and political considerations in South West Africa, because of the Territory's colonial status. He hoped that the Committee would regard them as complementary, without prejudice to the case which was still pending at The Hague.

82. The Odendaal Commission's report had now been made public and studied. It was an obvious hoax which could not make any impression on progressive nations, save perhaps South Africa's allies in the Western world, who would find those proposals unacceptable only in order to appease the anti-colonial half of the world. Those proposals as they stood were constitutionally absurd, politically and economically archaic, and only pointed up further South Africa's obduracy on the question of South West Africa.

83. The African people, by an overwhelming majority, had rejected the plan of partitioning South West Africa as far back as 1949. The Territory must not be partitioned in any circumstances. The United Nations had made that clear in paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples. It had also been emphasized at the Summit Conference of Independent African States at Addis Ababa that any attempt by South Africa to partition South West Africa would be regarded as an act of aggression. It was therefore clear that partitioning South West Africa into twelve separate ethnic regions, or "homelands", as proposed by the Odendaal Commission, would not satisfy the political aspirations of the people of South West Africa. Moreover, the Commission's report suggested that an independent nation could not be built on a multi-cultural and multi-lingual basis. But the creation of a nation was designed precisely to bring together such divergencies into one cohesive and viable whole. There were few countries in the world with completely homogeneous populations, and countries with a multitude of cultures and languages had made great achievements.

84. As could be seen from the Odendaal Commission's report, the powers of the proposed councils which were to be established in the "homelands", even if those regions were ultimately to accede to what the Commission called "independence", would never be comparable with the powers enjoyed by the countries of the British Colonial Empire in their pre-independence days. The top-heavy administrative structure with which the "homelands" would be endowed, instead of promoting advancement, would be a dead weight on the Territory's economy. African development had been described in the vaguest terms. The Odendaal report denied the Africans a better share in the nature resources and mineral wealth of their fatherland. It implied that they would be held

down forever to a subsistence level in agriculture, since the so-called "homelands" would be outside the richest part of South West Africa. The Odendaal Commission's recommendations would condemn the Africans to continued political subservience based on the doctrine of *apartheid*.

85. The only solution which was acceptable to the people of South West Africa was independence. The South African Government was obviously using the Odendaal Commission as a device to distract the attention of the United Nations and to play for time. The United Nations must not lose sight of the urgency of the fundamental issues involved in South West Africa, and must frustrate South Africa's attempts to obscure them. The people of South West Africa were anxious to know the attitude of those countries which had hitherto crippled the efforts made by friendly nations to help them in their struggle for freedom. The International Court of Justice would soon give a judgement on the case of South West Africa, which would surely not be contrary to existing world opinion that the Territory must be free from South African domination. But the practical effect of that judgement would depend on whether such countries as the United Kingdom of Great Britain and Northern Ireland, the United States of America, France, and all the others which had in the past supported South Africa, would side against it in the event that it refused to comply with the Court's judgement.

86. The White Paper issued by the South African Government showed that South Africa was preparing to create the necessary machinery to implement the recommendations of the Odendaal Commission, despite the fact that the plan had been temporarily shelved. He hoped that this step would be regarded by the Special Committee as aggression and would be referred to the Security Council. Furthermore, Ethiopia and Liberia should seek interim action from the International Court of Justice, since South Africa had made the claim of *sub judice*, and that was why it had decided, on the advice of the United Kingdom and the United States, to shelve the plan proposed by the Odendaal Commission.

87. Mr. Mbaeva deplored that some States Members of the United Nations seemed to support the South African Government's contention that it was incumbent not only upon the parties to the proceedings but also upon the United Nations to comply with the *sub judice* principle as regards South West Africa. The situation in the Territory had been aggravated by the Odendaal Commission's proposals. Unless the United Nations intervened at once there would be bloodshed throughout the country.

88. The Odendaal Commission had been appointed solely by the Government of South Africa, and its proposals had been rejected by over 90 per cent of the population, including the Opposition Party. In South West Africa's native reserves, where Verwoerd claimed to have the people's support, the proposals had been endorsed only by the headmen, who had been cheated and bribed. In Western Ovamboland, Bishop Auala had opposed them, stating, on behalf of 140,800 members of the Lutheran Church, that he would first like to know whether the Herero would accept removal and whether their resettlement in the proposed areas would not cause divisions between tribes. Mr. Mbaeva said he had been informed that a member of SWAPO, Mr. Kaukunga, had been tortured by the police as a

result of his opposition to the Odendaal Commission's proposals, and had later disappeared.

89. The Verwoerd Government had not succeeded in persuading the chiefs of various areas of South West Africa to accept the Odendaal Commission's proposals. Chief Hosea Kutako had refused to attend a meeting which had been held in connexion with the Commission's proposals, and in a letter to the Commissioner of Native Affairs at Windhoek, he had said that he had turned down the invitation because he was opposed to any division of South West Africa into Bantustans. In Chief Kutako's opinion, the South African Government had no right to draw up a constitution for South West Africa and impose it on the people.

90. At a meeting convened in Walvis Bay by Mr. Botha, the South African Minister for Coloured Affairs and Community Development, Mr. Otto Kabanab, a Damara member of the Advisory Board, had said that the Africans were the owners of South West Africa. At Tses, where 200 headmen and advisory boardmen and some inhabitants of three other Reserves had gathered to listen to the Minister, Mr. Stephanus, the Herero headman of the Tses Reserve, had said that there was nothing in the Commission's proposals that could help the people of South West Africa, who wanted their country returned to them. Mr. Izak, a Nama headman of the Berseba reserve, had also told the Minister that the proposals were not acceptable to his people.

91. A statement issued by the South West Africa National Liberation Front in February 1964 declared that the entire population of South West Africa rejected the Odendaal Commission's proposals as an attempt on the part of Mr. Verwoerd and his Government firmly to establish their criminal presence in South West Africa. The statement emphasized that as the question of South West Africa was *sub judice* before the International Court of Justice, there seemed to be no way open to Mr. Verwoerd to make structural changes in the Mandated Territory of South West Africa. The statement further said that the appointment of the Commission had been a political blunder and that if the United Nations considered the proposals, that would constitute an act of dishonesty or neglect of duty, because there was no difference between the Verwoerd proposals on Bantustans and the plan for South West Africa partition which had previously been rejected by the United Nations. The statement by the Liberation Front concluded by saying that the Government of South Africa had already proved that it was not sufficiently civilized to administer another country, and that the people of South West Africa demanded the termination of South African administration, namely, the removal from the country of all South African military and police forces. Any implementation of the Odendaal Commission's proposals could only take place by the use of force.

92. In most areas the proposals had been presented as suggestions for the building of schools and hospitals, the clearing of additional land and the provision of assistance for development. An attempt had been made to bribe the chiefs by giving them watches and fountain pens. However, the Verwoerd Government had failed to persuade the people of South West Africa, who had lost all confidence in the Pretoria authorities.

93. Mr. Botha had said at Windhoek that the Commission had been appointed because of world interest in South West Africa. What the world wanted for South West Africa, however, was independence and not structural changes carried out by the South African

Government. There was a possibility that South Africa had appointed the Commission for the sole purpose of supporting its case at The Hague. Realizing that it had failed in its duty to develop the Territory as provided by the Mandate, it now wanted to be given a chance to do so according to the Odendaal Commission's plans. Another possibility was that the Verwoerd Government was trying to use the Odendaal Commission's report to sow dissension among the Africans and to create confusion internationally concerning the political situation in the country as a means of further delaying the case at The Hague.

94. There were strong indications that the Prime Minister was trying to modify his plans and was proceeding with new caution following the warnings he received from the United Kingdom and the United States to the effect that direct United Nations intervention could follow any move to carry out the Odendaal Commission's *apartheid* proposals in the Mandated Territory while the case of South West Africa was before the International Court. The two Western Powers had also warned that Liberia and Ethiopia might apply to the Court for an injunction to stop any attempts to make structural changes in the Territory. According to *The Star* of Johannesburg, the Prime Minister would for the time being proceed only with the implementation of the proposals for the development of the Territory, such as water projects, power projects and a road-building programme.

95. In Mr. Mbaeva's opinion, the real purpose of the Odendaal Commission's proposals was the extermination of a large number of Africans or non-whites through starvation under the guise of furthering their advancement. The proposals were based on the Bantustan system as it was applied in South Africa. The Commission provided for ten African states and one European state, with autonomous powers as limited as those of the Transkei. Internal security, foreign affairs, defence and finance would come under the jurisdiction of the South African Government; in other words, the country would be reduced to a province of South Africa with the so-called African states having less autonomy than the present reserves. Movements of the Africans from one state to another would be restricted. As the African states would not possess any mineral resources, industries, ports, towns or cities, the Africans would be a source of labour for the white settlers. In South Africa, Africans were starving because they were not free to develop economically, and the same situation was being created in South West Africa.

96. The South African Government, realizing that all Africans would eventually be free and independent, was seeking to perpetuate its domination by separating non-whites from whites and dividing them into groups so that any opposition could be easily crushed. The Government maintained its power by force of arms and ammunition furnished by the United Kingdom. The South African Prime Minister had already embarked on a programme which, when carried out, would make the Government immune to sanctions, with the possible exception of an embargo on petroleum.

97. Mr. Mbaeva emphasized that unless the United Nations took immediate action to prevent the carrying out of the Prime Minister's programme of racial genocide, there would be a serious danger which the United Nations might be unable to control.

98. On behalf of the South West Africa National Union and the people of South West Africa, he requested the United Nations through the Special Com-

mittee first, to condemn once more the Government of the Republic of South Africa for persistently ignoring all United Nations resolutions on South West Africa and South Africa; secondly, to regard any move to implement any part of the Odendaal Commission's proposal as an implementation of all the proposals, against which application might be made for an injunction of the International Court of Justice in order to stop any attempt to make any structural changes in the Territory; thirdly, to call for an emergency meeting of the Security Council to consider the possibility of sending United Nations troops to maintain law and order while the case of the Territory was being heard by the International Court; fourthly, to devise means through which the South African administration of the Territory, including all South African troops and police forces, should be immediately removed from South West Africa; and fifthly, to appoint a commission to investigate the political stand of the foreign investors in South West Africa and tell them that failure to support the struggle for freedom now might jeopardize their future relationship with the inevitable African Government of the Territory.

99. The Rev. Markus Kooper recalled that the United Nations had been founded to safeguard peace through international co-operation. It must avoid repeating the mistakes committed by the League of Nations. However, the policy pursued by the Organization was directly responsible for the gradual aggravation of the situation in the Mandated Territory of South West Africa.

100. When the question of South West Africa had been brought before the United Nations for the first time, the United Party Government, which had then been in power in South Africa, had recognized that the United Nations as the successor to the League of Nations had the right to intervene in the Territory if it wished to do so. Moreover, the United Party continued to maintain that position.

101. The Rev. Markus Kooper stated that the rapid deterioration of the situation in South West Africa and in South Africa itself made United Nations intervention in the Territory more justifiable and more necessary than ever. Two years after the United Nations had been founded, the United Party Government had been replaced by the present régime of Mr. Verwoerd, which was seeking to annex the Territory unilaterally without consulting the indigenous inhabitants or obtaining their consent and without the co-operation of the United Nations. Legislation incorporating the Department of Native Affairs of South West Africa into the Department of Bantu Administration and Development of South Africa had been passed in the all-white South African Parliament. The curriculum of the Bantu education programme and the Bantu Authorities Act had been applied in the Territory. The African population of the country had not been consulted and could hardly be expected to accept the changes made by the Verwoerd régime. Seeing the manoeuvres of the settler Government of South Africa and the passivity of the United Nations, the Africans were losing hope and could hardly be blamed if they turned away from the United Nations and sought help elsewhere.

102. In 1945, when the United Nations had been founded, the military forces of South Africa had not been as strong numerically nor as efficiently trained and equipped as they were today; since the Nationalist Party had taken power in 1948, the Government had bought arms and war material from the Western

nations, and the white population, including women and children, were being trained in the use of those weapons. A munitions factory had even been set up in South Africa. In 1962, when the Committee on South West Africa had wanted to visit the Territory, the South African Government had flown soldiers to the border of South West Africa to prevent the Committee's entry into the Territory; it had then become clear that the country's military preparations were in no way designed for the maintenance of internal law and order but were mainly intended to prevent the United Nations from setting foot in the Territory without the agreement of the South African Government. Nevertheless, in 1958, the South African Government had accepted a visit by the Good Offices Committee on South West Africa, even though the situation in South West Africa had reached breaking point. The reason why the settler Government had accepted the Good Offices Committee lay largely in the fact that it was composed of representatives of the United Kingdom, the United States and Brazil, under the Chairmanship of Sir Charles Arden Clarke. The Committee's meetings with the puppet representatives of Anglo-American mining companies and United Kingdom and United States vested interests in South Africa had taken place behind closed doors, the inescapable inference being that the scope of the discussions and agreements reached at Pretoria had gone beyond the Committee's mandate. The Rev. Markus Kooper stated that methods for carrying out the plan for partitioning the Territory had been discussed and agreed upon at the Committee's meetings by the representatives of the United Kingdom, the United States of America and the *apartheid* régime of South Africa. The Governments of the United States and the United Kingdom were using the opportunity provided them by the United Nations to go to South Africa and promote their own interests and their imperialist designs and not to serve the interests of the indigenous population. They were therefore equally responsible with the South African Government for the crimes and atrocities committed by the settlers in South West Africa.

103. South Africa's attempt to annex the Territory of South West Africa at the end of the First World War had been foiled by the efforts of President Woodrow Wilson, who had opposed any annexation. After President Wilson's death, the United States had abandoned that policy of no annexations and allied itself with the other Western countries and with the South African representatives of the Anglo-American companies in support of South Africa's policy of annexation. The Odendaal Commission had been created on the recommendation of the Good Offices Committee, which had encouraged the Government of the Union of South Africa to carry out an investigation of the practicability of partition for the Territory. It should be noted that the Odendaal Commission had been set up not in order to elaborate a five-year development plan for South West Africa, as the South African fascists tried to claim, but for the sole purpose of formulating a five-year plan for the partition and annexation of the Territory. It was therefore easy to see that the situation prevailing in South West Africa, as a result of the Odendaal Commission's plan, was more explosive than ever.

104. The Verwoerd Government wanted to implement the partition and annexation plan before the International Court of Justice had given its verdict. It would

then refuse to accept the judgement of the Court and the result would be a situation which the United Nations should avert at all costs. Moreover, there should be no underestimation of the fact that in 1958 at Pretoria the United Kingdom and the United States had concluded an agreement with the South African Government whereby the Anglo-American mining companies in South Africa and South West Africa would finance the establishment of the Bantustans. The United States and United Kingdom Governments could not endorse the partition and annexation of South West Africa and claim in the Special Committee that they were opposed to *apartheid*.

105. The Rev. Markus Kooper recalled that the General Assembly, by resolution 1357 (XIV) of 17 November 1959, had urged the South African Government to desist from carrying out the removal of the residents of the Hoachanas Native Reserve. He hoped that the Special Committee would reaffirm the right of these and other people of South West Africa to live on their ancestral land. In resolution 1761 (XVII) of 6 November 1962, the General Assembly had requested Member States to break off diplomatic relations with South Africa, but relations between the United States and South Africa had become stronger. He urged the Special Committee to draw the attention of the Security Council to the situation which might arise in South West Africa if the recommendations of the Odendaal Commission were implemented and to request the Council to consider the possibility of establishing a United Nations presence in the Territory. In addition, the Special Committee should appeal to the Governments of the United Kingdom and the United States to stop encouraging South Africa in its tragic policy by their financial and other support.

106. Mr. Nujoma said that the political situation in South West Africa, which had already been most precarious, had become explosive as a result of the implementation of the recommendations made in the Odendaal report, which flouted the wishes of the African majority and world opinion. He therefore requested the Special Committee to stop the settler Government from carrying out those recommendations.

107. In the northern region of the Territory, the South African Government had given certain powers to local chiefs, who had been instructed to shoot at members of SWAPO or anyone else who might be opposed to the Government's policy. They had been supplied with automatic weapons and empowered to arrest anyone they suspected of being a member of SWAPO. When the so-called Minister of Bantu Administration and Development, Mr. de Wet Nel, visited South West Africa on 20 February 1964 to introduce the Odendaal Commission's report officially, he had been met everywhere with strong opposition from the Africans.

108. At Ohanguena, in Ovamboland, his meeting had been broken up by the demonstrators. The Bantu Affairs Commissioner, Mr. Strydom, who had organized the meeting, led a band of armed police and Government-appointed headmen threatening to shoot members of SWAPO. That had occurred in the presence of the Minister. On 21 February 1964, the police and headmen had invaded and sacked the house of the regional chairman of SWAPO, Mr. Simon Kaukunga, and threatened to shoot him if they found him. He had managed to escape, however, and had found refuge in the United Republic of Tanganyika.

and Zanzibar. On 28 March 1964, the Treasurer of SWAPO, Mr. Eliaser Tuhadeleni, and five other leaders of SWAPO had been arrested and beaten up. They were then detained for ninety days without trial, Mr. Asel Simon, Mr. Imanuel Shifindi, Mr. Titus Namueha and Mr. Olavi Hailenge were still in chains at Ohangwena.

109. The Acting President of SWAPO, Mr. Nathaniel Mahuilili, had also been arrested, at Walvis Bay. In one case, he had been sentenced to a fine of £100 or two months in prison; in a second case, he had been sentenced to four months in prison without the option of a fine.

110. The minority Government of the South African settlers had started a virtual campaign of victimization in South West Africa. In Windhoek and other towns, as in Johannesburg and other South African cities, it was the habit of the white employers to dismiss members of SWAPO or any other African suspected of sympathizing with a political movement in a Territory. At Windhoek, the police were threatening to move the African residents of the old Windhoek location to the segregated township of Katutura.

111. Those incidents were very significant. South Africa and her *apartheid* laws had caused incalculable suffering to the African people in South West Africa. South Africa had vowed to continue to defy world opinion and had imported her militaristic neurosis into South West Africa. He quoted excerpts from *The Windhoek Advertiser* of 30 January 1963 and *The Star* of 14 May 1963 concerning the military base at Walvis Bay.

112. Mr. Nujoma stated that South Africa could not manage its own affairs and therefore could not manage the affairs of South West Africa. It had failed to fulfil its obligations under the mandate and must be stopped from turning South West Africa into a concentration camp. The South West African Peoples Organisation demanded the immediate release of all political prisoners.

General statements by members

113. The representative of Ethiopia stated that it had been abundantly clear for some time that the Republic of South Africa had been and still was administering South West Africa in flagrant violation of the articles of the League of Nations Mandate and the various resolutions of the General Assembly. Members of the Special Committee were aware of South Africa's intention to annex, wholly or partly, the international Territory of South West Africa despite the General Assembly's decision in resolution 1243 (XIII) of 30 October 1958 not to accept the suggestions of the Good Offices Committee on South West Africa envisaging partition and annexation as a basis for the solution of the question and despite the General Assembly's unequivocal declaration that any attempt to annex any part of the Territory or to partition it was incompatible with its obligations under the mandate.

114. Not having succeeded in that illegal and unjustified move, the Republic of South Africa had now embarked on an effort to divide the Territory and the people into so-called "white areas" and "non-white homelands", a scheme proposed by the Odendaal Commission. Under the guise of undertaking studies for the economic and social progress of the people and the advancement of the Territory, the Republic of South Africa was pursuing a policy designed to exploit the Territory to the detriment of its inhabitants. The

great number of petitions which the Committee had received from the leaders and people of South West Africa had made their views on the Odendaal report unmistakably clear. The petitioners unanimously felt that the United Nations must take positive action to stop the Mandatory Power from unilateral and illegal activities in South West Africa. Supported by the overwhelming majority of the population of South West Africa, they urgently appealed to the United Nations for protection against South Africa's systematic effort to flout United Nations decisions and arbitrarily divide a homogeneous people which had been entrusted to it for better development.

115. Although the intentions of the Republic of South Africa were clear to all, it remained to be seen what action the South African Parliament would take on the Odendaal report. The delegation of Ethiopia strongly believed that the Special Committee should draw the attention of the authorities concerned not only to the obligations which South Africa had undertaken under Article 22 of the Covenant of the League of Nations and the mandate and to the General Assembly's categorical rejection in resolution 1243 (XIII) of any suggestion that partition or annexation might be considered a basis for the solution of the question but also to the fundamental principle, laid down in the Declaration on the granting of independence to colonial countries and peoples, that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the Purposes and Principles of the Charter of the United Nations.

116. The serious situation prevailing in the mandated territory was a test of the effectiveness of the collective power wielded by the United Nations. In May 1963 the Summit Conference of Independent African States had adopted a resolution declaring that any attempt by the Republic of South Africa to annex the Territory of South West Africa, an African Territory under international mandate, would be regarded as an act of aggression, and reaffirming the inalienable rights of the people of South West Africa to self-determination and independence.

117. While the proceedings brought by the Governments of Liberia and Ethiopia before the International Court of Justice were pending, those Governments expected the Government of the Republic of South Africa to refrain from any action that might prejudice the case. If that Government, the representative of Ethiopia stated, should act in a manner contrary to the mandate, the United Nations resolutions and the procedure of the International Court, all others concerned with the case would be compelled to adopt measures to protect their position.

118. The representative of Cambodia recalled the various subterfuges used by South Africa to evade the problem of South West Africa: its claims that the United Nations was not competent to deal with the matter and that its obligations had terminated with the demise of the League of Nations; its refusal to admit to the Territory a United Nations body or representative of the Secretary-General; its recourse to the *sub judice* argument and, finally, recourse to the alibi of the Odendaal report. In the meantime, there had been moves to annex or partition the Territory. In the face of such bad faith, the United Nations had displayed patience and a spirit of conciliation. However, that situation could not continue and it was the duty

of the Organization to take steps to safeguard the rights of the African population. The international community had not been idle. It had adopted numerous resolutions. It had established the right of petition for all inhabitants of the Territory and special education and training programmes, under which fellowships had been granted by Member States. It had pronounced that any attempt to annex a part or the whole of the Territory of South West Africa constituted an act of aggression. With reference to General Assembly resolutions 1899 (XVIII) and 1979 (XVIII), the representative of Cambodia stated that Cambodia had taken all the measures recommended in resolution 1899 (XVIII) and that Sub-Committee I of the Special Committee was making a study of the activities of the mining industry and the other international companies having interests in South West Africa. Further, the question of South West Africa would come before the Security Council.

119. The situation was becoming increasingly critical. The Government of South Africa had not renounced its policy of *apartheid*; African nationalists were continually harassed and the Governments of independent African States were preparing to take action. In addition the recent Odendaal report was aimed at facilitating the pursuit of a policy of racial discrimination and the partition of the Territory. The people concerned had not been consulted about the composition of the Odendaal Commission or its conclusions. There had already been a public outcry against the aims and conclusions of the report and several petitions on the subject had been sent to the Special Committee. The Cambodian delegation therefore protested against the adoption of the report by the Government of South Africa and the application of its recommendations to South West Africa.

120. His delegation recommended the following measures: reaffirmation of the provisions contained in previous resolutions of the General Assembly on South West Africa, including resolutions 1899 (XVIII) and 1979 (XVIII), which had been adopted by large majorities; recommendation to all Member States to adopt the measures recommended in paragraph 7 of resolution 1899 (XVIII); consideration of the question by the Security Council and, lastly, retention of the question on the agenda of the Special Committee pending the submission of the study being prepared by Sub-Committee I. The Cambodian delegation would support any proposal aimed at enabling the population of South West Africa to exercise freely its right to self-determination and independence.

121. The representative of the Union of Soviet Socialist Republics observed that in the history of the United Nations there were few questions which had been so frequently and fruitlessly discussed as the question of the situation in South West Africa. The consideration of the question of South West Africa in the United Nations had been characterized by two parallel processes. On the one hand, the countries of Asia, Africa, and Latin America, the socialist States and a few countries of Europe had endeavoured to find ways and means to solve the problem in the interests of the indigenous population. That process had encountered the resistance of fascist South Africa, which in its disregard of United Nations decisions had relied on direct and indirect support from the leading Western Powers. It was the West which was responsible for the fact that South West Africa remained a colony of South Africa,

the representative stated, and the West was a partner to the policies of the South African Republic with respect to South West Africa.

122. From year to year the General Assembly and its organs, including the Special Committee, had adopted resolutions which had been completely ignored by South Africa. Thus, in 1946 the General Assembly had drawn the attention of the then Union of South Africa to the need to implement Chapters XII and XIII of the United Nations Charter.¹⁰ In answer, the Union Government had stated its intention to annex the Territory of South West Africa.

123. At the fourth session of the General Assembly in 1949, the question of the Union of South Africa furnishing information about the Territory had arisen; the South African Parliament adopted in that very year an amendment of the law on South West African affairs which confirmed the illegal annexation of South West Africa.

124. The Government of the Union of South Africa had refused to co-operate with the Committee on South West Africa and had answered the United Nations appeal by adopting the Suppression of Communism Act, on the basis of which the authorities had prohibited and disbanded all Progressive organizations and closed their newspapers and magazines. That fascist law had immediately been extended to cover South West Africa.

125. In recent years the General Assembly had adopted resolutions which had condemned the method of administration of South West Africa by the racist authorities of the Union of South Africa. Inquiries had been held. Committees had been appointed. But this time, South Africa had strengthened the pressure of its colonial Press over the Africans in South West Africa and had persecuted and was continuing to persecute every manifestation of freedom of thought; it had choked off and destroyed any opposition to the racist régime of *apartheid*. Various laws had been adopted under which an African could be thrown out of his job arbitrarily. He could be thrown into prison or into a concentration camp under these laws. There were certain regulations under which he could be evicted from his little piece of land, he could be thrown out of his own house and his home could be destroyed. He could be sold like a slave to a white master. He could be brought before the courts and put behind bars simply because of the fact that he appealed to the United Nations for help. Finally, he could be shot or killed if he simply went out to participate in a peaceful protest demonstration.

126. The decisions of the United Nations had become more categorical. However, up to now the United Nations had not gone any further than to adopt resolutions. At the same time, the situation in the Territory was continuously getting worse and the indigenous population of South West Africa continued to be deprived of the most elementary rights, not to mention their political freedoms. This policy was based on the principle of the maximum use of cheap labour of Africans on the farms of the colonialists and in the mines held by the monopolistic trusts.

127. In order to bring the Africans to the farms and mines, the South African authorities continued to apply forcible mobilization and indirect coercion. The South African authorities had maintained and developed

¹⁰ Resolutions 9 (I) of 9 February 1946 and 65 (I) of 14 December 1946.

the system that had been created under the German colonialists of isolated territories reserved for the indigenous population. Expropriation of land and shameless exploitation of the local population were basic features of the colonial régime in South West Africa.

128. The General Assembly had examined the question of South West Africa as recently as six months previously. Throughout these past months there had been no change, and no elements indicative of any possible change for the better.

129. On the economic level the exploitation of the natural resources of South West Africa continued to enrich the colonialists and the foreign investors. More than two-thirds of the best arable land in South West Africa was in the hands of the white colonialists. The natural resources of the country—diamonds, lead, zinc, vanadium, cadmium, silver and other minerals—were exported by American, English and West German monopolies.

130. On the political level, the people of South West Africa continued to be completely enslaved and to be deprived of all political rights. Social activities in the country were kept in such conditions which best served the political and economic purposes of the colonialists. More than 80 per cent of the budget was spent by the racist Government of South Africa on the white population. In education and public health, the facilities available to the Africans were completely inadequate.

131. Police terror was continuing. The police unswervingly applied the law which had been pronounced in 1952 by Mr. Charles R. Swart, the then Minister of Justice, presently President of the South African Republic: "if you see Africans meeting together in a group, shoot first, ask questions afterwards".

132. The petitions which had been submitted to the Special Committee and the statements made by petitioners gave a very complete picture of the situation of the Africans in South West Africa. These had shown that the police terror was continuing. In a petition dated 6 April 1964 (A/AC.109/PET.209/Add.1) submitted by the South West Africa Peoples Organisation in Dar-es-Salaam, it was stated that the police, "in typical nazi fashion", had arrested and condemned to four months' imprisonment the Acting President of the South West Africa Peoples Organisation, Nathaniel Mahuilili. He had been arrested because he had attempted to organize a meeting of protest against the Odendaal Commission.

133. In a petition dated 14 April 1964 (A/AC.109/PET.219/Add.1) from the Branch Secretary of the South West Africa National Liberation Front, Mr. Shailemo stated that in the city of Tsumeb six SWAPO and SWANU leaders had been arrested for attempting to hold an "illegal" meeting of the indigenous population of South West Africa.

134. One could only feel indignant over the reports of the profits extracted from dealings in the Republic of South Africa by the Western Powers against the background of the suffering of the indigenous population in South Africa and South West Africa. The figures and facts concerning these acquired an appearance of sacrilege. On 24 February 1964, *The New York Herald Tribune* had contained an extract from the magazine *International Trade* published by the United States Department of Commerce, that stated that "the exports of the United States to South Africa had shown profit from the increasing foreign trade of the United States with that country in 1963. The

shipments had increased by \$30 million as compared with the preceding year". The Consul-General of the United States in the Republic of South Africa, according to a report in the *South African Digest*, had stated in October 1963, at the time when he had been opening still another enterprise in Johannesburg, that everybody knew that if there were no profits there would be no American investments and there would be no projects. There would be no such investments and profits if there were no desire for co-operation by the Government and for assistance to be given to new sectors.

135. South Africa and its allies might state that the Soviet delegation was not correct in stating that there were no new elements in the situation in South West Africa. They might point to the so-called Odendaal report. However, a careful study of the report showed that the recommendations contained therein, and primarily the recommendations calling for the creation in South West Africa of so-called Bantustans—a kind of ghetto for the indigenous population—would by no means improve the situation of the indigenous population of South West Africa, but would serve for the attainment of those goals which the Government of the Republic of South Africa had sought in respect of South West Africa.

136. The Odendaal report was aimed first at extending the system of *apartheid* to cover all spheres of activity in South West Africa and, so to speak, to lay the roof over the edifice of *apartheid* which the South African Government had constructed in South West Africa throughout the post-war years. Secondly, it was aimed at strengthening and perpetuating the annexation of the Territory of South West Africa by the South African racists, although the African population and the progressive people in South Africa, and the entire world with the exception of the main partners of the South African Republic—in any case, the overwhelming majority of the Member States of the United Nations—saw the solution of the problem of South West Africa in the full integration of the country and in the broadest possible participation of the indigenous population in the use of the natural resources and possibilities of their own country and in the implementation in this Territory of the provisions of the Declaration on the granting of independence to colonial countries and peoples.

137. Therefore, it was not astonishing to see the indignation with which the entire world had received the Odendaal report, and even the pro-Government Press in Cape Town had reported that the majority of the non-whites had immediately rejected this report. The opposition newspaper, *Contact*, published in the Republic of South Africa, had stated in its issue of 14 February 1964 that SWAPO and SWANU, political organizations in South West Africa, and the partisans of liberty for South West Africa throughout the world would very probably condemn the report for the unacceptable conception at its very basis, the conception of *apartheid*.

138. The statement made by the National Liberation Front of South West Africa said that the people of South West Africa would not tolerate implementation of the recommendations of the Odendaal report.

139. The representative of SWANU had stated at the end of January that any attempt to create a Transkei in South West Africa would lead to bloodshed. The Secretary-General of that organization, Mr. Kozonguizi, in a telegram to the Special Committee, had appealed to the United Nations to condemn the

Odendaal report in principle and to take measures to prevent its implementation (A/AC.109/PET.266). This could be seen in the petition of 16 April that had just been received by the Committee. Chief Hosea Kutako of the Herero tribe had stated that any attempt to drive the indigenous population into Bantustans would lead to an uprising. The petitioner, Mr. Beukes, had stated in one of his petitions (A/AC.109/PET.204/Add.3) that his people would in no circumstances agree to the contents of the report. As the implementation of these recommendations would result in the final incorporation of South West Africa into the Republic of South Africa, the petitioner had demanded that this whole question be brought immediately and directly before the Security Council.

140. The petitioner, Mr. Mbaeva, had said in his statement before the Special Committee at its 255th meeting on 8 May 1964 that if the recommendations of the Odendaal report were to be implemented, the country would be reduced to a province of South Africa with the so-called African States having less autonomy than the present reserves.

141. Another petitioner, Mr. Bassingthwaighe, had also called on the Special Committee to bring the entire question to the Security Council for its consideration.

142. That was the opinion of the representatives of the indigenous population of South West Africa, on the report of the Odendaal Commission and the recommendations which it contained. The Special Committee as a whole, and its individual members including Western Powers, ought to give heed to this opinion and make it their basic objective to elaborate recommendations concerning this Odendaal report, and indeed the entire question, which would correspond to this opinion.

143. The position of the Soviet Union had been set forth in a letter addressed to the Secretary-General on 16 January 1964 (A/5690) concerning resolution 1899 (XVIII), adopted by the General Assembly on 13 November 1963. The letter had stated that the Soviet Union which, by its very nature, was a socialist State where the exploitation of man by man did not exist, and where a policy of full equality of all races and peoples applied, rejected colonialism and racial discrimination in any form or manifestation. To these principles the Soviet Union had always adhered and would continue to adhere. It advocated that the United Nations, as well as all States Members of the Organization, should take measures, both collectively and individually, to ensure in the near future the granting of independence to colonial peoples, including the people of South West Africa.

144. The Soviet Union did not maintain diplomatic or consular relations with South Africa, nor did it engage in trade with that country. It went without saying that the Soviet Union had not delivered, and was not delivering, to South Africa, weapons, military equipment or petroleum products. On the basis of that position, the Soviet delegation had supported resolution 1899 (XVIII) and resolution 1979 (XVIII), which requested the Security Council to consider the critical situation in South West Africa.

145. The situation in South West Africa, especially recently, because of the plans of the Government of South Africa to implement the recommendations of the Odendaal Commission, had worsened tragically. The Government of South Africa, in flouting the decisions of the United Nations on the question of South West

Africa, had openly embarked on the path of the division of the country and its annexation. That was in conflict with General Assembly resolution 1514 (XV) and, in particular, with paragraph 6 of that resolution.

146. The activities of the South African racists were also directly in conflict with the decision taken by the Summit Conference of independent African States at Addis Ababa.

147. The Soviet Union fully supported those decisions, and it had stated that it was ready to bring to the African peoples who were struggling for their full independence all the support which it was capable of bringing to them.

148. The Soviet delegation was deeply convinced that the Government of South Africa should be surrounded by an atmosphere of boycott and condemnation. Without the application of the decisive measures provided for in the United Nations Charter, it was impossible to exert any influence towards a change in the South African Government's policy with regard to South West Africa.

149. The Special Committee should demand of the South African Government that it put an end to any attempt to implement the recommendation of the Odendaal Commission as regards the division of the Territory. The Committee should also ask all Members of the United Nations to give all possible assistance, collectively or individually, to the indigenous people of the Territory in their struggle for their inalienable rights and for national independence.

150. The Committee should also ask the Security Council to take measures which would implement the many recommendations of organs of the United Nations on South West Africa and to give the people of South West Africa all the help that was needed in order to achieve independence.

151. That was all the more necessary and justified since the Republic of South Africa received various kinds of assistance from a number of countries of the so-called free world which were interested in keeping South West Africa in the hands of the monopolies.

152. The quicker energetic measures with regard to the South African racists were taken, the sooner the goals of the Declaration on the granting of independence to colonial countries and peoples would be reached.

153. The representative of Mali stated that each year the Special Committee, the Fourth Committee and the General Assembly in turn considered the grave problem of the situation in South West Africa, and each year the Government of South Africa systematically refused to co-operate with the United Nations and to carry out the resolutions adopted on the question.

154. While other States had willingly co-operated with the Special Committee during the current session in examining the situation in the Territories under their administration, South Africa continued to deny its co-operation on the pretext that the International Court of Justice had not yet ruled on the matter. In so doing it was evading its responsibilities as a Member of the United Nations and affirming its intention of annexing the Territory of South West Africa.

155. His delegation noted with concern that the policy of *apartheid* had recently been intensified despite the expressions of alarm which had come from many countries; there had been no progress in the Territory's constitutional development, and the only new element was the report of the Odendaal Commission to which the petitioners had referred. With that report the

Government of South Africa hoped to succeed in abusing the good faith of the people of South West Africa and international public opinion, instead of working honestly for the emancipation of the inhabitants of the Territory and respecting their right to self-determination and independence in accordance with the spirit and letter of Article 22 of the Covenant of the League of Nations and the provisions of the mandate.

156. The Odendaal plan held out none but dangerous prospects for South West Africa, and its application could not but be catastrophic; it would be the very negation of the principles of the United Nations Charter and of the Universal Declaration of Human Rights. The delegation of Mali shared the grave fears of the defenceless peoples of South West Africa and of their spokesmen in the Special Committee, and supported the conclusions of the Secretariat document, which made it unequivocally clear that the implementation of the Odendaal Commission's recommendations would mean the division of the Territory, the establishment of different administrations directly subordinate to the Government of South Africa and closer integration with that country. The Odendaal Plan, far from being inspired by a desire for the rapid development of South West Africa, provided for the partitioning of the country into white and black, rich and poor, zones, and the establishment of a society based on reactionary racial considerations. Its effect would be to take the land away from its owners and to deprive the African inhabitants outright of the natural wealth of their country, in which they would be no more than strangers. Finally, the Odendaal plan would turn South West Africa into a fragmented colony of South Africa and another bastion of *apartheid*, a situation which must be avoided at all costs. The Committee should carefully study the statements of Mr. Bassingthwaite and Mr. Mbaeva, who had spoken at the 225th meeting in the name of millions of Africans, and draw the inescapable conclusions. The two petitioners had shown clearly that the conclusions of the Odendaal report did not meet the legitimate aspirations of the South West African people.

157. The situation in South West Africa remained very critical, because of the baneful influence of the South African Government's racist policies; the petitioners had indicated no progress in the political or social life of the country, and no United Nations resolutions had been carried out. In those circumstances, his delegation wished to reaffirm the various recommendations adopted on the subject, in particular General Assembly resolution 1899 (XVIII), in which the Assembly had decided, *inter alia*, to draw the attention of the Security Council to the situation in South West Africa, the continuation of which constituted a serious threat to international peace and security.

158. His delegation also believed that General Assembly resolutions 1901 (XVIII) of 13 November 1963 and 1705 (XVI) of 19 December 1961 should be implemented; it associated itself with the appeal to all Member States to make scholarships available to South West Africans and facilitate their travel; and finally, it supported the appeal made to all Governments, in particular to those of the great Powers, to cease aiding the racist Government of South Africa and to exert pressure on it in order to induce it to comply with the United Nations decisions.

159. It was the Committee's duty to help the South African people by every available means to become

the absolute master of its national heritage and to prevent the mining companies from continuing to exploit the country's wealth for their own exclusive profit; his delegation awaited with great interest the report on the implications of the activities of the mining industry and the other international companies having interests in South West Africa called for in paragraph 8 of resolution 1899 (XVIII). His delegation was also convinced that effective United Nations representation, as provided for in General Assembly resolution 1702 (XVI), would help South West Africa to achieve the fullest measure of self-government. It would associate itself with any step the Committee might take to remove South West Africa from South African administration and enable it immediately to benefit from the provisions of General Assembly resolution 1514 (XV).

160. The representative of Chile said that the Special Committee's deliberations should not be based on the legal aspects of the situation in South West Africa. Careful study of those legal aspects for eighteen years in various United Nations bodies had resulted in the formation of a very clear approach supported by the great majority. The Committee should be concerned only with the political considerations involved in the problem, the economic situation of the Territory and the plans of the administering Power.

161. Since the adoption of resolution 1899 (XVIII) the situation had worsened, and the possibility of the implementation of the Odendaal report had provoked sharp reactions which had led to the strengthening of the repressive laws.

162. His delegation had carefully studied the Odendaal report and the information furnished by the Secretariat (paras. 1 to 75 above); South Africa had not only failed to meet its obligations under the mandate entrusted to it but had even extended and aggravated the policy of *apartheid* condemned by the entire world. The division of South West Africa into "homelands", as provided in the Odendaal report, would only aggravate internal conflicts, retard the already precarious development of the small communities concerned and stifle any national sentiment and any aspiration to independence. Such a dispersion of the population would prevent even a slow advance of the Territory of South West Africa towards national unity and self-government. The favoured minority fell in with the Pretoria Government's plan because it consisted largely of South Africans who had come to South West Africa to colonize the Territory. As Mr. Julius Lewin had said in an article in the *Daily Mail*, the division of the Territory provided for in the Odendaal report was meeting with less distrust from the international community because it better disguised the annexation of the Territory, but international opinion would not allow itself to be duped, and the Special Committee would continue its efforts to give South West Africa a status which would prevent its excessive fragmentation and make it a multi-racial sovereign State.

163. Four points were evident from the Secretariat study and the statements of petitioners: the great majority of the indigenous inhabitants were firmly opposed to the establishment of "homelands"; oppression by the South African authorities had provoked a veritable exodus of the people to neighbouring countries; the "homelands" were so devised as to favour a minority that would benefit from *apartheid*; and, finally,

such a division would favour the activities of a group of mining enterprises which dominated the Territory.

164. Under the mandate both of the Union of South Africa and of the Republic of South Africa, there was a radical difference between the treatment of the minority and that received by the indigenous majority. Schools, hospitals, housing and clothing bore the stamp of discrimination, in flagrant violation of the most elementary humanitarian principles of the Universal Declaration of Human Rights and of the United Nations Charter.

165. The delegation of Chile was prepared to support any initiatives and specific measures that the Special Committee might take in order to enable the people of South West Africa to exercise their right to self-determination and independence.

166. The representative of Iraq, after affirming the inalienable right of South West Africa to self-determination and complete independence and recalling the crimes committed by the colonialists in the Territory, cited paragraph 7 of resolution 1899 (XVIII), in which the General Assembly urged all States to refrain from supplying any arms or military equipment to South Africa, from supplying any petroleum or petroleum products to that country and, lastly, from any action which might hamper the implementation of the resolution. The Iraqi Government, for its part supplied neither military equipment nor petroleum or petroleum products to South Africa and had always endeavoured to facilitate the implementation of the General Assembly's resolutions on South West Africa. The Iraqi delegation urged the States which had not yet complied with the General Assembly's requests to do so without delay, if they really had the best interests of the people of South West Africa at heart.

167. In the same resolution, the General Assembly had requested the Special Committee to consider the implications of the activities of the mining industry and the other international companies having interests in South West Africa. The Committee was still awaiting the report of Sub-Committee I on that subject, and her delegation reserved the right to comment further when the report was submitted.

168. Numerous petitions had denounced the report of the Odendaal Commission. After reading the very lucid document on the subject prepared by the Secretariat, she was in full agreement with the tenor of those petitions. The basic principle of the Odendaal plan was the dismemberment of South West Africa in a way which would permanently prevent the development of the Territory into a unified State with a single Government capable of leading it to independence. That would be effected by massive shifts of the African population so as to fit in with the partition pattern to be achieved, while the most fertile and richest parts of the country would be left to the European settlers. The aim of the proposed partition seemed to be to draw South West Africa closer to, and eventually integrate it with, South Africa. The nationalist writer Ruth First stated in one of her works that the system of indirect rule had decided advantages for the South African Government, since chiefs could be used to administer vast areas at rates of pay which no white official would accept. Moreover, responsibility for policies was deflected in that way from the Government to the chiefs, and popular resentment was turned inward toward the tribe. Working on that theory, according to Ruth First, the South African Government had

enhanced the powers of the chiefs at the expense of tribal institutions and customs.

169. Thus, one could see the tragic results to which the implementation of the Odendaal report could lead: South West Africa would become a country torn by tribal wars, which would enable a privileged settler minority to go on deriving economic advantages of all sorts from it. The Odendaal report had indeed been prepared with the aim of finding the best means of serving the interests of the white settlers. Her delegation's fears had not been dispelled by the South African Government's announcement that it would temporarily defer taking a decision on the Odendaal report. A statement clearly rejecting it would have been desirable.

170. However, the South African Government would eventually be obliged to come to terms with the world community on the future of South West Africa. That could be achieved only if the principles of the Charter and of the Declaration of Human Rights were made to serve as a basis for the development of the Territory into a free and independent State. The peoples of the world, particularly those who had recently attained independence, could not long remain inactive in the face of the existing situation.

171. The representative of Denmark stated that his Government had always given special consideration to areas with an international status. It felt that the world Organization had special responsibilities for ensuring that due regard was paid to the principles of self-determination and fundamental rights in such territories.

172. Accordingly, the Danish Government had always followed developments in South West Africa with great concern, and the publications of the Odendaal report gave it additional cause for concern. The conclusions of the report were based on the policy of *apartheid*, and the Danish Government therefore had no choice but to reject them. The "homeland" idea was itself grounded in the principles of *apartheid* and nobody could believe in the viability of the proposed system. Moreover, the Danish Government definitely rejected the plans for drawing South West Africa close to South Africa.

173. As to the five-year plans for the economic development of South West Africa, the Danish delegation felt that the proposed investment plans should be considered in co-operation with the United Nations. In fact, a United Nations presence in South West Africa was very necessary in general. It was not enough for the South African Government to have decided to postpone the implementation of certain proposals contained in the Odendaal report. The very ideas embodied in the report must be abandoned completely since they were fundamentally wrong and, moreover, were unanimously rejected by world opinion.

174. The representative of Yugoslavia recalled the terms of General Assembly resolution 1899 (XVIII) on South West Africa. That resolution had done nothing to alter the traditional stand of the South African Government, as the Secretary-General of the United Nations had reported to the General Assembly. Indeed, the South African Government had intensified its efforts to achieve complete *apartheid* in South West Africa and had taken other measures which confirmed its intention of annexing the Territory outright.

175. *Apartheid* was a challenge to the United Nations and it was deplorable that, for reasons that were only

too well known, such practices should still be allowed to exist. All that the United Nations had done in the past eighteen years had produced no results and the situation was growing worse every year. The South African Government closed one avenue of approach after the other. In those circumstances the millions of oppressed Africans would clearly have no alternative but to resort to violence in order to force the South African Government to heed their demands. If the international community did not succeed in making South Africa see reason, the imminent explosion would inevitably claim many victims.

176. The petitions that had been received by the Special Committee (para. 79 above) showed the extent of the opposition in South West Africa to the so-called plan for economic and social development contained in the report of the Odendaal Commission. Even a cursory examination of the proposed plan showed that its main objective was the full application of *apartheid* in the Territory of South West Africa, the strengthening of the position of the whites, who were coming to South West Africa in increasing numbers, and the execution of a programme for the partitioning of the Territory and the forced migration of the indigenous population. That latter aspect of the plan was tantamount to genocide, as plans were being made to settle the indigenous inhabitants in reserves which lacked the conditions which made life possible. Lastly, the ultimate aim of the proposed plan was the annexation of the Territory.

177. The representative of Yugoslavia quoted a passage from Conference Room Paper 64/1¹¹ which stated that the most disturbing aspect of the Odendaal Commission's report was its studied attempt to prepare a rationale for the further extension of the system of *apartheid* in the Territory. According to that document, the application of the Commission's recommendations would have the effect of enthroneing and legalizing racial discrimination in South West Africa, dismembering the Territory and entrenching and inflaming tribal differences and animosities. From the same document it was also clear that the South African Government's plan was based on *apartheid* and was designed to benefit the white settlers in South West Africa, since the proposals of the Odendaal Commission were, in effect, intended to make the South West Africans foreigners in most parts of their own country.

178. The Declaration on the granting of independence contained very clear provisions for situations of that kind. Paragraph 6 of the Declaration stated that any attempt at the disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter. The Yugoslav delegation therefore considered that the Odendaal Commission plan had created a situation requiring the attention of the Security Council. Indeed, the South African Government's policy constituted a direct threat to peace and security. The international community had means of taking effective measures to combat that policy. The General Assembly had drawn attention to those means in resolution 1761 (XVII) of 6 November 1962 and resolution 1899 (XVIII). It was most important that the provisions of those resolutions should be fully implemented. An appeal along those lines had been made by the Conference of Ministers for Foreign Affairs of the Organization of African Unity, held in Lagos in February 1964, and

by the Conference on the Application of Sanctions against South Africa, held in London in April.

179. So far the measures advocated had not given the desired results. On the contrary, South Africa's exports had been higher than ever in 1963, if a report in *The New York Times* of 18 April 1964 was to be believed. The reason for that state of affairs was that General Assembly resolution 1761 (XVII) was not being applied by the countries which could take the most effective action and whose direct or indirect support enabled the racist régime in South Africa to stay in power. According to a Secretariat study of foreign investment in South Africa (A/AC.115/L.56), by the end of 1961 such investment totalled \$4,253 million, distributed as follows: United Kingdom about 60 per cent; United States 12 per cent; various international institutions, 6.3 per cent; France 5.4 per cent; Switzerland 4.2 per cent; Rhodesia and Nyasaland 2.9 per cent; Belgium and Luxembourg 1.2 per cent; all others 8.7 per cent. Furthermore, according to an article in *The New York Times* of 15 April 1964, almost 40 per cent of United States investment on the African continent was in South Africa. Various very revealing articles in the March 1964 issue of the magazine *Africa Today* could also be cited on the same question. In particular, one of the articles said that the near panic which had occurred in 1961, when foreign businessmen had voluntarily decided to curtail their activities in Africa, indicated how vulnerable South Africa would be to an organized campaign in which the United States participated.

180. The argument that the indigenous peoples would be more affected than anyone else by sanctions against South Africa carried no weight. The Africans had nothing to lose and they had themselves called for sanctions. They were ready to bear the consequences—if indeed, their condition could get any worse as a result of the measures that might be taken.

181. Although he had referred to South Africa's main business partners, that did not mean that countries with smaller investments in South Africa were under less of an obligation to carry out the resolutions of the General Assembly. Yugoslavia, for its part, had adopted on 13 November 1963 a law breaking off diplomatic and economic relations with the South African Government. That decision of the Yugoslav Federal Assembly had been communicated to the Secretary-General (S/5438/Add.6).

182. The representative of Madagascar said that for several years South Africa had been administering South West Africa in a manner which was incompatible with the provisions of the League of Nations mandate and the resolutions adopted by the United Nations.

183. Although the United Nations General Assembly had stated unequivocally that any attempt to annex the Territory would be incompatible with the provisions of the Charter, South Africa's policy still aimed at the annexation of South West Africa. At present, under the cover of studies relating to economic and social progress, South Africa was trying to partition the Territory, with the fundamental aim of applying its *apartheid* policy there more vigorously and strengthening the position of the white minority. That was another example of its flagrant defiance of the Organization's resolutions and in particular of the Declaration on the granting of independence to colonial countries and peoples.

184. His delegation would support any measure designed to improve the situation in South West Africa.

¹¹ Not published as a document.

Madagascar had already co-sponsored many resolutions concerning the Territory and had regularly contributed to the costs of the proceedings instituted by Ethiopia and Liberia against South Africa before the International Court of Justice. His delegation fully supported the terms of paragraphs 2, 3 and 4 of General Assembly resolution 1899 (XVIII).

185. It was the duty of the administering Powers to protect the interests of the majority of the inhabitants in Territories that were still dependent. Prompted by the world-wide indignation which had been aroused, his delegation would appeal once more to South Africa to abandon its odious policy. It might not be too late for real coexistence between whites and blacks in that part of the world, where international peace and security were threatened.

186. In conclusion, the representative of Madagascar reminded the Special Committee of the statement made at the eighteenth session of the General Assembly [1272nd meeting] by Mr. Albert Sylla, Minister for Foreign Affairs of Madagascar: when an administering Power refused to bow before the principles of the Charter and the decisions of the Organization, all had a duty to express their disapproval most firmly and to envisage measures to induce it to fulfil its obligations as a Member State.

187. The representative of Poland stated that his delegation had always supported the United Nations resolutions aimed at the early achievement of independence for the people of South West Africa. The question of South West Africa was a colonial problem involving, on the one hand, the future of a colonized people fighting for its independence and, on the other hand, the policy of a Member State which was endangering peace and security and challenging the integrity of the United Nations. The Republic of South Africa was still refusing to co-operate with the United Nations and still violating the mandate entrusted to it by the League of Nations. The political situation in the Territory was deteriorating. The plan to partition and annex South West Africa, proposed in the Odendaal report, was contrary to the purposes of the mandate and to the principles of the Charter and incompatible with the most elementary human rights. The plan, which was an extension of the abhorrent policy of *apartheid*, involved the creation of eleven "homelands" in South West Africa. They would have separate administrations directly responsible to the Pretoria Government and there would be no Government in South West Africa with jurisdiction over the whole Territory. The plan would thus result in the disappearance of South West Africa and its replacement by a number of fictitious "homelands", separating the population into different ethnic groups. The whites would occupy the richest, most fertile and the largest portions of the land. By inflaming tribal differences and animosities, the plan would prevent the achievement of unity in the Territory. It was difficult to see how each of the eleven States could ever be economically viable if, as South Africa had claimed in 1946, the Territory as a whole was not.

188. While it alleged that the plan would accelerate social and economic progress, the South African Government intended to use it to foil any attempt to liberate the Territory. The plan would involve the removal of vast numbers of Africans to remote areas against their will. It was bound to meet with resistance on their part and might well result in a repetition of the tragic events of Windhoek. The Polish delegation strongly endorsed the indigenous inhabitants' condem-

nation of the Odendaal report and their demands for political independence.

189. The South African Government could not be relied upon to defer the implementation of its *apartheid* policy in South West Africa. Mr. Verwoerd had postponed any public announcement about the "homelands" in order to avoid an injunction from the International Court of Justice. However, he was quietly preparing the way for them and proceeding to implement the five-year plan recommended in the Odendaal report. Arrangements were being made to construct a large number of airfields in the Territory. The purpose of the huge military build-up in South Africa and South West Africa was the suppression of the national liberation movement.

190. It was particularly regrettable that South Africa was supported and encouraged by the major Western Powers, which alone were capable of bringing effective pressure to bear upon that country. The same Powers which claimed to defend the so-called free world and which in the General Assembly voted in favour of resolutions condemning the policy of *apartheid* were supplying South Africa with armaments despite repeated appeals by the United Nations and the Organization of African Unity.

191. The Special Committee should reaffirm all the previous resolutions on the question of South West Africa and request the Security Council to enforce them. It should draw the Council's attention to the fact that South Africa's renewed attempt to dismember and annex the Territory was endangering peace and security in Africa and might lead to a major conflict affecting the entire continent. South West Africa could not be an exception to General Assembly resolution 1514 (XV) and his delegation would support any draft resolution aimed at liberating that Territory.

192. The representative of Tunisia noted that the position of the African inhabitants of South West Africa was worsening. South Africa was invoking various pretexts to justify its refusal to grant them their legitimate rights, and was still refusing to co-operate with the United Nations and implement its resolutions. Indeed, in disregard of its special obligations under the mandate and its general obligations as a Member of the United Nations, it was flouting those resolutions and pursuing in South West Africa a policy based on the right of conquest and on reprehensible principles of racial discrimination.

193. The South African Government was about to give institutional form to the principles of *apartheid* in South West Africa by implementing the Odendaal plan. That plan would perpetuate the economic and political servitude of the people of South West Africa, create closer ties between the Territory and South Africa and consolidate the régime of *apartheid*. The recommendations of the Odendaal Commission, which had been rejected by over 90 per cent of the Territory's population, were contrary to paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples and to operative paragraph 7 of General Assembly resolution 1805 (XVII).

194. By its defiance and refusal to co-operate with the United Nations, South Africa had failed to meet the obligations which it had voluntarily contracted by its accession to the Charter. The United Nations was therefore entitled to recommend sanctions against it, which would be effective only if all States undertook to apply them in good faith. It should therefore invite all Member States to adopt an unequivocal attitude

towards South Africa and towards the threat which the policy of *apartheid* represented for the international community.

195. The situation was serious, and it was important that all Member States should help the people of South West Africa to rid themselves of South African exploitation and tyranny, for further procrastination would merely encourage despondency, highlight the United Nations impotence and enable South Africa to introduce further repressive measures and to influence the international economic interests represented in the Territory in order to strengthen its position. The African States could not remain passive in the face of that tragedy which threatened not only the Territory's future but also peace and security in the entire region. In the face of South Africa's consistent refusal to negotiate, they could no longer permit their fellow Africans to be tortured and killed, and treated like pariahs in their own land.

196. The problem of South West Africa could be solved by abolishing *apartheid* and satisfying the people's legitimate aspirations towards freedom and independence and a fairer distribution of wealth and resources. The Tunisian delegation fully endorsed the petitioner's call for immediate termination of the South African administration and the convening of a constitutional convention in which the people would have a full say. The United Nations should take urgent and energetic steps to restore the unity and territorial integrity of South West Africa and to ensure that South Africa forthwith recognized its right to independence and sovereignty. Furthermore, immediate action should be taken to restrain the South African Government from applying the Odendaal Commission's recommendations, and all Member States should immediately implement the provisions of General Assembly resolution 1899 (XVIII), and especially of paragraph 7 thereof. Finally, the United Nations should send a representative to South West Africa to supervise and report on the implementation of these measures.

197. The Tunisian delegation requested that the situation in South West Africa, which in its eyes represented an undoubted threat to international peace and security, should be referred to the Security Council, and pledged itself to co-operate in any positive endeavours destined to secure the liberation of the people of the Territory.

198. The representative of Bulgaria stated that the deterioration of the situation in South West Africa was characterized by the recent moves of the South African Government towards annexation of the Territory, which were confirmed by the publication of the Odendaal report and by the statements of petitioners; yet the South African Government had been warned by General Assembly resolution 1899 (XVIII) that the United Nations would regard such annexation as an act of aggression.

199. He felt it unnecessary to undertake a detailed analysis of the Odendaal report, the provisions of which were reminiscent of the racist edicts in Nazi Germany. In addition to providing a plan for annexing the Territory, it contained a blue-print for implementing the system of *apartheid* there; as in South Africa, the indigenous inhabitants would be herded into Bantustans in the poorer regions, whereas the areas in which raw materials and production centres were to be found would be reserved for the 73,000 whites, for whom the indigenous inhabitants were to provide the indispensable unskilled labour. The entire report was aimed

at extinguishing all hope of independence in the Territory. Since the South African Government had announced its acceptance in principle of the Odendaal report and its intention to proceed immediately with the five-year plan, the implementation of the report had already begun.

200. It was urgently necessary for the Special Committee to recommend appropriate measures to deal with the serious situation which had thus arisen, and his delegation was ready to support any steps designed to forestall the South African Government's intention to annex South West Africa, a gross infringement of international law and human rights.

201. The representative of Syria agreed with previous speakers regarding the situation in South West Africa. The Territory was one towards which the South African Government had specific obligations, for it had been placed by the League of Nations mandate under the administration of South Africa as a sacred trust, just as many other Territories, including his own country, had been entrusted to other Powers. Today, all of those Territories had either become independent or been placed under United Nations Trusteeship. The sole exception was South West Africa which, far from being prepared for independence, had been practically taken over by the mandatory Power, in defiance of its obligations, international law, the United Nations Charter, the General Assembly's resolutions and advisory opinions of the International Court of Justice.

202. His delegation could not accept the contents of the Odendaal report, which constituted an attempt to legalize a deplorable state of affairs and to establish *apartheid* firmly in the Territory; moreover, its implementation would be fraught with dangers which a petitioner had recently stressed. His delegation would support any proposal reaffirming the rights of the people of South West Africa to self-determination and independence, in conformity with the Charter and General Assembly resolution 1514 (XV).

203. The representative of India stated that the situation in South West Africa was extremely dangerous and appeared to be heading towards a racial war, the responsibility for which would rest squarely upon the racist South African régime, which had consistently flouted world opinion and United Nations resolutions. He hoped that South Africa's friends, who were to some extent also to blame because they continued to trade with that country, would rise to their responsibilities and persuade its Government to change its policies, so that the patient efforts of the United Nations might finally be crowned with success through the granting of independence to the Territory of South West Africa.

204. The Indian delegation was grateful to the petitioners from the Territory who had incurred considerable personal hardship in order to plead their people's cause. From what they had said it was clear that the Committee was by no means exaggerating the state of affairs in the Territory, which was worse than the most pessimistic estimates suggested. The South African administration was adopting an increasing number of repressive measures in an attempt to enslave the people, as could be seen from the written petitions submitted to the Committee. Thus Mr. J. D. Gertze, General Chairman of SWAUNIO, had stated that officials were threatening to shoot the non-whites (A/AC.109/PET.206), while Chief Witbooi and others had affirmed that the policy of segregation was systematically wiping

out the inhabitants (A/AC.109/PET.203). Political party offices were raided, their equipment confiscated and their organizers arrested and fined without any reason being given; permits to hold meetings were consistently refused. Women and children were being deported.

205. The people of the Territory had very clear views on what should be done to remedy the situation. According to the petition in document A/AC.109/PET.203, they wanted the mandate abolished, the administration of the Territory taken from the South African Government, and the Territory placed under United Nations trusteeship. His delegation believed that if Member States, particularly those with strong economic and military ties with South Africa, carried out the measures advocated in operative paragraph 7 of General Assembly resolution 1899 (XVIII), the problem could yet be solved peacefully; if they hesitated or circumvented the letter or spirit of that resolution, however, there would be violence and bloodshed because the people of South West Africa would have no other way to end the present tragic situation. It had been argued that the imposition of sanctions on South Africa would cause suffering to the people of South West Africa. However, Chief Luthuli and a number of petitioners had stated that the people of South West Africa would be willing to pay that price. His Government, for its part, had carried out the measures advocated in the General Assembly resolution even before its adoption, having broken off trade relations with South Africa in 1946, at considerable cost to its economy.

206. The situation in South West Africa had been complicated by the fact that the Government of South Africa had intensified its policy of *apartheid* and was extending it to South West Africa. The latest manifestation of that policy was the publication of the Odendaal report, which was imbued with the doctrine of *apartheid* and was therefore totally unacceptable to his delegation and was condemned by the majority of the people of South West Africa.

207. The direct assumption of responsibility for the execution of the plan by the Department of Bantu Administration and Development of the Republic of South Africa would represent a change from *de facto* to *de jure apartheid*. The immediate danger, however, lay in the legal absorption of South West Africa by South Africa and the disappearance of the former as a separate entity.

208. The Indian delegation once again appealed to all States to implement operative paragraph 7 of resolution 1899 (XVIII). The salvation of South West Africa lay in whole-hearted and energetic support of all Member States for the measures outlined in that resolution. South West Africa was not only an African problem; it was a problem for the world. The United Nations had a moral and legal responsibility to help the people of the Territory to achieve freedom and independence.

209. The representative of Venezuela remarked that the question of South West Africa was becoming primarily a political and humanitarian problem. Since the adoption by the General Assembly of resolutions 1899 and 1979 (XVIII), the only change in the situation had been for the worse: the publication of the Odendaal report, which was based on the doctrine of *apartheid* and recommended the partition of the Territory into ten reservations for non-Europeans and a separate zone for whites. Thus, South Africa was

not only violating the mandate, but infringing the most fundamental rights of the human person by confining the inhabitants of the Territory in reservations like animals.

210. In the circumstances, his delegation hoped that the Special Committee and the United Nations would not remain inactive. The United Nations was in duty bound to go to the defence of a people deprived of their elementary rights. His delegation would support any draft resolution the goal of which was the early implementation of the resolutions already adopted by the United Nations.

211. The representative of Sierra Leone pointed out that the general mandate granted to the Special Committee by General Assembly resolution 1514 (XV) had been further strengthened in the case of South West Africa by the provisions of resolution 1805 (XVII). The solemn appeals made to the Government of South Africa for the implementation of the various United Nations resolutions on South West Africa had unfortunately had no effect on it. It had pursued a policy of oppression and, in defiance of the wishes of the people and in disregard of enlightened world opinion, had extended the hateful doctrine of *apartheid* beyond its own borders. The problem now was how to prevent it from annexing the Territory of South West Africa and partitioning it into labour camps to provide a supply of cheap labour for the mills, mines and furnaces of the Republic of South Africa.

212. To appreciate fully the gravity of the present situation, it was only necessary to read the report of the Odendaal Commission, whose very terms of reference reflected the racist policy of the mandatory Power. It had been asked to make suggestions only on the development of the non-white groups in South West Africa, so that its recommendations had been drawn up on a purely racial basis. The Commission had recommended carving up the Territory into little pockets of slavery described as 'homelands' and preserving a 'white area'. Whereas 32.5 million hectares were to be reserved for the nearly 500,000 non-whites of the Territory, over twice that area was to be preserved for their 73,000 white masters. What was even more revolting, however, was the proposal to dismember a Territory held under international trust in order to facilitate the exploitation and virtual enslavement of its people. It was a violation of the basic human rights of the inhabitants to destroy their homes and disrupt their lives by moving them from one location to another merely to achieve a separation of the races.

213. Under the Odendaal recommendations, the proposed legislative councils of the 'homelands' were to be given a semblance of authority and thus to become the instruments used by the South African Government in its effort to extend the odious policy of *apartheid* to South West Africa. If the recommendation for 'homeland' legislatures was adopted, the unitary Territory of South West Africa would be dismembered, lose its identity and be incorporated into the racist Republic of South Africa. His delegation therefore unequivocally rejected the Odendaal report, the recommendations of which contravened paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples and paragraph 7 of resolution 1805 (XVII). It was to be hoped that the Government of South Africa would not attempt to violate the territorial integrity of South West Africa by implementing those recommendations, for such an attempt would be regarded by the rest of Africa and by the Committee

as an act of aggression to be met by every means within their power.

214. The basic evil in the Territory, however, was the absolute lack of consideration for the welfare of the indigenous inhabitants. It was incredible that people living in a land of plenty, blessed with almost unlimited natural resources, should have to seek opportunities for advancement beyond its borders; yet that was the only course open to them, for their own native land denied them any possibility of developing their dignity and worth as individuals for fear that their enlightenment would interfere with the established pattern of economic exploitation. The situation was made even more grim by the active collusion and encouragement of those Powers which allowed their financial interests in the South African mines to dominate all other considerations and which provided that régime with arms and petroleum. Until they realized how dangerous a game they were playing and until they desisted from encouraging South Africa, *apartheid* and the South West African problem would continue to plague the world conscience.

215. The representative of Sierra Leone considered that in the circumstances, it was the Committee's solemn duty to draw the Security Council's attention to the explosive situation in the Territory. At the same time, the Committee should categorically condemn the Government of South Africa for its continued refusal to co-operate with the United Nations or implement its resolutions. Finally, the Committee should rededicate itself to the cause of self-determination and independence for the people of South West Africa and do all in its power to make that hope a reality.

E. ACTION TAKEN BY THE SPECIAL COMMITTEE

216. At the 261st meeting on 20 May 1964, the representative of Sierra Leone introduced a draft resolution (A/AC.109/L.120), submitted by Chile, India, Iraq, the Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, the United Republic of Tanganyika and Zanzibar, Uruguay, Venezuela and Yugoslavia, which was subsequently co-sponsored by Cambodia and Iran (A/AC.109/L.120/Add.1).

217. The representative of Sierra Leone observed that the draft had been cast in moderate language. For example, while some delegations were convinced that any attempt to annex a part or the whole of the Territory of South West Africa would constitute an act of aggression, all were agreed that such annexation would be contrary to international law and a violation of the Charter. Operative paragraph 3, therefore, reflected the latter position in the hope that unanimity could be reached on the draft resolution.

218. At the 262nd meeting, on 21 May 1964, the representative of Australia informed the Special Committee that his delegation had suggested amendments to operative paragraphs 3 and 6 to the sponsors of the draft resolution. In operative paragraph 3, which would have the Special Committee consider that any attempt to annex a part or the whole of the Territory "constitutes an act contrary to international law and a clear violation of the Charter of the United Nations which will endanger international peace and security", the Australian delegation had suggested that the reference to the Charter be replaced by a reference to the mandate and that the concluding clause be deleted. It had sought the replacement of the text of operative paragraph 6 by the following:

"Draws the attention of the Security Council to the critical situation in South West Africa, the continuation of which is seriously disturbing international peace and security."

219. The representative of Australia stated that his delegation's position on the question of South West Africa was well known: the Australian Government was opposed to *apartheid* and had always maintained that it was South Africa's responsibility to lead South West Africa to self-government in accordance with the principles of the United Nations Charter. His delegation had hoped that a near-unanimous expression of the Committee's views might have emerged, as it had the preceding year. Acceptance of the amendments suggested by his delegation would not have removed all of the reservations, but he would have been able to vote in favour of the draft resolution. However, the sponsors had not felt able to accept those suggestions and his delegation would therefore be obliged to abstain.

220. The representative of Uruguay observed that the question of South West Africa was one of the most straightforward problems ever debated in the United Nations, and his delegation favoured the adoption of more concrete measures with a view to revoking the mandate. It would have been preferable to set out in the draft resolution ideas already approved by the General Assembly. Nevertheless, he hoped that the text would receive the widest possible support.

221. The representative of Poland suggested that operative paragraph 1 of the draft resolution, reaffirming the inalienable right of the people of the Territory to self-determination and independence, be revised to include references to their right to national unity and territorial integrity. The Polish delegation, which would vote for the resolution as a whole, felt that operative paragraph 3 was worded too vaguely and should be redrafted. With regard to operative paragraph 6, the Polish delegation considered that the Security Council should endeavour to secure compliance with the resolutions previously adopted in order to prevent the South African Government from establishing Bantustans in South West Africa.

222. The representative of the United Kingdom considered that the sponsors of the draft resolution had been well advised not to propose any concrete measures, since the International Court of Justice had not yet ruled on the question. His delegation supported the request that the Secretary-General should continue his efforts to obtain the appointment of a United Nations Technical Assistance Representative in South West Africa. The draft resolution referred to the Odendaal report but there was a serious omission in that it did not mention the decision of the South African Government on 29 April 1964 to defer implementation of the controversial recommendations of the report. While the United Kingdom delegation would consider any attempt by the South African Government to annex South West Africa as contrary to the advisory opinion of the International Court of Justice and contrary to South Africa's obligations under the mandate, it had grave doubts about the reference in the resolution to "a clear violation of the Charter of the United Nations which will endanger international peace and security". The situation in South West Africa was serious and a source of international friction but his delegation did not consider that it constituted a threat to international peace and security. It regretted that the sponsors had been unable to agree on a text acceptable to all mem-

bers of the Committee, and would abstain from the vote.

223. The representative of the Union of Soviet Socialist Republics considered the amendments sought by Australia unacceptable since paragraph 3 of the draft resolution had already been weakened. The Soviet delegation, for the sake of preserving unanimity, would vote for the draft resolution in its present form, but it would have preferred to see paragraph 3 drafted along the same lines as the relevant paragraph of General Assembly resolution 1899 (XVIII). This would also have reflected the decision taken by the Heads of African States and Governments assembled at the Addis Ababa Conference. He supported the changes proposed by Poland.

224. The representative of Denmark said that his delegation strongly supported the ideas behind the draft resolution, although it could have wished a less categorical wording of operative paragraph 6, for example, along the lines proposed by the Australian delegate. However, as that amendment could not obtain general support, his delegation would vote for the original text of the draft resolution.

225. The representative of the United Republic of Tanganyika and Zanzibar expressed satisfaction that the Latin American countries represented in the Committee were among the sponsors of the draft resolution. That was further proof that the struggle against the policy of the South African Government had now been taken up by virtually the entire world. The peoples of Latin America had a very special role to play in that struggle. The sponsors of the draft resolution had shown great moderation, considering the extremely critical nature of the current situation in South West Africa. He was not unaware of the reasons for certain delegations' unwillingness to support the draft resolution. He knew very well that South Africa had its supporters, and it must be acknowledged that there were still advocates of racial discrimination in the world. Africans were well aware of the threat posed by racism and were very quick to note its manifestations. He appealed to the members of the Committee not to permit themselves to be put off by any technical difficulties which the draft resolution might entail.

226. The sponsors then orally revised operative paragraph 1 of the draft resolution, in accordance with the suggestion made by the representative of Poland, and added a reference to the Mandate in operative paragraph 3.

227. At the same meeting, the draft resolution (A/AC.109/L.120 and Add.1), as orally revised, was voted upon as follows: Operative paragraph 6 was adopted by 19 votes to 3, with 2 abstentions; the draft resolution as a whole, as revised, was adopted by a roll-call vote of 21 to none, with 3 abstentions. The voting was as follows:

In favour: Bulgaria, Cambodia, Chile, Denmark, Ethiopia, India, Iran, Iraq, Italy, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanganyika and Zanzibar, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, United Kingdom of Great Britain and Northern Ireland, United States of America.

228. The representative of Italy explained that his delegation had voted for the draft resolution in order

to show its sympathy for and solidarity with the inhabitants of South West Africa. Nevertheless, it was not entirely satisfied with certain parts of the resolution just adopted, which would have benefited from more careful study. In particular, his delegation was not certain what meaning to attach to operative paragraph 6, and considered that it would have been preferable to reproduce the wording of the resolution adopted on the same question the previous year. That was why his delegation had not supported paragraph 6 when it had been put to a separate vote. While his delegation had no objection to offer with respect to the two requests addressed to the Secretary-General in operative paragraph 5, it wished to recall that it had opposed paragraph 7 of General Assembly resolution 1899 (XVIII) and had abstained from the vote on that resolution as a whole. Its attitude was based both on practical considerations and on considerations of principle involving the interpretation of the competence of the various United Nations bodies.

229. The representative of the United States of America, explaining his abstention, stated that his delegation believed that any attempt to annex South West Africa would indeed be an act contrary to international law and a violation of the mandate, but was not sure whether it would, in fact, endanger international peace and security. In other words, his delegation did not see how it was possible to prejudge the results of an act which had not yet taken place. Again, his delegation did not believe that a continuation of the situation constituted "a clear violation of the Charter". It would have been preferable to retain the wording of General Assembly resolution 1979 (XVIII), which stated that the situation obtaining in South West Africa was "seriously disturbing international peace and security".

230. Moreover, it was regrettable that the draft resolution took no note of the declared policy of the South African Government, which had stated that, until the International Court of Justice had rendered a judgement, it would refrain from any action which might be regarded—even theoretically—as prejudicial to the alleged rights of the applicant States. It was known that, in keeping with that policy, no decision had yet been taken on a number of recommendations contained in the report of the Odendaal Commission. His delegation believed that the Committee should have taken note of the South African Government's decision. There was, of course, reason to note with concern the intention of the South African Government ultimately to implement all the recommendations of the Odendaal Commission.

231. The United States was opposed to the extension of *apartheid* to South West Africa and to any moves which might be taken without reference to the freely-expressed will of all the people of the Territory. The United States would continue its efforts to contribute to a solution of the question of South West Africa, which it believed lay in the free and democratic exercise of self-determination by the people of the Territory.

232. The resolution (A/AC.109/77 and Corr.1) on the question of South West Africa adopted by the Special Committee at its 262nd meeting on 21 May 1964 reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the question of South West Africa,

"Having heard the statements of the petitioners,

"Bearing in mind the principles of the Declaration on the granting of independence to colonial countries and peoples set forth in General Assembly resolution 1514 (XV) of 14 December 1960,

"Recalling other resolutions of the General Assembly relating to South West Africa, especially resolutions 1702 (XVI) of 19 December 1961, 1805 (XVII) of 14 December 1962, and 1899 (XVIII) of 13 November 1963,

"Deploring the refusal of the Government of the Republic of South Africa to co-operate with the United Nations,

"Deploring further that the Government of the Republic of South Africa has taken no steps to implement the resolutions of the General Assembly on South West Africa, in particular that it has not facilitated the establishment of the office of a United Nations Technical Assistance Resident Representative in the Territory,

"Noting with deep concern the continued deterioration of the situation in South West Africa as a result of the intensification of the policy of apartheid and the purpose of the Government of the Republic of South Africa to implement the recommendations contained in the report of the Commission of Inquiry into South West Africa Affairs, 1962-1963, established by the Government of the Republic of South Africa,

"Noting with concern that the implementation of the recommendations contained in the report would result in the partition and disintegration of the Territory of South West Africa and its absorption into South Africa,

"Recalling that the General Assembly, in paragraph 6 of resolution 1514 (XV), had declared that:

'Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations',

"Taking into consideration the special responsibilities of the United Nations with regard to the Territory of South West Africa,

"1. Solemnly reaffirms the inalienable right of the people of South West Africa to self-determination, national unity, territorial integrity and independence;

"2. Calls upon the Government of the Republic of South Africa to desist from implementing the recommendations of the Commission of Inquiry into South West Africa Affairs, 1962-1963;

"3. Considers that any attempt to annex a part or the whole of the Territory of South West Africa constitutes an act contrary to international law and a clear violation of the Mandate and the Charter of the United Nations which will endanger international peace and security;

"4. Condemns the Government of the Republic of South Africa for its persistent refusal to co-operate with the United Nations in upholding the principles of the Charter of the United Nations and implementing the resolutions of the General Assembly;

"5. Requests the Secretary-General:

(a) To continue to take steps to establish the

office of a United Nations Technical Assistance Resident Representative in South West Africa;

(b) To report to the Special Committee on the measures taken by States in compliance with paragraph 7 of resolution 1899 (XVIII);

"6. Draws the attention of the Security Council to the critical situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security and a clear violation of the Charter of the United Nations;

"7. Decides to maintain the question of South West Africa on the agenda of the Special Committee."

233. The text of this resolution was transmitted to the President of the Security Council on 25 May 1964 (S/5722).

234. On 3 November 1964, the Secretary-General, pursuant to operative paragraph 5 (b) of the resolution adopted by the Special Committee, submitted to the Special Committee a report (A/AC.109/L.161) on the implementation of operative paragraph 7 of General Assembly resolution 1899 (XVIII).

F. EXAMINATION OF PETITIONS

235. The petitions concerning South West Africa which were received and circulated by the Special Committee are listed in paragraph 79 above. These petitions relate, *inter alia*, to the general situation in and recent developments concerning South West Africa, the recommendations of the Odendaal Commission, the activities of mining and other international companies having interests in the Territory, the arrests of political leaders and restrictions on political activity in the Territory, South West African refugees in Bechuanaland, the ejection of Africans from urban areas, and the non-implementation of General Assembly resolutions concerning South West Africa.

236. In operative paragraph 8 (a) of General Assembly resolution 1899 (XVIII), the Special Committee was requested to continue its efforts with a view to discharging the tasks assigned to it by resolution 1805 (XVII). In operative paragraph 3 of resolution 1805 (XVII), the General Assembly requested the Special Committee "to discharge, *mutatis mutandis*, the tasks assigned to the Special Committee for South West Africa by resolution 1702 (XVI), taking into consideration the special responsibilities of the United Nations with regard to the Territory of South West Africa ...". One of the tasks accordingly assigned to the Special Committee is that of examining petitions relating to South West Africa.

237. Bearing in mind the special responsibilities of the United Nations with regard to the Territory of South West Africa, and having examined the petitions concerning the Territory, the Special Committee, on the recommendation of the Sub-Committee on Petitions, decided, at its 311th meeting on 13 November 1964, to recommend to the General Assembly the adoption of the following draft resolution on petitions concerning South West Africa:

"Draft resolution recommended to the General Assembly by the Special Committee

"Petitions concerning South West Africa

"The General Assembly,

"Bearing in mind the special responsibilities of the United Nations with regard to South West Africa,

"Noting that the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples has received and examined eighty petitions concerning South West Africa, in accordance with paragraph 3 of General Assembly resolution 1899 (XVIII) of 13 November 1963,

"Noting further that these petitions relate, *inter alia*, to the general situation in and recent developments concerning South West Africa, the recommendations of the Odendaal Commission, the activities of mining and other international companies having interests in the Territory, the arrests of political leaders and restrictions on political activity in the Territory, South West African refugees in Bechuanaland, the ejection of Africans from urban areas, and the non-implementation of General Assembly resolutions concerning South West Africa,

"1. Notes that the Special Committee has taken these petitions into account in its consideration of South West Africa;

"2. Draws the attention of the petitioners concerned to the reports submitted by the Special Com-

mittee concerning the Territory and to the resolutions adopted by the General Assembly at its nineteenth session on the question of South West Africa, as well as the reports of the Secretary-General relating to the Territory."

G. IMPLICATIONS OF THE ACTIVITIES OF THE MINING INDUSTRY AND OF THE OTHER INTERNATIONAL COMPANIES HAVING INTERESTS IN SOUTH WEST AFRICA

238. In operative paragraphs 8 (b) and (c) of General Assembly resolution 1899 (XVIII), the Special Committee was requested "To consider, in co-operation with the Secretary-General and the agencies of the United Nations, the implications of the activities of the mining industry and of the other international companies having interests in South West Africa, in order to assess their economic and political influence and their mode of operation" and to report to the General Assembly.

239. The Special Committee will submit a separate report on this question to the General Assembly (A/5840).

CHAPTER V

TERRITORIES UNDER PORTUGUESE ADMINISTRATION

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963, BY THE SECURITY COUNCIL AND BY THE GENERAL ASSEMBLY DURING ITS EIGHTEENTH SESSION

1. Following the adoption by the General Assembly at its seventeenth session of resolution 1807 (XVII) on 14 December 1962 and resolution 1819 (XVII) on 18 December 1962, the Special Committee again considered the Territories under Portuguese administration at its meetings in March and April 1963.

2. In accordance with the decision of the Special Committee, the Chairman, on 6 March 1963, addressed a letter to the Permanent Representative of Portugal, inviting the participation of Portugal at the Committee's meeting. This invitation was not accepted (see A/AC.109/SR.127).

3. After considering the developments in the Territories under Portuguese administration, the Special Committee, on 4 April 1963, adopted a resolution (A/5446/Rev.1, chapter II, para. 251) by which it decided to draw the immediate attention of the Security Council to the situation in the Territories under Portuguese administration, with a view to the Council taking appropriate measures, including sanctions to secure the compliance by Portugal of the relevant resolutions of the General Assembly and of the Security Council.

4. The Secretary-General transmitted the text of this resolution (S/5276) on 5 April 1963 to the President of the Security Council, and on 19 July 1963 the Chairman of the Special Committee transmitted to the President of the Security Council the Committee's report on the Territories under Portuguese administration (S/5356).

5. In May, the Heads of African States and Governments, meeting at Addis Ababa, decided to send a delegation composed of the Foreign Ministers of Liberia, Tunisia, Madagascar and Sierra Leone to represent the African States at the meeting of the

Security Council called to consider the question of the Territories under Portuguese administration.

6. On 11 July 1963 the President of the Security Council received a request from thirty-two African States (S/5347) to convene a meeting of the Council, at the earliest possible date.

7. On 22 July 1963, the Security Council started discussions on the question of the Territories under Portuguese administration and, at its 1049th meeting on 31 July 1963, the Council adopted resolution 180 (1963) by 8 votes to none, with 3 abstentions.

8. By this resolution, the Security Council determined that "the situation in the Territories under Portuguese administration is seriously disturbing peace and security in Africa". The Council urgently called on Portugal to implement the following:

"(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence,

"(b) The immediate cessation of all acts of repression and the withdrawal of all military and other forces at present employed for that purpose,

"(c) The promulgation of an unconditional political amnesty and the establishment of conditions that will allow the free functioning of political parties,

"(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with resolution 1514 (XV),

"(e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples".

9. In the same resolution the Security Council urged that "all States should refrain forthwith from offering the Portuguese Government any assistance which would

enable it to continue its repression of the peoples of the Territories under its administration, and take all measures to prevent the sale and supply of arms and military equipment for this purpose to the Portuguese Government". The Council also asked the Secretary-General to furnish assistance to ensure the implementation of the resolution and to report to the Security Council by 31 October 1963.

10. In his report (S/5448 and Add.1 to 3) the Secretary-General informed the Security Council that in accordance with its resolution of 31 July 1963 he had, after preliminary consultations, initiated conversations between representatives of the African States and Portugal and set out a brief account of the discussions on the concept of self-determination.

11. On 6 November 1963, the African Group at the United Nations issued a statement (A/C.4/620) setting out the position of the African States regarding any further conversations with Portugal.

12. On the recommendation of the Fourth Committee, the General Assembly, on 3 December 1963, adopted resolution 1913 (XVIII). In this resolution, the General Assembly recalled the measures which the Security Council had called on Portugal to implement; noted with deep regret and great concern the continued refusal of the Government of Portugal to take any steps to implement the resolutions of the General Assembly and the Security Council; and requested the Security Council to consider immediately the question of the Territories under Portuguese administration. The President of the General Assembly transmitted the text of resolution 1913 (XVIII) to the Security Council on the same day (S/5470).

13. In a letter dated 13 November 1963 (S/5460), twenty-nine African States requested the President of the Security Council to convene a meeting at an early date to consider the report of the Secretary-General.

14. On 6 December 1963, the Security Council started discussions on the question of the Territories under Portuguese administration and, at its 1083rd meeting on 11 December 1963 adopted resolution 183 (1963) by a vote of 10 to none with 1 abstention. By this resolution, the Security Council, recalling its resolution 180 (1963) of 31 July 1963 and General Assembly resolution 1541 (XV), noting with appreciation the efforts of the Secretary-General in establishing contact between representatives of Portugal and representatives of African States, expressed regret that the contacts had not achieved the desired results because of "failure to reach agreement on the United Nations interpretation of self-determination". It again called on all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the peoples of the Territories under Portuguese administration, and to take all measures to prevent the sale and supply of arms and military equipment for this purpose to the Portuguese Government.

15. In the same resolution, the Security Council referred to General Assembly resolution 1542 (XV) and reaffirmed the interpretation of self-determination as laid down in General Assembly resolution 1514 (XV) as follows:

"All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

It expressed the belief that action by the Government of Portugal to grant an amnesty to all persons im-

prisoned or exiled for advocating self-determination in these Territories would be an evidence of its good faith. The Security Council again requested the Secretary-General to continue with his efforts and report to it not later than 1 June 1964.

B. INFORMATION ON THE TERRITORIES

1. THE TERRITORIES IN GENERAL

Introduction

16. Information on the Territories is already contained in the Report of the Special Committee on Territories under Portuguese administration¹ and the reports of the Special Committee to the General Assembly at its seventeenth and eighteenth sessions.² Supplementary information on recent developments is set out below.

Political and constitutional developments

17. At its meetings in 1963, the Special Committee was informed of the proposed revision of the Overseas Organic Law of 1953.³ The revised Overseas Organic Law was approved by the National Assembly and published on 24 June 1963.⁴

18. In explaining the changes which had been made, the Prime Minister, Dr. Oliveira Salazar, said on 12 August 1963,⁵

"The Overseas Organic Law has been reformed in accordance with the tendencies or aspirations revealed by the Provinces and with what seemed to be required for the present moment. The points of view of the Provinces were expressed in the Overseas Council, among others, by their direct representatives—the governors and the elected members of the local Legislative Councils and indirectly also by the representatives of economic activities. The main lines of orientation revealed in the discussions which took place in the Overseas Council, in the Corporative Chamber and in the National Assembly may be, notwithstanding the complexity of the matter, enunciated as follows: "greater representation in the local organs; more powers for these organs in the sphere of local administration; greater intervention of the Provinces in the direction of national policy."

19. Since the publication of the 1963 Overseas Organic Law, other relevant legislation has also been revised to give effect to the changes introduced. These include amendments to the legislation establishing the Overseas Council,⁶ new political and administrative Statutes for each of the seven Territories,⁷ and a new overseas Electoral Law of 1963.⁸ The changes introduced in the central, territorial and local organs of government are summarized below.

¹ *Official Records of the General Assembly, Seventeenth Session, Annexes*, addendum to agenda item 54, document A/5160 and Add.1 and 2.

² *Ibid.*, *Seventeenth Session, Annexes*, addendum to agenda item 25, document A/5238 and *ibid.*, *Eighteenth Session, Annexes*, addendum to agenda item 23, document A/5446/Rev.1, chapter II.

³ *Ibid.*, A/5446/Rev.1, chapter II, paras. 64 to 81.

⁴ Law No. 2119, *Diário do Governo*, First Series, No. 147, 24 June 1963, English text: Organic Law of the Portuguese Overseas Provinces, *Agencia-geral do Ultramar*, Lisbon, 1963.

⁵ *Boletim Geral do Ultramar*, No. 458/459/460 (Aug/Sept/Oct. 1963), Lisbon, page 368 (English text).

⁶ Decree Law 45,184 of 9 August 1963.

⁷ Decree No. 45,371-45,375 and 45,377-45,378 of 22 November 1963.

⁸ Decree No. 45,408 of 6 December 1963.

20. Elections to the legislative councils took place in the last part of March 1964, and information relating to these developments is given in section (e) below.

(a) *Central administration*

21. The Overseas Organic Law of 1963 does not make any substantial changes in the powers of the organs of the Portuguese Government to legislate for the Territories⁹ which have been described previously. The principal changes introduced affect the participation of representatives of the Territories in the central advisory bodies, namely the Overseas Council, the Corporative Chamber, and the Conference of Overseas Governors. No changes have been made in the composition of the National Assembly.

(i) *Corporative Chamber*

22. Under article 102 of the Political Constitution of Portugal, the Corporative Chamber is a general advisory body composed of representatives of "local autonomous bodies and social interests",¹⁰ and it is consulted by the Government on proposals, draft bills and treaties that are to be submitted to the National Assembly for approval. The Government is at liberty to consult the Corporative Chamber on decrees to be published or on bills to be submitted to the National Assembly when they apply to the Territories.

23. The Overseas Organic Law of 1963 provides that the Territories shall be adequately represented "through their local authorities and social interests in the Corporative Chamber". Under the new political and administrative statutes of Angola and Mozambique, the Economic and Social Council is responsible for electing the territorial representatives to the Corporative Chamber, and in the other five Territories, it is the Government Council that does so. The respective Council is specially convened for this purpose and voting is by secret ballot.

24. There is no information on the actual number of representatives each Territory is to have in the Corporative Chamber. In Angola and Mozambique one half of the number of representatives are to be chosen from members of the Economic and Social Council, in order to ensure representation of religious, social and economic interests, and the other half are to be chosen from members of the administrative bodies and legally recognized public bodies performing administrative functions.¹¹ In Cape Verde, Portuguese Guinea, São Tomé and Príncipe, Macau and Timor, representatives in the Corporative Chamber are to be chosen from present or former members of the Government Council, and present or former members of the Public Service or other bodies performing administrative functions.

⁹ For a description of these powers see A/5446/Rev.1, chapter II, paras. 5 to 9. The Overseas Organic Law of 1963 introduces slight changes in the powers of the Overseas Minister. One change relates to his right to legislate on the composition, recruitment, etc., of the private and complementary staff of the provincial public services which is transferred to the Governors. (Article X to article XXIV in the Overseas Organic Law of 1963.) The other change concerns the authorization of changes in the allocation of funds within the approved territorial budget; this is to be governed by a special law. (Article LVI, para. VI.)

¹⁰ Most of the representatives in the Corporative Chamber are appointed by the Corporations in which there is equal representation of capital and labour.

¹¹ These apparently include local government bodies, such as municipal councils and parish boards.

(ii) *The Overseas Council*

25. The Overseas Council is the highest permanent consultative organ for the Overseas Ministry on matters relating to policy and administration for the Territories. The Overseas Minister must consult the Council on certain matters, including the political and administrative statutes of the Territories. The Overseas Council is also the supreme tribunal on administrative, fiscal and customs matters, and the tribunal on questions of constitutionality, as well as on questions of conflict of powers and functions. It is also the superior judicial council of the overseas Territories. The Overseas Council meets in plenary sessions at least once a month and it also meets in committee. There is a disputed claims committee comprising six members who are especially appointed by the Overseas Minister, and there are two advisory committees which sit on matters brought before the Council for its opinion.

26. As set up in 1954,¹² the Council is composed of *ex officio* members, regular members and alternate members. The governors of the Territories are *ex officio* members when in Lisbon. Of the regular members, some are appointed by the Overseas Minister and some by the Council of Ministers on the proposal of the Minister.¹³ In accordance with the provisions of the Overseas Organic Law of 1963, new legislation was published in August 1963 providing for the first time for the addition to the membership of the Overseas Council of nine regular members elected by the Legislative councils of the Territories.¹⁴ Angola and Mozambique are to elect two representatives each and the other Territories one each. These representatives are to be elected from among persons who have held high posts in the fields of education or administration, or who have been distinguished in economic, social or cultural activities. Each Territory is also to elect an alternate representative who is resident in Lisbon.

27. Although each of the five smaller Territories is to have an elected member on the Overseas Council, it appears that all these members are not to attend the meetings at the same time: Macau and Timor are to be represented by one of their elected members, while Cape Verde, Portuguese Guinea, and São Tomé and Príncipe together are to be represented by one member in the same way. In the day-to-day work of the Overseas Council, seven Territories are, in effect, to participate through four representatives who may be assigned to either of the two advisory committees, which now comprise ten members each.

28. It therefore appears that the newly introduced "representation" of the Territories in the Overseas Council does little more than to give former administrators in the Territories and other high government

¹² Decree Law 39,602 of 3 April 1964 and No. 39,908 of 11 November 1954.

¹³ The regular members are appointed as follows: six by the Overseas Minister to the disputed claims committee; eight by the Council of Ministers on the proposal of the Overseas Minister for an unrenounceable term of five years; three by the Overseas Minister on the proposal of the Overseas Council, adopted in a secret ballot; two freely appointed by the Overseas Minister from among the directors and inspectors-general or senior inspectors of the Ministry, such members being subject to removal, depending on the requirements of the service.

¹⁴ Decree Law 45,184. In addition, two are to represent Goa, making the total eleven. In the Report of the Secretary-General, (S/5448) Mr. Nogueira is quoted as stating that the territorial representatives in the Corporative Chamber and the Overseas Council would be increased from twenty-seven to nearly 100.

officials some voice in the consultative machinery. That this is the case is seen from the results of the elections for the Legislative Council of Angola; an administrative inspector and the former Governor, General Deslandes, are two of the three members representing the Territory in the Overseas Council.

(iii) Other central advisory organs

29. In addition to the Corporative Chamber and the Overseas Council the two other important central advisory bodies are the Conference of Overseas Governors and the Overseas Economic Conference. Both of these meet from time to time when considered necessary by the Overseas Minister and are presided over by him. Under the Overseas Organic Law of 1963, the composition of the Conference of Overseas Governors has been widened. As before, the Secretary-General of the Overseas Ministry and the heads of the departments of the Ministry may participate in the work of the Conference and have voting rights. Under the new provision, the Provincial Secretaries of Angola and Mozambique, and the Secretaries General of the other Territories may also participate, at the discretion of the Minister, but without the right to vote. This change appears to do little more than enable the Conference, if it so desires, to hear the views of senior Portuguese administrators from the Territories.

(b) Territorial administration

30. The Overseas Organic Law of 1963 introduces a number of changes in the territorial Governments. In the Territories with a Governor-General, namely Angola and Mozambique, the membership of the legislative councils has been widened and the former government councils abolished and replaced by economic and social councils. The administrative services have also been reorganized to give them more responsibility. In Angola and Mozambique, departmental services are to be grouped into six provincial secretariats, each under a provincial secretary. The provincial secretariats are to have the role of embryo local ministries under the Governor-General. In the Territories with a Governor, namely Cape Verde, Portuguese Guinea, São Tomé and Príncipe, Macau and Timor, legislative councils are to be created for the first time; the Government Councils are to be retained, however, with modified membership and functions. In all Territories financial control remains the responsibility of the Governor General.¹⁵ This power may not be delegated.

(i) The legislative councils

31. In all Territories, as before, the legislative organs have power to legislate on all matters which exclusively concern their respective Territories, other than those which are the responsibility of the National Assembly, the Government, or the Overseas Minister.¹⁶ Under the Overseas Organic Law of 1963, the Governor is now precluded from legislating on certain matters when the Legislative Council is in session.¹⁷

¹⁵ In the succeeding paragraphs of this section, the term "Governor" should be taken as also referring to "Governor General", unless otherwise indicated.

¹⁶ For details of the legislative powers of Governors see A/AC.108/L.6

¹⁷ The Legislative Councils sit for two ordinary sessions of thirty days' duration each year. These sessions may be extended by the Governor but the total duration of the two sessions may not exceed three months. The Councils may also be convened by the Governor in extraordinary sessions at which only the special items for which the Council was convened may be discussed.

32. Both the Governor and the members of the Legislative Council may initiate legislation. The latter may not, however, propose legislation involving any increase in expenditure or decrease in revenue as established by earlier decrees. Under the political and administrative statutes of 1963, the following are reserved to the Legislative Council when in session: (a) to approve the budget of the Territory; (b) to authorize the contracting of loans; (c) to evaluate the annual report of the Technical Commission on planning and economic integration; and (d) to elect the territorial representatives to the Overseas Council.

33. The Governor has the right to enact legislation passed by the Legislative Council. If the measure is one which the Governor himself initiated he is only required to inform the Legislative Council of his decision. If, however, the legislation has been initiated by the Council, the Governor must either submit the matter to the Overseas Minister, or "request" reconsideration by the Legislative Council. If, after reconsidering the measure, the Council approves it by a two-thirds majority, it becomes mandatory for the Governor to enact it. Although this provision makes it possible for the Legislative Council to override the Governor's refusal to enact legislation passed by it, recourse to this procedure is at the discretion of the Governor.

34. The Overseas Organic Law of 1963 describes the Legislative Council as "an assembly of representation suited to the social environment of the province" (article XXV). Accordingly, the composition of the membership of the Council varies from one Territory to another. In all Territories, however, the Legislative Council is composed of a majority of elected members, some elected by direct suffrage and some by special "organic" groups. There are also two or three *ex officio* members, but there are no longer any nominated members, except in Macau.

35. Although the majority of the members of the legislative councils are to be elected, not all are to be elected by direct suffrage. In Angola, less than half of the membership is to be elected by direct suffrage, less than one-third in Mozambique, Cape Verde and Macau, and less than one-quarter in Portuguese Guinea, São Tomé and Príncipe and Timor. Moreover, there appears to be no direct relationship between the size of the population and the number of representatives elected by direct franchise. In Angola, there is to be one directly elected representative per 320,000 inhabitants, in Mozambique, one per 711,000 inhabitants, and in Cape Verde, one per 37,000. In the remaining four Territories, with total populations ranging from 67,000 in São Tomé to 500,000 in Timor, there are to be, uniformly, three directly elected representatives.

36. In all Territories, the majority of the members of the legislative councils are to be indirectly elected by special "organic" groups (which previously in Angola and Mozambique had been represented by both elected and nominated members). These special "organic" groups are: (a) taxpayers paying a certain minimum tax which varies from 15,000 escudos per annum (approximately \$525) in Angola and Mozambique, to 2,000 escudos in Macau (approximately \$70) and to 1,000 escudos (\$35) in all the other Territories; (b) bodies representing employers and associations of economic interests; (c) bodies representing workers; (d) bodies representing cultural and moral (religious) interests (in Angola and Mozambique, one member must be a Catholic missionary); (e) administrative and other legally recognized bodies performing admin-

istrative functions in the public service;¹⁸ and (f) indigenous authorities. Both the type of interests which are to be represented in the legislative councils and the number of representatives these groups are to have also vary from one Territory to another. Details of the membership of the legislative councils are given in the sections relating to individual Territories and are summarized in table I of the appendix to this report.

37. As recorded in the Secretary-General's report (S/5448), in the explanation given by the Portuguese Minister for Foreign Affairs of the way Portugal was bringing about a greater degree of self-government, emphasis was placed on the enlarged membership of the legislative councils in Angola and Mozambique. The information available shows, however, that the enlarged membership has not increased the participation of all the inhabitants equally, but has favoured certain groups. For instance, the influence of the direct voter has not been increased to the same extent as that of the indirect voter. In Angola, although the total number of elected members has now been doubled, those to be elected by direct franchise still represent only about two-fifths of the membership. In Mozambique, the influence of the direct voter has actually decreased, as there, the number of members elected by direct franchise remains at nine which is less than one-third of the total membership.

38. Among the special "organic" groups, tax payers and public and private economic interests now have a greater influence in the legislative councils than they had before. The indigenous authorities, known as *regedorias*,¹⁹ now have three representatives elected from among themselves, instead of two nominated to represent them; it should be borne in mind, however, that the indigenous inhabitants make up over 95 per cent of the population. Administrative and public bodies remain well represented, with five out of thirty-four members in Angola and five out of twenty-nine members in Mozambique. Since it is well known that, in these two Territories, the members of these groups, the tax payers, the public and private economic interests and the members of administrative and other public bodies are mainly Portuguese, it is evident that the increased participation has not really broadened the basis of government, but strengthens the representation of certain special interests. This trend is also evident from the new electoral law (see paragraphs 54 to 73 below) which was enacted in December 1963 and to which the Minister for Foreign Affairs has also drawn attention (S/5448).

39. Under the new political and administrative statutes, the qualifications for candidates standing for election to the legislative councils remain substantially the same as before. A candidate must: (a) be a citizen of Portuguese origin *cidadão português originário*; (b) be of age (21 years); (c) read and write Portuguese; (d) fulfil a residence qualification; and (e) not be a government official or a member of the administrative service of active status. The residence requirement is three years in all Territories, except in Macau, where it is one year. Teachers in government service may not stand for election in Angola and Mozambique, though they may do so in the five other Territories.

¹⁸ These apparently include local administrative bodies such as municipal councils and parish boards (see paras. 46 to 53 below).

¹⁹ See A/AC.108/L.5, paras. 43 to 45 and A/5160, paras. 315 to 321.

40. It is not clear from the information available who are considered to be citizens of Portuguese origin. Before the repeal of the Native Statute in 1961, the term was used to distinguish citizenship acquired by birth from citizenship acquired through "assimilation", which could be revoked. Further information is needed to clarify the interpretation of *cidadão português originário*. If it is interpreted so as to restrict eligibility to the legislative councils to those who acquired Portuguese citizenship by birth, this could exclude almost all indigenous persons in Angola, Mozambique and Portuguese Guinea. In this connexion it is to be noted that the Electoral Law of 1963 does not include the word "*originário*" in the qualifications of those entitled to vote (see para. 54 f. below).

(ii) Territorial advisory councils

41. In the five smaller Territories the Government Councils are retained as permanent advisory bodies, but in Angola and Mozambique, they have been replaced by newly created economic and social councils. In addition to their advisory functions, government councils and the economic and social councils also assist the Governor in the exercise of his executive functions and are responsible for the election of territorial representatives to the Corporative Chamber (see paras. 22 to 24 above).

42. Under the Overseas Organic Law of 1963, in the two larger Territories, the Governor must consult the economic and social council in the exercise of his legislative functions. In the smaller Territories, the government council gives its opinion on matters submitted to it by the Governor.

43. In Angola and Mozambique, as provided by the political and administrative statutes, the economic and social councils are presided over by the Governor-General and comprise eight elected members (with eight alternates), four members nominated by the Governor-General, and the following *ex officio* members: (a) the highest ranking officer of the three armed forces; (b) the Rector of the Estudos Gerais Universitários; and (c) the directors of the departments of political and civil administration, education, and economy. Of the eight elected members, two are to be elected by the administrative bodies from among their members; two by organizations representing cultural and religious interests, one of whom must be a Catholic missionary; two by representatives of bodies representing economic associations or interests; and two by organizations representing workers. The four nominated members are to be chosen from among persons especially experienced in administrative, economic, social or cultural matters and may be officials of senior rank.

44. The membership of the government councils in the smaller Territories has been changed slightly. Each council comprises, as before, a Secretary-General, the highest ranking officer of the armed forces, the representative of the Attorney-General in the Territory and the head of the financial services. In addition, instead of directly elected members, it now has three members elected by the legislative council from among its members.²⁰

45. As in the case of the legislative councils, the membership of these advisory councils now enables high officials and special interest groups to make their

²⁰ In Cape Verde, one of these three must be a representative of the administrative bodies; in São Tomé one must be a representative of the *freguesias*; in Portuguese Guinea and Timor one must be a representative of the *regedorias*.

views known through a formally constituted body. In Angola and Mozambique there is no representative of the *regedorias* in the economic and social councils. Thus instead of extending participation to the indigenous inhabitants, the new measures appear to be designed mainly to offset criticisms from Portuguese officials, business interests and settlers in the Territories by giving them some voice in the affairs of the Territory.

(c) *Local administration*

46. The Overseas Organic Law of 1963, retains the concept that the division of each Territory "shall accompany its economic and social progress". Each Territory is divided into districts headed by district governors appointed by the Governor. The sub-division of the districts varies and may change to reflect its development. The basic unit of a division is stated to be the *concelho* (municipality) with further sub-divisions into *freguesias* (parishes) along the pattern of metropolitan Portugal. However, in regions "where the economic and social development deemed necessary has not been reached", *concelhos* are replaced "temporarily by *circunscrições*".

47. In accordance with this concept, local administrative authorities may take either of two forms: *regedorias*, or elected boards and councils. In Angola, Mozambique and Portuguese Guinea, in rural areas inhabited predominantly by indigenous inhabitants living in traditional societies, the basic unit of administration is the traditional *regedoria*, with a *regedor* who carries out the functions delegated to him "by his administrative superiors".²¹

48. In urban and other areas, the law provides that where there are enough persons who qualify as electors, the local administrative bodies take the form of boards or councils with an elected membership. Under the 1963 Overseas Organic Law, district boards were established for the first time. These boards have deliberative and advisory functions. In addition, there are municipal councils (in *concelhos*), municipal commissions (in *circunscrições*) and parish and local boards, which were all reconstituted in 1961.²² Administrative and financial authority is to be devolved from the centre to these bodies by law;²³ executive authority remains, however, in the hands of centrally appointed officials at each level.

49. Municipal councils are composed of a president, who as a rule is the administrator, and four members, two of whom are elected by direct suffrage and two by representatives of public or private economic interests, religious or professional interests, or, in their absence, by "individual tax-payers of Portuguese nationality whose direct tax liability is assessed at 1,000 escudos or more".²⁴ Parish boards, which in Portugal are elected by "heads of family" are also elected by direct suffrage (see paras. 54 to 64 below). Qualifications for direct suffrage in local elections are the same as those for direct suffrage in elections to the legislative coun-

cils. Elections to the various local administrative bodies are to take place towards the end of 1964.

50. According to the Overseas Organic Law of 1963, "relations between the organs of general administration and those of local administration shall be so arranged as to guarantee effective decentralization of the management of the interests of the respective aggregates, but without detriment to the efficiency of administration and public services" (article XLIX, para. 1). However, the administrative life of the local authorities is subject to control by the Government of the Territory. Furthermore, decisions by the respective administrative bodies may, in some cases, be made dependent on authorization or approval by other bodies or authorities.

51. Although the form of local administration is determined by the nature of the particular community, in areas where one form of local administration predominates, there may be communities or groups coming under another form, thus parishes are to be formed "corresponding to groups of families developing a common social activity". On the other hand, the law organizing *regedorias* provides that where "agglomerations of population" come into existence which do not constitute traditional *regedorias* and which do not constitute parishes, *regedores* may be appointed with police and auxiliary administrative functions. It appears from this provision that although indigenous persons living on the outskirts of urban areas automatically come under Portuguese civil law,²⁵ they do not necessarily participate in the local councils or boards, but may be administered by an appointed *regedor*.

52. In his conversation with the representatives of African States, the Portuguese Minister for Foreign Affairs pointed out that as a means of developing self-government, in the overseas Territories, the number of local government bodies had been increased (S/5448). It may be noted that this increase had already been made possible by the legislation enacted in 1961 which changed the requirements for the establishment of such bodies (see A/5160, paras. 254 to 256). Whereas previously municipal councils had been established only in territorial capitals or in areas where there were more than 2,000 Europeans or *assimilados*, under the 1961 legislation, such councils are to be established where there are 500 electors in a *concelho* and 300 electors in a *circunscrição*. Parish boards or local boards are to be established in areas with at least twenty electors.

53. The foregoing paragraphs show that neither the 1963 Overseas Organic Law nor the new political and administrative statutes of the Territories have made any substantial changes in the dual form of local administration existing in Angola, Mozambique and Portuguese Guinea, which in 1962 led the Special Committee on Territories under Portuguese administration to observe that the great majority of the African population living in rural areas continue to be ruled as before by administrators approved by Portuguese authorities; their actual participation in the conduct of their own affairs remains limited (A/5160, para. 413).

(d) *The Electoral Law of 6 December 1963* (Decree No. 45,408)

54. In September 1961, Portugal repealed the Native Statute which, among other things, had laid down the principle that "indigenous persons shall not be granted

²¹ After the repeal of the Native Statute in 1961 the system of *regedorias* was given legal recognition in Decree No. 43,896 (see A/AC.108/L.5/Add.1).

²² Decree No. 43,730 of 12 June 1961. For the text see A/AC.108/L.5/Add.1.

²³ The law is not yet available in the Secretariat.

²⁴ As an exception the municipal council of Luanda and Lourenço Marques each comprise six members, with two members elected by direct suffrage, two by corporate bodies and associations representing economic interests, and two by representatives of religious interests.

²⁵ Decree No. 43,897 of 6 September 1961, article 5, and referred to in A/5160, para. 392.

political rights with respect to non-indigenous institutions" (A/108/L.6, para. 102). Since then, official spokesmen for Portugal have emphasized that henceforth, whatever their status in private law, all Portuguese citizens would have the same political status.²⁰ It was also stated that the right to vote would be extended to all citizens on the same basis. The new electoral law governing elections to the territorial legislative councils was finally published on 6 December 1963.

55. This law governs the election of members to the legislative and advisory councils in the Territories and supplements the provisions contained in the new political and administrative statutes. It provides that the elections of representatives of employers' and workers' associations, cultural and religious groups, economic interests, and administrative bodies shall be governed by regulations promulgated by the territorial Governments;²⁷ it sets out procedures for the elections by the taxpayers and representatives of indigenous authorities, and enumerates the suffrage qualifications of those who may take part in the direct elections of representatives to the legislative councils.

56. Persons entitled to vote in the direct election of members to the legislative councils are as follows (article 6):

(1) Male Portuguese citizens of age (over 21) or *emancipados*²⁸ who can read and write Portuguese;

(2) Female Portuguese citizens of age or *emancipadas*, who have completed the first cycle of secondary school or equivalent ability;

(3) Male and female Portuguese citizens of age, or *emancipados* who, though unable to read and write, are heads of families;

(4) Female Portuguese citizens who are married, can read and write Portuguese, and pay, either in their own right or jointly with their husbands, property taxes amounting to not less than the minimum set by the territorial Governments.

(57. Some of the qualifications differ from those governing elections to the National Assembly (see A/5160, para. 113). For instance, in the elections to the National Assembly, persons who cannot read and write may vote if they contribute to the State and administrative bodies a sum not less than 100 escudos in payment of one or more of the following taxes: property tax, industrial tax, professional tax, or tax on the use of capital. In the new electoral law governing elections in the Territories, male and female citizens who are unable to read and write may vote only if they are also "heads of family".

(58. As specially defined in the new electoral law a "head of a family" is:

"1. Any Portuguese citizen with a legitimately (*legitimamente*) constituted family living with him under his authority and sharing his board, who pays taxes amounting to at least the minimum set by the provincial Governments;

"2. Any Portuguese woman, whether widowed, divorced, legally separated or a spinster, of age, or *emancipada*, who, being a person of good character,

is entirely self-supporting and has ascendants or dependants to maintain and pays property taxes amounting to at least the minimum set by the provincial Governments;

"3. Any Portuguese citizen of age, or *emancipado*, who owns and occupies a house and pays property taxes amounting to at least the minimum set by the provincial Governments."

(59. In Portugal, "heads of family" vote in elections to parish boards (*juntas de freguesias*). Under the Portuguese Constitution (article 19) every family has the right to participate in these elections through the head of the family. The definition of a head of family in the new electoral law differs from that in the Civil Code (article 200)²⁹ in that the Civil Code definition does not contain a property ownership or a tax requirement. *A priori*, the additional qualifications appear to make it impossible for the majority of the indigenous inhabitants in Angola, Mozambique and Portuguese Guinea to qualify to vote.

(60. Firstly, the law requires that a person who cannot read and write must have a "legitimately constituted" family living with him and sharing his board. It is not clear from the text of the electoral law alone whether this implies a marriage recognized by Portuguese civil law; if it does, it would automatically exclude Africans living in traditional societies, who are governed by "custom and usage".

(61. Secondly, the special law governing the *regedorias* (see A/AC.109/L.5/Add.1), in Angola, Mozambique and Portuguese Guinea, implies that persons living in traditional societies do not generally own property individually. Thus, the property ownership requirement would probably exclude the great majority of the indigenous population.

(62. Thirdly, whereas the qualifications for voting in elections to the National Assembly require that the minimum amount of tax to be paid has been set at 100 escudos, which may be paid in the form of various taxes, under the new electoral law governing elections in the Territories the qualifying tax payment for persons other than those with a "legitimate" family is limited solely to a property tax. Further, the minimum amount is to be set by each territorial Government which may establish levels that would tend to exclude even those who might meet all the other qualifications.

(63. Finally, there is the question of status and its relation to electoral registration. The electoral law provides that:

"A person's status shall be determined in accordance with the law or local custom and usage, except that only one spouse, whether married, widowed or divorced or legally separated, may be enrolled in the electoral register in respect of the same man. The regulations for establishing and proving such status are to be promulgated by the territorial Governments, having regard to the legislation on civil registration."

Under the civil registration reorganization decree (No. 43,899 of 6 September 1961) registration is obligatory for persons coming under Portuguese civil law. The stated goal is to register all inhabitants but, as yet, adequate facilities do not appear to have been established to register all persons living in *regedorias*. Thus, the linking of electoral registration to the process of civil registration raises a doubt as to how many persons

²⁶ See for instance A/AC.108/L.6, annex, speech by the Portuguese Minister for Overseas Territories at Oporto on 28 August 1961.

²⁷ Not yet available in the Secretariat.

²⁸ Under Article 305 of the Civil Code, a minor who is *emancipado* has the same rights regarding his person and his property as if he were of age.

²⁹ Manuel Baptista Dias da Fonseca, Portugal: *Legislação eleitoral, atualizada e anotada*, Coimbra Editora, Lisbon 1949, p. 163.

who do not come under Portuguese civil law have been placed on the electoral registers.

64. It appears from the foregoing that although all may now vote on the same basis, in practice, direct franchise can be exercised only by those who come under Portuguese civil law thus excluding the vast majority of the population.³⁰ The information on the results of the recent elections summarized below tends to confirm this conclusion.

(e) *Elections in the Territories held in March 1964*

65. In the last part of March 1964, elections to the legislative and advisory councils in all Territories were held under the new electoral law. Although a number of reports have appeared in Portuguese language newspapers, the information is incomplete, so that it is not possible to determine how many voters were registered. In most cases the newspapers merely reported the percentages of the qualified electors who voted, and the names of the candidates elected. The way in which voting took place is described below.

(i) *Indirect elections*

66. "*Organic*" groups. Each of the "organic" groups was organized into an "assembly" or "section" for the purpose of electing members. These sections comprised persons listed as being qualified under rules established by the territorial Governments. Each section elected from among its members the required number of representatives to the legislative council and to the economic and social council or the government council, as relevant.

67. From the information available, it appears that some of the sections were very small. In Portuguese Guinea, for instance, the section for the representatives of administrative and public bodies was composed of seventeen members, while that for the taxpayers (paying a minimum of 1,000 escudos) consisted of some 240 persons.

68. *Indigenous representation.* The indigenous inhabitants of Angola, Mozambique, Portuguese Guinea and Timor who live in *regedorias* are represented in the legislative councils through three representatives elected by an electoral college. Under the electoral law, in Angola and Mozambique, some time before the elections, each district governor published a list of the indigenous authorities (*regedores*) who were to take part in the elections to this electoral college. In the smaller Territories the lists were drawn up by the administrators for their own areas. On the Sunday before the elections, in each district the listed *regedores* met in an appointed place and elected two members from among themselves to the electoral college. On the day of the elections, the electoral college met to elect the three members to the legislative council. Reports from the Territories do not give details of the size of the electoral colleges or the number of indigenous inhabitants so represented in the legislative councils.

(ii) *Direct elections*

69. The two larger Territories, Angola and Mozambique, are divided into electoral districts, each returning one member to the Legislative Council. Cape Verde is divided into two districts, each returning three

members, while the remaining four Territories each comprise a single district returning three members.

70. Voting took place at appointed voting centres. Reports from Angola give incomplete figures of the number of registered voters and the number of votes cast at different centres. Incomplete though the figures are, it would appear that, in Angola, probably not more than 5 per cent of the total population took part in the direct vote (see paras. 117 to 119 below). In Cape Verde, which in the past has always had the highest percentage of voters, probably not more than 10 per cent of the population took part in the direct voting (see paras. 185 to 196 below).

71. In most cases, there appears to have been one list of candidates, but no information is available on the number of votes received by individual candidates.

72. Candidates for election to the legislative councils must be "original" Portuguese citizens and they may be from Portugal or from any of the other Territories provided only that they have resided in the Territory for a minimum of three years. In Angola, Mozambique, São Tomé and Príncipe more than half of the elected members are from Portugal. In Portuguese Guinea, of the eleven directly elected members, only four are "*naturais*" of the Territory,³¹ four are from Portugal, two are from Cape Verde and one is from São Tomé and Príncipe (see appendix, table II).

73. From the published results of the recent elections, there does not appear to have been any significant transfer of power to the indigenous inhabitants. Even though the Native Statute has been repealed, the right to vote and to participate in the legislative councils and in the administration of the Territories still appears to be related to the attainment of a degree of "social progress" which, in effect, means the assimilation of Portuguese culture and the attainment of a Portuguese way of life.

Other developments

(a) *Military activities*

74. According to regularly issued Portuguese military bulletins, fighting continues in the north of Angola and in Portuguese Guinea. At intervals, troops are being sent overseas with a bare six months' training, to relieve those on active service. Both the departure and the return of troops on the completion of what are described as "missions of sovereignty" are attended by well-publicized ceremonies and exhortations to those not at the front to greater patriotic efforts.

75. In his speech of 12 August 1963, Prime Minister Salazar declared that Portugal would defend its territories to "the limit of its human and other resources".³² In keeping with this statement, Portugal, in the past year, has increased the special police and military units overseas. Portugal's 70,000 to 80,000 troops now constitute the largest foreign army in Africa. In October 1963, the overseas armed forces were placed under war-time discipline.³³ War-time penalties, including the death penalty, have been made applicable to offences committed by armed forces serving in the overseas territories in actions to combat threats or disturbances against public order or the integrity of national territory. However, the death penalty may be commuted to

³⁰ It was reported from Mozambique last year that only those who choose to live under Portuguese law can exercise the vote because "it is said, the others are not registered in Mozambique records and are therefore unidentifiable. Why they cannot be registered is not explained".

³¹ Natives of the Territory in the sense that they were born there, including both Europeans and indigenous inhabitants.

³² *Boletim Geral do Ultramar*, No. 458-460, 1963, p. 378.

³³ Decree Law No. 45,308, *Diário do Governo*, First series, No. 1500, 1963.

statutory long-term imprisonment (*poisão maior*) in cases where the military action is not against a foreign country.

76. Although there are some 40,000 to 55,000 Portuguese troops in Angola, over half of whom are in the northern region, Portugal claims that only some 2 per cent of the territory is involved in fighting. However, Portugal's army, navy and air force, as well as paratrooper units, have all been engaged in operations. It is also reported that guerrillas have become better organized. Furthermore, a Portuguese military bulletin (for the period 26 February-4 March 1964, for instance) has reported fighting as far south as Dembos and Ucuá, both of which lie within a radius of some 200 kilometres from Luanda. Fighting has also been reported in various parts of Cabinda.

77. Since the fighting broke out in Portuguese Guinea in 1963, the number of Portuguese troops in the territory has been increased to an estimated 10,000, which is twice the number that was stationed there in 1961. In July 1963, the Portuguese Minister of Defence was reported to have said that some 2,000 square miles (approximately 5,200 square kilometres) were involved. Other sources report that about one-fifth of the total area (33,125 square kilometres) is involved. The fighting appears to be fairly widespread. For instance, a Portuguese military bulletin (for the period 2 to 8 March 1964) has also reported action in the northern region of the Territory in Farim, Mansoa, Susana and Mansaba. Early in April 1964, the Partido Africano da Independência da Guiné e Cabo Verde (PAIGC) reported that Portuguese aircraft had dropped napalm bombs in villages in the "liberated" region in the south.³⁴ Early in May 1964, Portuguese Guinea was placed under a military Governor. It will be recalled that a similar action was taken in Angola in 1961.

78. In February 1964, the situation on the northern border of Mozambique was reported to be tense and the Portuguese were said to be anticipating disturbances after the rainy season ended. These reports, however, were denied by the Portuguese Authorities.³⁵ Portuguese troops in Mozambique are variously reported between 20,000 and 35,000.³⁶ Additional troops are reported to have been sent to the border to reinforce the existing "well-armed solid cordon". Other reports indicate that a new network of airfields has been completed in Mozambique to facilitate troop movements, that a military base is being built at Beira where the airfield has also been enlarged to accommodate heavy transport planes, and that a number of new naval radio stations have been built along the coast.

(b) *Financing defence and development*

79. Since 1961, Portugal has mobilized its own resources as well as those of the overseas territories, and

³⁴ Telegram dated 8 April 1964 addressed to the Secretary-General from PAIGC, Conakry. According to PAIGC *communiqués*, its guerrillas have successfully isolated the Portuguese in the towns of Cacine, Como, Catio, Buba and Falacunda which have been cut off from economic and other activities (*Afrique*, 1 February 1964).

³⁵ It was reported in April 1964 that the Portuguese Defence Ministry had issued a *communiqué* categorically denying a Nairobi radio broadcast that guerrilla warfare had broken out in northern Mozambique. The radio quoted "Mozambique sources" that guerrillas had made raids against several border ports and that the Portuguese had declared a state of emergency. The *communiqué* said that the radio reports were false and that "there had not been the slightest incident".

³⁶ Press reports estimate the troops at 20,000; *Frelimo* estimates the number at 35,000.

given priority to expenditures for "national defence". Among other measures, various taxes have been increased and a new overseas defence and development tax has been introduced.³⁷ Tax modifications introduced in Portugal in 1963 are to come into operation in 1964. The territories also pay a share from their ordinary budgets towards the costs of "national defence"³⁸ and, under a new provision enacted in 1963, will contribute a minimum of 10 per cent of the revenue from each of the autonomous services which have self-balancing budgets.³⁹

80. The mounting costs of the military operations overseas are reflected in Portugal's budgets for 1963 and 1964. In addition to the cost of troops in Angola and Mozambique, 100 million escudos were allocated in 1963 for the armed forces assigned to the five other territories, as follows: Cape Verde, 10 million escudos; Portuguese Guinea, 36.6 million escudos; São Tomé and Príncipe, 5.6 million escudos; Macau, 18.6 million escudos; and Timor, 28.9 million escudos.

81. In the first eight months of 1963, defence expenditure was reported at 3,865 million escudos (\$135 million) out of a total budget expenditure of 8,688 million escudos for that period. The 1964 budget provides for an ordinary expenditure totalling 9,596 million escudos (\$335 million), and an extraordinary expenditure of 5,187 million escudos (\$182 million).⁴⁰ Of the extraordinary expenditure, 50 per cent (2,609 million escudos, \$92 million) is to be used for national defence. Defence expenditures include an initial allocation of 1,750 million escudos for the forces overseas, but it is noted that this may have to be supplemented, as was done in 1963 when the original allocation was raised by an additional 1,663 million, bringing the total for this defence item alone to 3,413 million escudos. Together with other defence expenditure included in the ordinary budget, it is reported that Portugal's initial defence budget for 1964 will be approximately 5,200 million escudos (\$180 million). In March 1964, the Ministry of the Army was authorized to acquire immediately war materials and other equipment valued at up to 1,500 million escudos against the 1964 budget and the anticipated allocations for 1965 and 1966.⁴¹ All defence expenditures are considered to be financed by "national" efforts. Extraordinary expenditure is to be financed partly from ordinary receipts and budgetary surpluses from the previous year, from the special overseas defence and development tax (estimated to yield 120 million escudos), and from the internal sale of treasury bills and bonds (*empréstimos e produto da venda de títulos, mercado interno*). In addition, approximately 1,726 million escudos (\$60 million) is to be raised by external borrowing.

82. To meet its increased expenditures, Portugal has had to raise loans internally and to borrow both on the international market and in Angola and Mozambique. Internal loans have included one in 1962 of 1,000

³⁷ Law No. 2111 of December 1961, Law No. 2117 of 19 December 1962 and Decree No. 44,996 of 24 April 1963.

³⁸ Decree No. 42,559 of 3 October 1959. Under this decree the share to be paid by each territory is to be fixed each year.

³⁹ Decree No. 44,342 of 12 May 1962. The autonomous services in Angola, for instance, include those of the ports and harbours, post and telegraph, national press, roads, electricity, and the Settlement Board. According to published figures (*O Comércio do Porto*, 8 February 1964) the revenue of these services is expected to amount to some 956 million escudos in 1964.

⁴⁰ Decree No. 45,459 of 23 December 1963.

⁴¹ Decree No. 45,607 of 10 March 1964.

million escudos (\$35 million) under the title of "Treasury notes—Second Development Plan", and a second one of a similar amount issued in 1963 under the title "Treasury obligations—3½ per cent, 1963".⁴² In May 1962, Portugal received a loan of \$20 million through a group of American banks, and later in the year a loan of 150 million German marks through the Kreditanstalt für Wiederaufbau. In 1963, it received a further loan of \$15 million from the group of American banks bringing the total to \$35 million which was converted into a long-term loan.⁴³ In November 1963 the Banco de Fomento Nacional floated a loan which was managed by a group of banks led by the Société Belge de Banque, the Kredietbank and the Banque Lambert (Brussels). The loan was for 13 million European payment units of account (each equivalent to \$1.00).⁴⁴ In 1963, Portugal received its first assistance from the International Bank for Reconstruction and Development (IBRD) when it was granted two loans totalling \$12.5 million for hydro-electric power projects.⁴⁵ In April 1964, France was also reported to have granted Portugal a long-term loan amounting to \$120 million for the construction of twenty naval vessels, two escort ships and seven submarines.

83. Large sums have been raised in Angola and Mozambique mainly for development. Since, however, priority is given to national defence, most of the development projects undertaken have been ones which facilitate defence and troop movements, including such works as the construction of ports, harbours, airfields, roads and other means of communication. Between June 1962 and June 1963, over 1,200 million escudos (\$44 million) was raised in Angola, and from mid-1962 to the end of 1963, some 550 million escudos (\$20 million) was raised in Mozambique. Of the money raised in Angola, 150 million escudos was lent by the Angola Diamond Company, 60 million escudos by the Benguela Railway and 1,000 million escudos of an internal bond issue were taken up by the Bank of Angola.⁴⁶ In Mozambique, 500 million escudos was raised for development through an internal loan.⁴⁷ In addition, part of the 50 million escudos raised for defence expenditures came from budgetary surpluses (7.6 million escudos) and from *lucro de amodação* (profits from monetary operations) (32.4 million escudos).⁴⁸

84. To provide Portugal with much needed capital in the industrial sector, four Portuguese banks are reported to have established the *Sociedade de Estudos Financeiros* (LUSAFINA). Ten banks, six of which are Spanish, are said to be associated in this project, which will have an initial capital of about \$12 million. This capital will be used for buying shares of various industrial concerns. Another group which will finance Portuguese industry is called the *Social-Sociedade de Investimentos e Administrações* which is supported, among others, by the London Rhodesian Mining and

Land Co.⁴⁹ A Brazilian group is reported to be interested in investing "many millions of dollars" for tourists and other developments in Angola and Mozambique.

85. In spite of all the measures that have been taken, it is reported that the chronic shortage of finance continues to be of serious concern to Portugal in its efforts to continue its military operations, and that unless Portugal can produce more, trade more and cut down imports, which are now running at almost twice the value of exports, it cannot afford to maintain its military strength in Africa.

86. In the past year, Portugal has strengthened its economic ties with the countries and territories neighbouring Angola and Mozambique. According to a statement to the Press by the Portuguese Minister for Foreign Affairs in April 1964, the negotiations between Portugal and the Republic of South Africa, which have been continuing for some time have led recently to the conclusion of several treaties. Matters covered by these treaties include the sharing of the waters of the Cunene (Kunene) River between Angola and South West Africa and the sharing of hydroelectric power between the two territories; general questions of commercial exchange, economic planning and investment; civil aviation and the development of the airports; and the use by South Africa of the rail and post facilities in Mozambique.

87. In April 1964, Portugal also concluded an agreement with the United Kingdom concerning the construction of a short rail link in Mozambique to provide Swaziland with access to the port facilities of Lourenço Marques. To the existing transport and communications links between Mozambique and Southern Rhodesia, there is being added a new 300 kilometre oil pipe line (between Beira and Umtali) which is expected to come into operation early in 1965.

(c) Reports on visits to Angola and Mozambique

88. In 1963, some 400 public figures and writers from various countries were invited to visit Angola and Mozambique. Visitors have included members of the United Kingdom Parliament; members of the Brazilian Legislature, state governors and government officials from Brazil; British, Canadian, French, German, Swedish, Swiss and United States newspapermen and writers. More recent visitors have included the President, Dr. Richard Jaeger, and fifteen deputies of the Parliament of the Federal Republic of Germany, a group of twenty-four United States newspapermen and the United States Ambassador to Lisbon, Admiral Anderson. According to an official Portuguese report, Admiral Anderson said that his visit as a local observer to Angola and Mozambique had been made by agreement between the Portuguese and United States Governments, and was considered to be of great interest by the United States Department of State and the Secretary of State.⁵⁰ Other foreign envoys to Portugal who have recently visited or plan to visit the two territories include those of Austria, Belgium, Canada, the Netherlands and Sweden.

89. Speeches made by the visitors and interviews with them have been reported in the Portuguese Press. There have also been a number of articles in the international Press describing economic conditions in Angola,

⁴² Decree No. 44,402 of 16 June 1962 and No. 45,142 of 17 July 1963.

⁴³ Decree No. 45,398 of 30 November 1963 and No. 44,360 of 23 May 1962.

⁴⁴ *Quarterly Economic Review, Portugal and the Overseas Territories*, No. 48 (February 1964), pp. 3-4.

⁴⁵ International Bank for Reconstruction and Development Press Release No. 63/49.

⁴⁶ Decree No. 45,061 and No. 45,062 of 5 June 1962, and No. 44,429 of 29 June 1962.

⁴⁷ Decree No. 44,513, 17 August 1962.

⁴⁸ Decree No. 45,287, 20 October 1963.

⁴⁹ *Quarterly Economic Review, Portugal, Overseas Provinces*, No. 47 (November 1963), p. 3.

⁵⁰ Portugal, Secretariado Nacional da Informação: *Notícias de Portugal*, 14 March 1964, p. 7.

as well as a small number of articles on Mozambique. It is reported that overseas newspapermen are able to send out news uncensored. Few visitors, it appears, have been invited to visit either Portuguese Guinea or São Tomé and Príncipe. There have been no reports that any foreign visitors were invited to observe the elections which took place in the last part of March 1964.

90. Most of the articles in the international Press give accounts of the economic development in the two Territories and discuss Portugal's policy of building a multiracial society in Africa. In Angola, where there are only some 220,000 Europeans out of a total population of almost 5 million, it is reported that a "multiracial" society is to be achieved by "large immigration from Portugal, Cape Verde and the Azores". A recent article reports also that "Half of the 40,000 Portuguese troops now in Angola have settled or are expected to settle there, a leaven in the social mass. They may also serve as a stabilizing influence, a sort of permanent civil defence corps".

91. Visitors to Angola and Mozambique are shown hydroelectric dams, ports and harbours, rail and road development, airports, factories, agricultural settlements and housing projects. In the past year some schools and hospitals have been included in the itineraries. Some visitors have noted that in the field of education emphasis is still mainly on future plans. However, in spite of the developments, as it was stated in a recent article:⁵¹

"The Africans themselves of course, are still for the most part on the circumference rather than at the centre of the over-all political development, and the prosperous urban centres are plainly the white man's show, although the African lives there with him."

92. Towards the end of March 1964, the Portuguese Government agreed to permit some Protestant missionary personnel to return to Angola.

(d) Education

93. In 1961, the Special Committee on Territories under Portuguese administration observed that, with the exception of some improvements, mainly in the field of primary education, "the over-all educational situation [in the Territories] remains wholly unsatisfactory" (A/5160, para. 419). Noting the existence of a special system of *ensino de adaptação* in some of the territories under Portuguese administration, the Committee considered that reforms to unify primary education were indispensable and that strenuous efforts were needed to establish universal, free and compulsory primary education. It emphasized that it was not only necessary to establish systems of primary, secondary and higher education, but that even more important, as stated by the General Assembly in resolution 743 (VIII), education provided in the Non-Self-Governing Territories must take into account the basic cultural values and the aspirations of the peoples concerned.

94. The legislation governing primary education in Portugal is "national" in scope.⁵² However, due to the "special circumstances" in the Territories, these provi-

sions continue to be extended to the Territories with certain modifications. Before the repeal of the Native Statute, there had been a special system of rudimentary education for the indigenous inhabitants in Angola, Mozambique and Portuguese Guinea. When the system of primary education was reorganized in 1960, the special education for indigenous children was renamed *ensino de adaptação*. This course covered in three years the normal first two years of the primary course, the first year being devoted mainly to the teaching of the Portuguese language.

95. Under the changes introduced in February 1964, for the first time primary education has become obligatory for all children between the ages of 6 and 12 in the Territories.⁵³ Primary education is to consist of a single cycle of four classes with an additional special preparatory class.

96. The preparatory year, which is a special feature of primary education in the Territories, is intended to familiarize the pupils with the use of the "national language" and school activities. However, the preparatory class may be omitted, at the request of the parents or guardian, for children who will be 7 years old by the end of December of the entrance year, and who speak Portuguese fluently and have the required maturity. As in Portugal, children up to the age of 14 may attend primary schools.

97. The new legislation which is to come into force at the beginning of the next school year sets out in great detail the primary education syllabus for all the courses to be covered in the Territories.⁵⁴ For the Portuguese language course, arithmetic, geometry and natural sciences, only approved text books may be used. Furthermore, the only teachers' handbooks to be used in the overseas primary schools are those prepared in Angola for rural education. Although the 1963 overseas Organic Law provides that in primary schools "the use of the local language is authorized as an instrument for teaching the Portuguese language", the syllabus does not make any reference to such use. In the preparatory class, which is to be devoted mainly to teaching the Portuguese language detailed instructions have to be followed. This language is to be taught by the direct observation method, starting with names, familiar objects which are to be pointed to, such as parts of the body, passing on to pictures, short phrases and teachers' instructions.

98. In order to proceed to the next class, pupils must successfully pass an examination. This rule applies also to the preparatory class. Thus, although indigenous children may now enter the regular primary school system earlier than under the previous *ensino de adaptação*, it appears that only those who have successfully acquired an adequate facility in the Portuguese language can enter the first grade.

99. It appears from the information available that in the last year particularly, more educational facilities have been established, and there are more children at school. This is especially true in Angola and Mozambique where the greatest increase has been in the establishment of *postos de ensino* (corresponding to one-room schools) in the rural areas.⁵⁵ Even in other schools, most of the African children are in special

⁵¹ Hugh Kay: "The Portuguese Way in Africa" *Fortune*, January 1964.

⁵² Decree Law 42,994 of 28 May 1960. Under this decree primary education in Portugal comprises one single cycle of four classes. Previously, primary education had been divided in two cycles, the first cycle comprising three years (known as the elementary stage) and the second cycle comprising one year, and known as the complementary stage.

⁵³ Ordinance No. 20,380 of 19 February 1964.

⁵⁴ The Ordinance is over 20,000 words in length.

⁵⁵ In 1963, under Ordinance No. 19,884 of 4 June 1963, 10 million escudos was made available in Angola from budgetary surpluses especially for rural education.

classes where they learn to speak Portuguese. Although the emphasis on the Portuguese language is not new,⁵⁰ greater urgency is now being given to expanding schools and inculcating the Portuguese language in the rural areas as a means of strengthening "national unity".⁵⁷

100. There are no recent statistics relating to education, the latest being for 1961.⁵⁸ However, according to an official statement made in April 1964, in Mozambique, only approximately one-third of the pupils completing the fourth primary year proceed to academic or technical and professional secondary schools, and, of these, only 16 per cent take advantage of opportunities for higher education.⁵⁹

101. Among measures taken to improve education are the establishment of primary teacher-training schools in the Territories, including special rural teacher-training schools, *magistério rural*, in Angola, and the authorization of the governors to establish institutes for the training of social welfare workers of various types within the framework of the government school system.⁶⁰

102. In 1963, in both Angola and Mozambique, provision was made to increase the teaching staff in the academic and technical secondary schools and additional technical, commercial and industrial schools were authorized.⁶¹ The Estudos Gerais Universitários for both Territories authorized in 1961 did not start to function until 1963. In these institutions, there are courses in pedagogical science, civil, mining, mechanical, electrical, industrial and chemical engineering, and advanced courses in agriculture, silviculture and veterinary sciences. With the exception of the course in pedagogical science, the courses are to be set up jointly by the Overseas Minister and the Minister for National Education.⁶² New courses in natural sciences were recently reported to have been started in Mozambique but no courses appear to be available in either Angola or Mozambique in the liberal arts, humanities, or the social sciences. It is reported that in November 1963 there were 280 pupils taking "university studies" in Mozambique. No figures are available for Angola.

103. School facilities in the other Territories have received less attention. Under legislation enacted in

⁵⁰ For instance, in an article published in 1958 in the *Estudos de Ciências políticas e sociais*, Luis C. Lupi. *A informação e a formação da opinião pública no Ultramar Português*, p. 174: "If the national language in all Portuguese territory is without exception Portuguese... our national unity will only be attained when all or an overwhelming majority of our fellow citizens, speak, read, sing, and think in this common language".

⁵⁷ This point was made in a speech by the Governor-General of Angola at the swearing in of the new Provincial Secretary for Education, as reported in the *Diário de Notícias*, 29 March 1963.

⁵⁸ *Boletim Geral do Ultramar* (June/July 1963). See section concerning Angola below.

⁵⁹ Speech by the Rector of the University of Coimbra, Professor Dr. Antonio Jorge Andrade de Gouveia, in Lourenço Marques, at a conference on "Education and the Universities", as reported by the *Diário de Notícias*, 14 April 1964. It is also significant that only a small number of the children enrolled in primary schools have been able to pass the fourth grade examination. For instance, in Angola, according to official statistics, out of a total of 37,627 students in government and private primary schools, 4,564 students passed the fourth grade examination at the end of the school year 1960/1961 (Provincia de Angola: *Repartição de Estatística Geral, Anuário Estatístico*, 1961, Luanda 1963, page 59).

⁶⁰ Decree No. 44,240 of 17 March 1964 and No. 44,159 of 18 January 1962.

⁶¹ Decree No. 45,235 of 7 September 1963.

⁶² Decree No. 45,180 of 5 August 1963, and *Boletim Geral do Ultramar*, Nos. 458 to 460, pp. 248 to 252.

1963, some new scholarships were made available for students in the overseas Territories especially for those from Territories without higher education facilities.⁶³ Under a decree enacted in 1963, as a means of facilitating applications, all scholarships irrespective of their source, whether government or private, are to be centrally co-ordinated and standardized as to the qualifications and the amount of the awards.⁶⁴

104. To create better understanding between young people from "different parts of the national Territory" holiday study courses for overseas students (*Curso de Férias para Estudantes Ultramarinos*) have been established. One of the first groups to visit Portugal from Angola were students from a primary teacher-training school.⁶⁵ Visits by Portuguese students to the Territories are also being organized.

(e) Public health

105. In June 1962, at the request of the Portuguese Government, a three-man team of health experts was assigned by the World Health Organization (WHO) to make an over-all survey of the health and sanitary conditions in Angola, Mozambique and Portuguese Guinea.⁶⁶ The WHO report was submitted to the Portuguese Government and although there have been many references to this report, the text is not available.

106. On the basis of the information available to it, the Special Committee on Territories under Portuguese administration, in 1962, drew attention in its report to the serious lack of public health facilities in those Territories and expressed the hope that the WHO surveys would lead to much needed integrated over-all long-term planning to improve health conditions (A/5160, paras. 429 to 431).

107. The official Portuguese position on the WHO recommendations was set out in an article in a government publication in June 1963,⁶⁷ which indicated that new measures were envisaged that would take into account most of the suggestions.

108. The new legislation reorganizing the overseas public health service, was published early in 1964.⁶⁸ Under the new legislation, government services are to be expanded and in each Territory there is to be a network of hospitals, sanitary posts and special services. There are to be central, regional, sub-regional and rural hospitals.⁶⁹ Together with each rural hospital there is to be a rural health centre which will be the basic unit for all health activities. At administrative posts and, where necessary, there are to be established health posts and rural maternity posts. Mobile units are to be increased. Medical, surgical and therapeutic services are to be free to all "who because of their social or economic situation need the assistance of the State". The Governments of the Territories are to establish

⁶³ Portugal. *Boletim Geral do Ultramar*, Nos. 451-452 (January/February 1963) p. 85. Ordinance No. 19,719 establishes 53 scholarships, of which 12 are reserved. In addition, Ordinance No. 29,012 of 20 February 1963 establishes 16 scholarships for Portuguese Guinea.

⁶⁴ Decree No. 45,240 of 11 September 1963.

⁶⁵ *Boletim Geral do Ultramar* No. 458 to 460, pp. 61-70 (Decree No. 45,240).

⁶⁶ The team consisted of Dr. Ernani Braga (Brazil), Dr. Jean-Simon Cayla (France) and Dr. Ruperto Casanueva (Chile).

⁶⁷ *Boletim Geral do Ultramar* (June, July 1963), pp. 113 to 122 (English summary, pp. 358-359).

⁶⁸ Decree No. 45,541, of 23 January 1964. The overseas health services were last reorganized in 1945 (Decree No. 34,417).

⁶⁹ Central hospitals will have a minimum of 300 beds, regional hospitals 200, and sub-regional hospitals 100.

regulations prescribing the conditions under which medical care will be free.

109. Existing services established by administrative bodies, or missions, are to be integrated in the over-all network, and will be required to collaborate with the territorial services. As already provided in the 1962 Rural Labour Code, employers remain responsible for the provision of medical care for their employees, although these facilities will be subject to inspection and regulation (A/5160, para. 376).

110. Training facilities for nurses and auxiliary public health personnel are to be established in the central hospital in the capital of each Territory. Local legislation is to be enacted for this purpose. It is expected that some time will be needed to put all the provisions of the new legislation into effect.

2. ANGOLA

General

111. At the 1960 census, the total resident population of the Territory was 4,830,449 of whom 172,529 were listed as *brancos*; 53,392 were listed as *mestiços* and 4,604,362 as *pretos*.⁷⁰

Government

112. As provided in the Overseas Organic Law of 1963, a new basic law of the Territory, the Political and Administrative Statute of Angola, was published in November 1963.⁷¹ The main provisions relating to the powers and functions of the Governor, the Legislative and Advisory Councils, which are similar for all the Portuguese Territories have been described earlier (see paras. 17 to 53 above). The following paragraphs set out some additional details.

(a) Legislative Council

113. The Legislative Council of Angola which is presided over by the Governor-General, comprises thirty-six members, of whom two are *ex officio* (the Attorney-General and the Director of Public Finance), and thirty-four are elected as follows:

- 3 by individual taxpayers registered as paying direct taxes amounting to a minimum of 15,000 escudos;
- 3 by corporative bodies representative of employers and associations of economic interests;
- 3 by corporative bodies representative of workers' interests;
- 3 by bodies representative of religious and cultural interests, one of whom must always be a Catholic missionary;
- 3 by native authorities (*regedorias*) from among their own members;
- 4 by administrative bodies and legally recognized collective bodies performing administrative functions of public interest;
- 15 by direct franchise of citizens whose names are inscribed in the general books of the electoral register.

114. Previously the Legislative Council of Angola comprised twenty-nine members, of whom eight were nominated and twenty-one elected.⁷² Of the eight nomi-

nated members, six were nominated by the Governor-General, and at least three had to be chosen from directors of departments or senior members of the public service. The other two members were nominated by the Government Council from a list of three members submitted by the Governor-General to represent the interests of the indigenous population. These representatives did not, however, have to be indigenous inhabitants. Of the twenty-one elected members, the Statute provided for seven to be elected by the five "organic" groups,⁷³ and the balance by direct vote.

(b) The Economic and Social Council

115. The Economic and Social Council, which replaces the former Government Council as an advisory body, has a widened membership which now includes members elected by various "organic" groups. Previously, the Government Council had been composed almost entirely of government officials.⁷⁴ The armed forces continue to be represented in the new advisory council, either by the commander-in-chief, or, if his functions are exercised by the Governor-General, by the most senior officer of either the army, navy or air force. As noted previously, there is no special representation in this Council of the interests of the *regedorias*.

Local administration

116. Under the Political and Administrative Statute of Angola, 1963, the Territory is divided into fifteen administrative districts. These correspond to the electoral districts, and each returns one directly-elected member to the Legislative Council. The sub-divisional boundaries of the districts have been altered and the number of *concelhos* has been increased. This, together with the reduction in the number of electors required to form the various councils, has brought about an increase in the number of local government bodies (see paras. 46 to 53 above).

Results of the elections

117. In the direct elections to the Legislative Council, almost all of the fifteen districts had only one candidate. It is reported that in one district there were two candidates for the one seat, and that in another there were three candidates. Portuguese press reports stress that the number of voting centres in Angola increased by 20 to 100 per cent in the various districts. There are no comprehensive figures for the total number of voters registered and voting in each of the districts. Some figures were given in the Portuguese Press of the number of voters registered at some of the voting centres in Angola; in most cases there were fewer than 2,000 voters registered. At one centre, Villa Henrique de Carvalho, in the Lunda District, there were 7,281 voters registered, of whom 6,508 voted. It appears, however, that although a high percentage of those registered did vote, the total number of persons voting did not exceed 10 per cent and was probably not much more than 5 per cent of the total adult population.⁷⁵ It also appears that only a small proportion of those voting were Africans.

⁷³ These seven were elected on the same basis in Angola and Mozambique; details are given in A/AC.108/L.6, para. 50.

⁷⁴ Under the 1955 Statute, the Government Council was composed of the provincial Secretaries, the Secretary General, the Military Commander, the Attorney General, the Director of Public Finance, and two members of the Legislative Council chosen from the elected members by the Governor-General.

⁷⁵ At the 1957 elections to the National Assembly under the previous electoral law, the elected candidates each received fewer than 50,000 votes. This was less than 2 per cent of the total population of the Territory.

⁷⁰ Província de Angola, *Boletim Mensal*, No. 10 (October, 1963), p. 5.

⁷¹ Decree No. 45,374 of 22 November 1963.

⁷² The former Statute of Angola, enacted in 1955 (Decree No. 40,225) provided for a Legislative Council of twenty-six members of whom eighteen were elected. This was subsequently amended.

118. The Portuguese Press has drawn attention to the fact that many of the candidates in Angola were *naturais* of the Territory—persons born in Angola. The results of the elections show, however, that of the thirty-four elected members to the Legislative Council only fifteen are *naturais* from Angola, eighteen are from Portugal and one is from Cape Verde. The details available from Portuguese sources on the elections are summarized in the appendix, table III of this chapter.

119. It may be noted from table III that Portuguese sources generally do not give the actual number of voters but only the percentages of the registered voters taking part in the vote. The information also shows that of the nineteen members elected by the "organic" groups, nine are resident in Luanda. Of the three members elected by and representing indigenous authorities, not one is from the southern part of the Territory (which Portugal has always claimed as being the most loyal); two of the three are from Cuanza-Norte District (an important coffee growing district and one of the main areas of the 1961 uprising); and one is from the Malange District.

The war in Angola

120. On 15 March 1964, Angola entered its fourth year of war, and from reports, it appears that the end is not yet in sight. Portugal is said to have 55,000 troops in Angola, over half of whom are in the north. Volunteer Corps were established on a permanent basis in 1962 to assist the regular armed forces.⁷⁶ These are now widely used to perform police, guard and patrol duties.

121. In April 1964, it was reported that the number of refugees crossing the border into the Congo (Leopoldville) had sharply increased in recent weeks. This was attributed to increased attacks by the Portuguese Army against civilians who had resisted resettlement plans and had remained in hiding. The report stated that from 1 March 1964 a medical post 20 miles from the border of Angola had assisted 12,492 refugees, as compared with 819 in the month of January. In a press release dated 13 April 1964, the Permanent Mission of Portugal to the United Nations denied the reports "about the alleged flight of people" from Angola into the Republic of the Congo (Leopoldville). The press release went on to say that "It is absolutely false that any crossing was made by Angolan inhabitants into the Congo, beyond the usual transit, legally authorized by the local authorities".

"Psycho-social measures"

122. In Angola, military action is being supplemented by "psycho-social measures" which are sometimes referred to in the English language Press as "psycho-welfare war". This term is used for activities by Portuguese troops to win over the local population and to convince them "that they have more to gain" with Portugal than with the guerrillas.

123. The "psycho-social measures" are designed to encourage the return and resettlement of refugees and persons in hiding, as well as to improve the living conditions of those who have been uprooted since 1961. The Portuguese military bulletins frequently announce the number of refugees who have returned, or who "have given themselves up to the authorities".

⁷⁶ Decree No. 44,217 of 2 March 1962. The duty of the Volunteer Corps is to collaborate in the defence of the national integrity and sovereignty.

124. The total number of refugees who have returned or surrendered is difficult to ascertain. A Portuguese source states that 200,000 Africans have been resettled, while other sources indicate that there are still over 300,000 Angolan refugees in the Congo (Leopoldville).

125. The resettlement of the local population into planned villages makes it possible to provide schools, clinics and services not existing previously; it also makes it easier to isolate the local population from guerrilla activities. There are various accounts of the new villages which have been built with the help of the army to resettle the local population. In general, each village has a school, a church and a medical dispensary; the resettled inhabitants are given free land and assistance in planting crops; and the administrators try to ensure that they receive fair prices for their crops.

Settlement projects

126. Settlement projects under the development plan, have been promoted through immigration from Portugal arranged by the Provincial Settlement Board, established in 1961,⁷⁷ and through the settlement of soldiers who have completed their tour of duty in Angola. Soldiers are considered especially desirable settlers since they add to the defence strength of the Territory.

127. Under one plan, for instance, each soldier settler receives free of cost, a piece of land between 10 and 35 hectares in area which the Government also undertakes to prepare free of cost. The settlers also receive 1,500 escudos a month in the first year, and a maximum of 1,000 escudos a month in the second year. These payments, which are in the nature of long-term repayable loans, are to be made partly in cash, the main part being in kind. There are similar soldier settlement schemes for cattle-raising projects. No recent figures on the total number of soldier settlers are available.

128. In 1962, in addition to its normal expenses, the Provincial Settlement Board was given a government guarantee for special credit amounting to 200 million escudos (\$7 million) for the purchase of agricultural equipment and for other goods and services.⁷⁸ In 1963, the Settlement Board adopted measures to facilitate the acquisition of agricultural land (with safeguards to existing rights) and to increase credit concessions to settlers who were not able to finance the charges on farms of 100 to 200 hectares in size.⁷⁹

129. The settlement of families from Portugal continues and appears to be gaining momentum. In 1963 there was a net gain of some 6,000 immigrants, including 3,000 settlers. In April 1964, it was reported that over 700 persons had left Portugal to settle in Angola.⁸⁰ In addition, another 400 families from Cape Verde were reported to be going to Angola under the sponsorship of the Board. These families are being settled in the Cela project, where other Cape Verdian families are already established.

Economic conditions

130. Since the latter part of 1963, reports from Angola have emphasized the Territory's return to

⁷⁷ Decree No. 43,895 of 6 September 1961 (extract contained in A/AC.108/L.5/Add.1).

⁷⁸ Decree No. 44,456 of 7 July 1962.

⁷⁹ *Boletim Geral do Ultramar*, Nos. 458-460, pp. 334-335.

⁸⁰ *Diário de Notícias*, 10 April 1964.

economic prosperity and a strengthening of the determination of the Portuguese to remain, whatever the cost. The economic picture is not, however, completely favourable. On the one hand, business is reported to be thriving partly as a result of accelerated development spending and partly because of the presence of the large numbers of troops from Portugal. On the other hand, imports have been cut and taxes and customs duties have been raised, especially on imports of luxury goods (including wine from Portugal). Furthermore, although preparatory legislation to implement the escudo zone programme went into effect in March 1963, exchange controls remained in effect, and during the year transfers of escudos from Angola to Portugal were still reported to be subject to losses of up to 25 per cent. These difficulties have hampered business transactions with Angola, which at one time, were said to have come to a standstill and even affected Macau.

131. In March 1964, it was reported that, following the discovery of irregularities in exchange transactions by which over \$15 million escaped control, new measures were being introduced to tighten control both of the imports and of exchange. In April 1964, Mozambique was reported to have made available to Angola a loan of 60 million escudos (approximately \$2 million) to help solve Angola's exchange problem.

132. Increased attention is being focused on the coffee crop in Angola, which is sometimes referred to in Portuguese official publications and the Press as a major source of "national wealth".⁸¹ Most of the coffee exported from Angola goes to the United States (for use in making instant coffee), and in 1962 amounted to over \$35 million. The figure is expected to be even higher in 1963. In addition, coffee exports to the Netherlands amounted to some 400 million escudos (\$14 million) in 1962.⁸² Output of diamonds also rose in 1963. In spite of the fact that diamonds are sold under world prices to a monopoly,⁸³ in 1962 exports were valued at 556 million escudos (\$19 million), all of which went to the United Kingdom.⁸⁴

133. A major effort has been made to increase the areas planted to coffee. In the northern region, where much of the best coffee land is located, large numbers of troops are stationed and are supplemented by Volunteer Corps to guard the roads and plantations. Areas planted to sugar and sisal are also being increased, since these are also important exports. There appears to have been little growth outside the exchange sector, and it was reported that the production of several food staples, including maize, beans and manioc had decreased in 1963. The fishing industry remained depressed.

134. In the industrial sector, the most rapid growth has been in petroleum production, which rose, from 198,000 tons in 1961 to 337,000 tons in 1962, and was still increasing in 1963. Output in 1963 was reported to have exceeded the local refinery capacity and a new

refinery was being built in Portugal to handle the excess. In 1964, the discovery of new oil deposits was announced. Asphalt and cement also registered some increases in output.⁸⁵

135. Foreign investments are reported to have increased, though no figures are available. New industries are being established, among which the more important are reported to be an iron-alloy industry with a capital of 125 million escudos (\$4.3 million), a margarine processing plant and a cellulose factory. Krupp, which has already granted a loan of \$50 million for mining iron was reported in 1963 to be interested in establishing a steel mill.⁸⁶ (Iron reserves in Angola are estimated at over 400 million tons.) In 1964, it was reported that a manganese mining company financed by Portuguese, German and French capital had been set up to work a 500,000 acre concession in Cabinda in a region where there is an estimated 80 to 100 million tons of manganese. An Anglo-American group representing capital amounting to some \$10 million was recently reported to be interested in the establishment of a canning factory and a cattle-breeding centre.

136. There is little information on the participation of the indigenous inhabitants in the economic life of the Territory, apart from their role as wage earners. While there are indications that wage rates have risen, there are also reports that, with the influx of artisans from Portugal, some Africans are being displaced from their jobs. This is probably more evident in Luanda where it is reported that the majority of waiters and taxi drivers are Portuguese.

137. The Territory's 1964 budget⁸⁷ has been trimmed to reduce expenditures, and the total revenue of 3,357 million escudos (including extraordinary revenue) stands at almost the same level as that for 1961 (3,232 million escudos). Following the abolition of the Native Statute in 1961, a minimum general (personal) tax was introduced which applies to all persons. The revenue from this source more than doubled between 1961 and 1962 (from 117 to 271 million escudos) but taxes paid by industries rose by only 10 per cent. The increased recourse to loans in financing various projects is reflected in the charges for servicing the public debt which increased from 87.5 million escudos in 1961 to 160 million escudos in 1964.

138. The largest single item of expenditure is for "development", which amounts to almost one-third of the total. Under the heading "National defence—armed forces", 474 million escudos are allocated, which represents approximately 15 per cent of the total expenditure.

139. As reported above (see paras. 82 and 83 above) large loans have been raised in Angola to finance projects envisaged under the Second National Development Plan. In December 1963, the expenditure of some 350 million escudos on various projects was authorized. Of this total, some 120 million escudos will be used towards development and distribution of electric power; 40 million escudos for roads; 30 million escudos for improvement and expansion of the ports, including those of Luanda, Lobito and Mocamedes; 50 million escudos for airports and telecommunications; 43 million escudos for construction and equipment of schools; and 20 million escudos for "local improvements".⁸⁸

⁸¹ See for example speech by the Under-Secretary of State for Overseas Development, Dr. Mario de Oliveira as published in *Boletim Geral do Ultramar* (August/September/October 1963), pp. 73 to 90.

⁸² *Boletim Geral do Ultramar* (June/July, 1963), Lisbon, p. 289.

⁸³ Richard J. Hammond: *Portugal's African problem: some economic facets*, Carnegie Endowment for International Peace, New York 1962, p. 37. *Diário de Notícias* (12 October 1963) quoted an article published in Angola that while South West African diamonds were sold at over 1,000 escudos per carat, Angolan diamonds were sold to the monopoly at just over half that price.

⁸⁴ *Relatório e contas do Banco de Angola*, 1962, p. 43.

⁸⁵ *Quarterly Economic Review, Portugal and Overseas Provinces*, No. 48, February 1964, p. 9.

⁸⁶ *Ibid.*, No. 47 (November 1963), p. 11.

⁸⁷ As published in *O Comércio do Porto*, 8 February 1964.

⁸⁸ Ordinance No. 20,212, *Diário do Governo*, First Series, No. 282, 2 December 1963.

140. It is reported that, both in Angola and outside, many people feel that only foreign capital and time are needed to develop Angola. However, some Portuguese have questioned the wisdom of the economic course now being followed. It has been pointed out that the large loans which were raised in the Territory are being used for projects that do not earn revenue and that the cost of servicing these internal loans is an increasing burden.⁸⁹

Education

141. There are several sources of education statistics. In a press release issued by the Permanent Mission of Portugal to the United Nations, dated 1 August 1962, school statistics for Angola at 1 January 1962 were given. According to this source, there were 17,183 educational institutions and the total school enrolment was 709,705. Of the primary schools, 2,250 were government schools; 11,933 schools with 387,050 students were maintained by Roman Catholic missions; and 3,000 schools with 160,000 students were maintained by Protestant missions.

142. According to another source,⁹⁰ at 31 December 1961, there was a total of 2,947 educational institutions in Angola, with 4,988 teachers and an enrolment of 141,222 students. Total primary enrolment was 122,628 pupils, of whom 89,142 were in government schools and 33,486 in private schools.

143. A third set of statistics⁹¹ shows that for the school year 1960/1961 (i.e., the school year before the one referred to above) there were 2,133 educational institutions with 3,875 teachers and a total enrolment of 119,380. There were 37,627 students enrolled in primary schools and 66,154 enrolled in adaptation courses. Of those in primary schools, 17,562 passed the first three grade examinations; 5,579 passed the first grade; 5,143 passed the second grade; and 6,640 the third grade. Only 4,564 pupils completed and passed the fourth primary grade, and of these, 2,367 were in government schools and 2,197 in private schools. There were 7,486 pupils enrolled in academic and 5,033 in professional secondary schools. There were 227 pupils in the last year of secondary school and 119 in higher education.

144. By comparing the data in the third source with those of the second, it appears that there was a 20 per cent over-all increase in enrolment between 1960 and 1961. Furthermore, it is evident that the figures for primary enrolments given in the second source include those enrolled in adaptation courses. This practice apparently anticipates the provisions of the 1964 education law, under which the preparatory year is considered to be an integral part of the primary course that is to come into effect with the next school year (see paras. 95 to 98 above).

Public health

145. According to a press release issued by the Permanent Mission of Portugal on 7 May 1964, the public health facilities in Angola are as follows:

"... there are presently 96 public and private hospitals, 68 district clinics, 782 local clinics, 57

maternity clinics, 12 child welfare dispensaries, 9 anti-tuberculosis dispensaries, 19 anti-leprosy centres. The personnel in all these institutions consists of 593 doctors, 1,467 nurses (male as well as female), 89 chemists, 116 assistant chemists, 129 laboratory and radiology assistants and 107 midwives, drawn from all races.

"There is one hospital bed per 322 inhabitants, one Public Health Officer per 3,000, one clinic per 4,381 and one doctor per 10,000."

146. In 1961, for public health purposes, the Territory was divided into 81 *delegacias*, 4 *sub-delegacias* and 207 sanitary posts. Facilities for treatment and in-patients were: 2 central hospitals, 13 regional hospitals and 62 private hospitals; 67 health centres, 35 maternity clinics and some special dispensaries. There were 234 medical doctors, 8 analysts, 18 pharmacists, 577 nurses and auxiliary nurses, 48 midwives and 529 other personnel. In addition, there were 890 health centres of which 423 were government, 418 were private and 49 others. In 1961, 240 of these health centres had beds.

147. There were 43,978 patients treated in the hospitals, and 8,842 maternity cases in the maternity centres and special dispensaries, with 5,409 live births during the year.⁹²

3. MOZAMBIQUE

General

148. According to the 1960 census figures, the population of Mozambique was 6,592,994. No ethnic breakdown is given. According to previous official estimates, the total population in 1959 was 6,371,430, of whom 169,380 were *civilizados* and 6,202,050 were *nao civilizados* (A/AC.108/L.8, para. 4 and table 1).

Government

149. Under the Overseas Organic Law of 1963, a new basic law for the Territory, the Political and Administrative Statute of Mozambique, was published in November 1963.⁹³ The main provisions relating to the powers and functions of the Governor, the Legislative and Advisory Councils, which are similar for all Territories, have been outlined above (see paras. 17 to 53). The following paragraphs set out some additional details.

(a) Legislative Council

150. The Legislative Council of Mozambique, which is presided over by the Governor-General, comprises twenty-nine members. There are two *ex officio* members, the Attorney-General and the Director of Public Finance, and twenty-seven members elected as follows:

- 3 by individual taxpayers registered as paying direct taxes amounting to a minimum of 15,000 escudos;
- 3 by corporative bodies representing employers and associations of economic interests;
- 3 by corporative bodies representing workers interests;
- 3 elected by bodies representing religious and cultural interests, one of whom must always be a Catholic missionary;
- 3 by Native authorities, *regedorias*, from among their own members;

⁸⁹ Observations made in the National Assembly on the 1962 general accounts, as reported in *O Comércio do Porto*, 10 March 1964.

⁹⁰ *Boletim Geral do Ultramar* (June/July 1963).

⁹¹ *Provincia de Angola, Direcção dos Serviços de Economia e Estatística Geral, Repartição de Estatística Geral, Anuário Estatístico 1961*, pp. 57 to 59.

⁹² *Provincia de Angola, Anuário Estatístico, 1961, Luanda, 1963*, pp. 31, 32 and 36.

⁹³ Decree No. 45,375 of 22 November 1963.

3 by administrative bodies and legally recognized collective bodies performing administrative functions of public interest;

9 by direct franchise of citizens whose names are inscribed in the general books of the electoral register.

151. Previously the Legislative Council of Mozambique comprised twenty-four members, of whom eight were nominated, as in Angola, and sixteen were elected. Seven of the elected members were elected by "organic" groups (see A/AC.108/L.6, para. 50) and nine were elected directly. There has been no increase in the number of directly elected members.

(b) *Economic and Social Council*

152. The composition of the Economic and Social Council in Mozambique is similar to that in Angola, and the Governor-General is also the Commander-in-Chief of the armed forces.

(c) *Local administration*

153. Under the new Statute, Mozambique is divided into nine districts for the purpose of local administration. These districts are also the electoral districts, each returning one directly elected member to the Legislative Council. The subdivisions, however, have been changed. Whereas the previous Statute divided the Territory into some twenty-five *concelhos* and sixty-three *circunscrições*, there are now thirty-two *concelhos* and sixty *circunscrições*. Since the Overseas Organic Law of 1963 provides that the basic unit of local administration is the *concelho*, it appears that in the greater part of Mozambique "the economic and social development deemed necessary" has not been reached for the establishment of the regular municipal councils (see para. 46 above).

Results of elections

154. The official statement on the results of the elections issued by the Overseas Minister gives only the percentages of the registered voters who voted. There is no information on the number of registered voters or the actual number of persons who voted. Of the twenty-seven members elected to the Legislative Council by direct and "organic" votes, eleven are *naturais* of Mozambique, fifteen are from Portugal, and one is from Angola. Of the sixteen members elected to the Economic and Social Council, eleven are *naturais* of Mozambique and five are from Portugal.

Economic conditions

155. Mozambique's share in defence costs has risen with the increased number of troops in the Territory (see para. 78 above). In 1963, 14.4 million escudos was allocated for the naval forces and 347.4 million escudos for the army in the Territory.⁹⁴ Of the amount allocated for the naval forces, 8 million escudos was to come from Mozambique's ordinary receipts and 6.4 million escudos from the autonomous revenue-producing services (see para. 78 above). Of the amount allocated for the army, 149 million escudos was to come from the Territory's ordinary receipts, 5 million escudos from the extraordinary receipts, 54.6 million escudos from the autonomous services, 65.5 million escudos from the receipts assigned to the Overseas Military Defence Fund, and 82.2 million from "other

receipts" which are not specified. The cost of the armed forces alone, which is only part of the total defence expenditure, was thus more than 10 per cent of the ordinary receipts of the Territory for 1963, which was reported at 3,635.7 million escudos.⁹⁵

156. Investments under the Second National Development Plan have concentrated on ports, harbours and railways (A/AC.108/L.8, annex, tables 19 and 20). Almost all of an allocation of 144 million escudos received from the Banco de Fomento in 1962 is reported to have been spent on public works, and an additional 37.5 million escudos was allocated in 1963 for other projects, which included agricultural development, 10 million escudos; Revuê settlement scheme, 10 million escudos, including 5 million escudos for irrigation; construction of hospitals and maternity clinics (*congêneres*), 9 million escudos; and for "local improvements", 3 million escudos.⁹⁶

157. In January 1964, another allocation of 90.9 million escudos was made for railways and ports projects under the Development Plan, divided as follows: the Mozambique railway, 15.4 million escudos; the port of Lourenço Marques, 52.7 million escudos; the port of Beira, 17.3 million escudos, and Nacala and other works, 5.5 million escudos.⁹⁷ The airport at Beira is being expanded to accommodate jet aircraft, at an estimated cost of 48 million escudos. A dredging scheme estimated to cost 60 million escudos (over \$2 million) will be completed in 1964 and will enable vessels of heavy tonnage to dock for loading minerals and other products.

158. Cotton remains Mozambique's most important single export. In recent years it has generally accounted for 600 million escudos each year, or approximately one third of the total value of exports. Various efforts have been made in the past to increase the production of cotton in Mozambique and large land concessions were granted for this purpose. Although the system of forced cultivation was abolished in 1961, reports indicate that the small producer is, as yet, no better off. New legislation introduced in 1963⁹⁸ abolishes the cotton concessions in all Territories, makes the local cotton institutes responsible for co-ordinating, regulating and encouraging cotton growing activities, and establishes conditions for the trading in seed and raw cotton and for ginning and processing by specially licensed individuals or concerns. Although the law also requires buyers to purchase all grades of cotton (not only selected grades) and at fixed prices, the small producer remains at the mercy of the local licensed buyer.

159. The legislation envisages that within a maximum period of five years there will be free trading in cotton. In the meantime, export to foreign countries of cotton grown in the Overseas Territories is prohibited, unless national industries have been adequately supplied.

160. In May 1964, the Banco Nacional Ultramarina was reported to have made a loan of 30 million escudos to the Cotton Institute of Mozambique.

161. New measures are being taken to expand sugar output. In May 1964, it was reported that a Portuguese sugar refinery was to be established in the southern

⁹⁵ *Quarterly Economic Review, Portugal and Overseas Territories*, No. 47, p. 13.

⁹⁶ Ordinance 19,962 of 23 July 1963.

⁹⁷ Ordinance No. 20,303 of 6 January 1964.

⁹⁸ Decree Law No. 45,179 of 5 August 1963. For a description of the previous system, see A/AC.108/L.8, paras. 134-139.

⁹⁴ Ordinances No. 19,812 of 17 April 1963, and No. 20,131 of 22 October 1963.

part of the Territory at Manhica. The refinery will cost some 430 million escudos (\$15 million) and is expected to begin production in June 1965, with an initial capacity of 40,000 tons a year. As part of this project the area planted with sugar will be increased by 6,000 hectares, of which 2,800 hectares will be the property of the refinery and 3,200 hectares are to be cultivated under a settlement scheme under its direction by the refinery.

162. Some improvement in the economic and business outlook in Mozambique was reported in 1963. Production of cotton, cashew nuts and sisal increased over 1962. Owing to bad weather, large quantities of maize were imported from South Africa. Towards the end of the year the general food situation was said to have improved. The balance of trade deteriorated however, due apparently to increased imports of a wide variety, including textiles and other consumer goods. Over the period January to July 1963, the adverse balance of trade was 871 million escudos, compared with 803 million escudos for the same period in the previous year.⁹⁹

163. In the industrial sector, increased production was reported in petroleum refining. The output of fuel oil, gasoline and gas-oil increased by 37.4 per cent in the first six months of 1963, compared with the same period of the previous year. New industries established include a cement factory at Nacala, with an investment of over 150 million escudos (over \$5 million) which is expected to increase cement production by 100,000 tons a year.

164. Economic relations with South Africa have been strengthened through several formally negotiated agreements, as reported above (see para. 86 above). For South Africa, Mozambique is important as an export market and convenient outlet to the sea. For Mozambique, on the other hand, South Africa is a source of foreign exchange. A revision has been negotiated of the 1928 Convention under which some 100,000 workers from Mozambique were recruited for work in South Africa and a guaranteed tonnage was exported from South Africa through Lourenço Marques (see A/A.C.108/L.8, paras. 94 to 96). No details are available as to the new terms of agreement.

165. Some new investments of South African capital in Mozambique were made in 1963. In November, a South African company, the Mozambique Development Corporation, was formed with the backing of the Anglo-American Corporation. The share issue is reported at 2 million Rand (\$2.8 million) and will be used to equip a fisheries enterprise, including a freezing plant at Port Amelia. The South African Government is also one of the financial guarantors for the 187-mile Beira-Umtali oil pipe line which is reported to cost \$10.5 million and which is being built by a South African company. In early 1964, a Luso-South African Economic Institute was set up in Johannesburg to interest investors in Mozambique and facilitate commerce.¹⁰⁰

166. With over 1,500 miles of coastline, Mozambique is an important means of access to the sea for its several land-locked neighbours. The most important ports are Lourenço Marques in the south, and Beira, Quelimane and Mozambique to the north. In April 1964, as reported earlier (para. 87 above), an agreement was signed between the Governments of the

United Kingdom and Portugal to improve communications between Swaziland and Mozambique. A new rail link will be built in Mozambique between Lourenço Marques and Goba on the Swaziland border. A contract has also been signed by Swaziland cattle owners for a new meat export project. Capital will be provided by the cattle owners to increase the facilities of the Lourenço Marques municipal slaughterhouse which will be used for freezing and packing meat for the European market. The city of Lourenço Marques is expected to receive an income of 8 million escudos (\$280,000) per year from this operation.

167. Following the dissolution of the Central African Federation, Southern Rhodesia, Northern Rhodesia and Nyasaland are expected to review the former agreement under which they used the port facilities in Mozambique. According to reports, Nyasaland has already initiated some preliminary steps to discuss the use of port facilities.

168. In spite of these developments, the heavy defence and public expenditure are reported to be creating serious strains in Mozambique's finances. One such indication is reflected in the fact that in November 1963, the Overseas Ministry had to make available an extra sum of 427,000 escudos (\$14,000) for the payment of the interest due on a 1960 loan.¹⁰¹

169. Investments are being sought by Mozambique not only from international and regional sources but also from Portugal. During a recent visit to Lisbon, the Governor-General of Mozambique appealed to industries and to those with technical skills or capital to establish or transfer their operations to Mozambique, so as to assist its economic development and "to increase the links of national unity".¹⁰²

4. PORTUGUESE GUINEA

General

170. According to the 1960 census, the population of Portuguese Guinea was 544,184. This compared with 510,777 at the 1950 census when the total population included: 2,263 Europeans, 4,568 *mestiços*, 11 Indians, and 1,478 assimilated Africans. In 1963, the total population was estimated at 650,000, including 2,500 Europeans and 5,000 *mestiços*, most of whom are from Cape Verde.

Government

171. The new basic law of the Territory, the Political and Administrative Statute of Portuguese Guinea, was published in November 1963.¹⁰³ The main provisions relating to the powers and functions of the Governor, the Legislative Council and the Advisory Council, which are similar for all Territories, have been outlined earlier (paras. 17 to 53 above). The following paragraphs set out some additional details.

(a) Legislative Council

172. The Overseas Organic Law of 1963 established a Legislative Council in the Territory for the first time, with the same powers and functions as those in the other Territories. As set out in the Statute, the Legislative Council in Portuguese Guinea, which is presided over by the Governor, comprises fourteen members. The balance of the composition among representatives of various interests is similar to that of the former

⁹⁹ *Quarterly Economic Review, Portugal and Overseas Provinces*, No. 48, p. 13.

¹⁰⁰ Secretariado Nacional da Informação *Notícias de Portugal*, 21 March 1964 (SNI), Lisbon, pp. 12 and 13.

¹⁰¹ Ordinance No. 20,171 of 16 November 1963.

¹⁰² *Diário de Notícias*, 28 April 1964.

¹⁰³ Decree No. 45,372 of 22 November 1963.

Government Council established under the 1955 Statute.¹⁰⁴ There are three *ex officio* members, the Secretary-General, the representative of the Attorney General, and the Director of Public Finance, and eleven members elected as follows:

- 2 by individual taxpayers registered as paying a minimum of 1,000 escudos in direct taxes;
- 2 by administrative bodies and legally recognized collective bodies performing administrative functions;
- 3 by indigenous authorities of the *regedorias* from among their own members;
- 1 by bodies representative of religious and cultural interest; and
- 3 by direct suffrage of citizens inscribed in the general books of the electoral register.

173. There are no representatives of workers or employers or other economic interests. As the Legislative Council is an assembly of representatives suited to the economic and social environment of the Territory, the omission of these representatives indicates that economic interests and workers' organizations do not yet play a significant role in the life of the Territory. On the other hand, even though the indigenous population is about one eighth of that in Angola, and one twelfth of that in Mozambique, the indigenous authorities in Portuguese Guinea also have three representatives in the Legislative Council.

(b) *The Government Council*

174. Under the 1963 Statute, the Government Council is established on a permanent basis to assist the Governor in the exercise of his legislative functions, to advise on matters on which it is consulted by the Governor, and to approve items laid down in the development plan prepared by the Technical Commission of Planning and Economic Integration.

175. The Government Council, which is presided over by the Governor, comprises the Commander-in-Chief of the armed forces (or in his absence, or when this function is exercised by the Governor, by the most senior ranking officer of either of the three branches of the armed forces), the representative of the Attorney-General, the Director of Public Finance, and three members elected by the Legislative Council, one of whom must represent the *regedorias*.

(c) *Local administration*

176. For the purpose of local administration, the Territory is divided into *concelhos* and *circunscrições* which are subdivided respectively into *freguesias* (parishes) and *postos administrativos* (administrative posts). The administrative posts are divided into *regedorias* and groups of villages. For the purpose of the direct elections to the Legislative Council, the Territory is considered as one electoral district.

Results of elections

177. As in the other Territories, there is no information on the number of voters registered and the number of votes cast in the direct elections of the three members of the Legislative Council. It is officially reported that candidates were elected by 97 per cent of the registered voters.

178. According to an article in the Portuguese Press, in the election of the representative of taxpayers,

¹⁰⁴ Decree No. 40,223 of 16 August 1955.

233 votes were cast representing 99.5 per cent of the registered voters; in the election of the two representatives of administrative groups, seventeen votes were cast, representing 100 per cent of the votes; and the representatives of the *regedorias* were elected by an electoral college comprising twenty-four *regedores*.¹⁰⁵

179. Of the eleven members elected to the Legislative Council, four are *naturais* of the Territory, four are from Portugal, two from Cape Verde and one is from São Tomé and Príncipe. There is no information concerning the three members elected by the Legislative Council to the Government Council.

Recent developments

180. Since 1963 most of the news on Portuguese Guinea has been concerned with the fighting. In July 1963, one of the political parties, the Union of Portuguese Guinea Nationals (URGP) sought and was granted conversations with Prime Minister Salazar with a view to obtaining "autonomy" for the Territory. The results of the conversations were not disclosed. This move has had no support from other parties.

181. According to various reports, although most of the fighting is in the south, with Catio as one of the main centres, areas within forty miles of Bissau, the capital, have also been affected. Some reports suggest that Portuguese troops control only the main towns, but official reports emphasize that the local population is loyal to Portugal and look to Portuguese troops for protection from the "terrorists". The information services of the Portuguese armed forces regularly issue communiqués on the fighting. The Partido Africano da Independência da Guiné e Cabo Verde (PAIGC) which claims to be the main party organizing the fighting in the southern part, also issues information bulletins.

182. In the 1963 military budget for Portuguese Guinea, of the 26.6 million escudos allocated for the territorial armed forces, 19.4 million escudos was for the army, 5.8 million escudos was for the navy and 11.4 million escudos for the air force.¹⁰⁶ In October 1963, a new company of public security police was added, and in 1964 a special allocation of 5 million escudos was made for this purpose.¹⁰⁷

183. Since the beginning of 1964, fighting in Portuguese Guinea has intensified. In May 1964, Brigadier Arnaldo Schulz was appointed as Governor and Commander-in-Chief of the armed forces in the Territory. Other changes in the Territorial Government are also expected. There are also indications that the military budget for Portuguese Guinea is rising. In January 1964, for instance, the special measure under which autonomous services contribute towards defence expenditures was put into effect in Portuguese Guinea (see para. 79 above).

184. There is little information on the economic development of the Territory. The ordinary revenue for 1963 was officially reported at 134 million escudos (\$4.6 million) and the extraordinary revenue at 33 million escudos. The ordinary revenue was lower than in any single year over the period 1957-1960. Expenditures on development in 1963 included 5 million escudos for agricultural development, 2 million escudos for fisheries, 5 million escudos for highways and roads,

¹⁰⁵ *Diário de Notícias*, 29 March 1964.

¹⁰⁶ Ordinance 19,771 of 19 February 1963.

¹⁰⁷ Ordinances 20,092 of 4 October 1963 and 20,349 of 28 January 1964.

8 million escudos for river transport, 3 million escudos for airports and 3 million escudos for schools. The total was only slightly above the 1960 development expenditure.¹⁰⁸

5. CAPE VERDE

General

185. At the 1960 census, the total population of the Territory was 201,549, as compared with 148,331 in 1950 when the distribution of the population by ethnic groups was: *mestiços*, 93.1 per cent, Africans, 2.5 per cent, and Europeans, 4.4 per cent (A/AC.108/L.10, table 2). No data are given on the ethnic distribution for the 1960 census.

Government

186. The new Political and Administrative Statute for Cape Verde was published in November 1963.¹⁰⁹ In the past, Cape Verde has always had a special status among the overseas Territories in that not only the local system of administration but also the systems of education and taxation were similar to those in Portugal (A/AC.108/L.10, paras. 10 to 16). The new Statute, the first of its kind for Cape Verde, established in the Territory organs of government similar to those in the other Territories.

(a) Legislative Council

187. The Legislative Council of Cape Verde, which is presided over by the Governor, comprises twenty-one members, of whom three are *ex officio* and eighteen are elected as follows:

- 2 by individual taxpayers registered as paying direct taxes amounting to a minimum of 1,000 escudos;
- 2 by administrative bodies and legally recognized collective bodies performing administration functions of public interest;
- 2 by bodies representing interests of employers;
- 2 by bodies representing workers' interests;
- 2 by institutions or associations of private interests;
- 2 by bodies representing the religious, social and cultural interests;
- 6 by direct franchise of citizens whose names are inscribed in the general books of the electoral register.

188. As the Native Statute never applied to Cape Verde, and all the inhabitants of the islands were always regarded as Portuguese citizens there is no special representation of the "indigenous authorities". On the other hand, although the total population of Cape Verde is less than half that of Portuguese Guinea there are twice as many representatives elected by direct vote. Another distinctive feature of the Legislative Council in Cape Verde is that in addition to the members representing the interests of the employers, there are also two representatives of private interests.

(b) Government Council

189. The functions and composition of the Government Council in Cape Verde are similar to those for Portuguese Guinea (see paras. 174 and 175 above), with the exception that one of the three representatives elected by the Legislative Council, instead of being a representative of the *regedorias*, must be a representative of the administrative bodies.

Local administration

190. For the purpose of local administration, the Territory is divided into *concelhos* and *freguesias*, which are organized into two districts, *sotavento* and *bariovento*. These two districts, each of which is in effect a group of islands, are also the electoral districts.

Results of elections

191. Cape Verde is the only Territory for which there are figures available of the actual number of votes cast for each of the directly elected members to the Legislative Council.

192. According to a Portuguese Press report,¹¹⁰ in one district, the three members received 9,677, 9,637 and 9,633 votes respectively; and in the other district, 7,436, 7,402 and 7,397 respectively. As it appears that each electoral district elects three of the six directly elected representatives, the total number of voters was not more than 18,000, or less than 10 per cent of the total population. Thus, as far as Cape Verde is concerned, there has been no increase in the percentage of the population taking part in the recent elections as compared with the percentage that voted in the elections to the National Assembly in 1957 (A/AC.108/L.10, para. 13).

193. All except one of the members elected to the Legislative Council are reported to be *naturais* of Cape Verde.

Recent developments

194. In the past, the economic importance of Cape Verde has been as a refuelling station for ships and to a lesser extent for aircraft flying between Western Europe and the southern part of Africa. Over the period 1953-1960, there had been no increase in the tonnage of ships entering the ports of the island (A/AC.108/L.10, paras. 74 to 79) but since 1961, the airport on the island of Sal has increased in importance for Portuguese aircraft going to and from Africa, and this has led to an accelerated programme to increase the capacity of the airport. Following the closing of various African airports to its aircraft, South Africa is reported to have concluded an agreement with Portugal for the use of Sal, and large South African investments are expected to be made in it.

195. Apart from its airfield and harbours, Cape Verde has few natural resources. Ordinary revenue for 1963, for instance, was estimated at 63 million escudos (\$2.2 million), about the same as that for São Tomé and Príncipe which has less than one third of Cape Verde's population.¹¹¹

196. Economic development in Cape Verde has been slow, hampered partly by Portugal's indecision in the past as to the Territory's economic future. Under the Second National Development Plan, 210 million escudos was allocated for the period 1959-1964, of which some 36 per cent was to be used to improve agriculture, fisheries and livestock, 38 per cent for ports and harbours, 14 per cent for roads, and 1.4 per cent for airports (A/AC.108/L.10, tables 11 and 12). Recently expenditure under the Development Plan has been accelerated. In addition, a special allocation of 8.9 million escudos was made in July 1963 to improve the port and harbour facilities on the island of São Vicente (7.9 million escudos), and to build schools

¹⁰⁸ *Boletim Geral do Ultramar* (January-February 1963), pp. 171 and 172 and A/AC.108/L.9, tables 9 and 13.

¹⁰⁹ Decree No. 45,371 of 22 November 1963.

¹¹⁰ *Comércio do Porto*, 4 April 1964.

¹¹¹ *Boletim Geral do Ultramar*, January/February 1963, pp. 171 and 172.

(266,000 escudos) and hospitals (772,000 escudos). A further allocation of 1.9 million escudos was made in October 1963, of which 1.6 million escudos was for roads.¹¹²

6. SÃO TOMÉ AND PRÍNCIPE

General

197. At the 1960 census, the total population of the Territory of São Tomé and Príncipe was 63,676, with 59,102 in São Tomé and 4,574 in Príncipe. The total population of the two islands in 1950 was 60,159. There is no information on the ethnic distribution of the population in the 1960 census. In 1950, two thirds of the population (43,391) were listed as "assimilated" and the remainder (16,709) as "unassimilated" (A/AC.108/L.11, paras. 6 and 11). These terms were not used in the 1960 census.

Government

198. The new Political and Administrative Statute for São Tomé and Príncipe was published in November 1963.¹¹³ It establishes a Legislative Council in the Territory for the first time, with a composition similar to that of the previous Government Council (A/AC.108/L.11, para. 15). The main provisions relating to the powers and functions of the Governor, the legislative and advisory councils, which are similar for all Territories, have been outlined earlier (see paras. 17 to 53 above). The following paragraphs set out some of the additional details.

(a) Legislative Council

199. The new Legislative Council, which is presided over by the Governor, has a total of thirteen members, of whom three are *ex officio*, as in Portuguese Guinea and Cape Verde, and ten are elected as follows:

- 2 by individual taxpayers registered as paying a direct tax amounting to a minimum of 1,000 escudos;
- 2 by administrative bodies and legally recognized collective bodies performing administrative functions of public interest;
- 1 by representatives of cultural and religious interests;
- 1 by employers' bodies (*entidades*);
- 1 by representatives of workers;
- 3 by direct franchise of citizens whose names are inscribed in the general books of the electoral register.

200. Although the Legislative Council in this Territory comprises only thirteen members, there are two representatives elected by administrative bodies, who, together with the three *ex officio* members make up more than one third of the total membership. The importance of taxpayers as a group is given recognition in that they now have two elected members instead of one as in the former Government Council. There has been no increase, however, in the three members directly elected by representatives of the electorate at large.

(b) Government Council

201. The functions and composition of the Government Council are similar to those for Portuguese

Guinea (see paras. 174 and 175 above), with the exception that one of the three representatives elected by the Legislative Council, instead of being a representative of the *regedorias*, must be a representative of the *freguesias*.¹¹⁴

Local administration

202. For the purpose of local administration, the Territory is divided into two *concelhos*, São Tomé and Príncipe, both of which are sub-divided into *freguesias*. In areas where the economic and social development deemed necessary has not yet been reached, there are *circunscrições* which are divided into administrative posts. In the direct elections to the Legislative Council, the Territory constitutes a single electoral district.

Results of elections

203. According to the Portuguese Press, in 1964, electoral registers were organized for the first time on the basis of the new law, as a result of which those entitled to vote in direct elections increased by 20 per cent over 1963.¹¹⁵ It is not possible to assess the number of voters as there is no information on the size of the registered electorate in 1963. For reference, it may be recalled that as reported previously, in the 1956 elections to the National Assembly, only about 4,400 people voted, representing about one tenth of the population listed as "assimilated" (A/AC.108/L.11, para. 18).

204. It is reported that of the ten members elected in 1964 by direct vote and by organic vote, three are *nativos*¹¹⁶ of São Tomé and Príncipe and one is a *naturais* of Cape Verde. The remaining six are from Portugal.

Recent developments

205. In October 1963, a new Governor, Major Silva Sebastião, was appointed. He was formerly District Governor of the coffee growing Cuanza Norte District in Angola. The Governor is reported to have said that one of the major problems facing the Territory was the question of manual labour and the implementation of the Rural Labour Code of 1962.¹¹⁷

206. The labour question in São Tomé and Príncipe is of particular importance since most of the cocoa, the main export, which goes mainly to the Netherlands, the United Kingdom and United States of America, is grown on large plantations. In the past, the Territory has relied on long-term recruited labour, and labour abuses were well known. Partly owing to labour shortage, between 1950 and 1960, production of cocoa did not increase substantially (A/AC.108/L.11, para. 51) and, according to the new Governor, it was still declining in 1963.

207. Although under the Second National Development Plan, 1959-1964, 10 million escudos was allocated for harbour improvement, it appears that expenditures have been slow. Early in 1964, discussions in the National Assembly in Portugal showed that the Terri-

¹¹⁴ It is presumed that among the two representatives to be elected by "administrative bodies and legally recognized collective bodies performing administrative functions of public interest", one may be a representative of the *freguesias* as local government bodies.

¹¹⁵ *Comércio do Porto*, 24 March 1964.

¹¹² Ordinance 19,955 of 20 July 1963 and 20,125 of 18 October 1963.

¹¹³ Decree No. 45,373 of 22 November 1963.

¹¹⁶ The word *nativo* is generally used by Portuguese writers as referring to the indigenous inhabitants. The official statement does not make this distinction.

¹¹⁷ *Diário de Notícias*, 31 October 1963.

tory still had no proper harbour and large ships could not enter the bay at the main port, Ana Chaves. Goods and passengers still had to be transferred to and from the ships in launches.¹¹⁸ The improvement of transportation facilities is intended not only to facilitate trade but also to encourage the development of a tourist industry, for which the Territory is said to have considerable potential.

208. The situation in Angola, Mozambique and Portuguese Guinea has also led Portugal to accelerate airport expansion in São Tomé and Príncipe. In October 1963, an additional allocation of 2.85 million escudos was added to the extraordinary expenditure of the Territory towards completion of the airport development envisaged under the Second National Development Plan.¹¹⁹ Under the original 1963 budget, ordinary expenditure was estimated at 63.4 million escudos, and extraordinary expenditure at 1.25 million escudos.¹²⁰

7. MACAU AND DEPENDENCIES

General

209. At the 1960 census the population was 169,299, compared with 187,772 at the 1950 census. These figures are for the permanently resident population. As reported previously, the actual population is probably twice or three times the census figure. Most of the population is Chinese.

Government

210. The new Political and Administrative Statute for Macau was published in November 1963.¹²¹ The main provisions relating to the powers and functions of the Governor, the legislative and advisory councils, which are similar for all Territories, have been outlined earlier (see paras. 17 to 53 above). The following paragraphs set out some additional details.

(a) Legislative Council

211. The new Statute establishes a Legislative Council for the first time. As in the other Territories, the composition of the Legislative Council, presided over by the Governor, follows the pattern of the previous Government Council (A/AC.108/L.12, para 12). The Legislative Council has twelve members, of whom three are *ex officio*, one is nominated by the Governor to represent the Chinese community and eight are elected as follows:

- 1 by individual taxpayers registered as paying direct taxes amounting to a minimum of 2,000 escudos;
- 3 by administrative bodies and legally recognized collective bodies performing administrative functions of public interest, and by bodies representative of religious and cultural interests;
- 1 by associations or institutions of private interests;
- 3 by direct suffrage of citizens whose names are inscribed in the general books of the electoral register.

212. Macau is the only Territory in which there is a nominated member in the Legislative Council. This appears to be due to the fact that although 99 per cent

of the population is Chinese, most of them would be excluded from standing for elections to the Legislative Council, for which candidates must be original Portuguese citizens.

213. It may be seen from the composition of the Legislative Council that in Macau the "cultural and religious" interests are not specially represented. There are also no corporative bodies of either workers' or employers' associations, nor are workers' interests represented in any way, though private economic interests are. It may be noted also that whereas in Cape Verde, São Tomé and Príncipe, Portuguese Guinea and Timor, the taxpayer group comprises those who pay 1,000 escudos, in Macau, it is those paying 2,000 escudos. Since in Angola and Mozambique the taxpayer group consists of those paying over 15,000 escudos, the level of the tax requirement appears to be directly related to the higher income level of the community.

(b) Government Council

214. The composition of the Government Council in Macau is similar to that in Portuguese Guinea and Cape Verde, with the exception that the one special member must be the President of the Municipal Council of Macau, which is known as the *Leal Senado*.

Local administration

215. For the purpose of local administration the Territory is divided into two *concelhos*, Macau, and the Island Dependencies. For the purpose of the direct elections of members of the Legislative Council, the Territory is considered as one electoral district.

216. In addition to the Municipal Council of Macau, there is also a Municipal Council of the Island Dependencies. The members of these councils are elected according to law with due representation of local interests, in particular, of the Chinese community. For this purpose, the Governor may nominate two members of the Chinese community to each of the municipal councils.

Results of elections

217. According to the official statement on the results of the elections in Macau, an average of 70.91 per cent of voters took part in the elections. In the direct elections only 55 per cent of the registered voters took part. By "organic" groups the ratios of those who voted to those included in the appropriate register were as follows: taxpayers 47.8 per cent; representatives of administrative bodies, 80.76 per cent; private enterprise, 100 per cent. Of the eight members elected to the Legislative Council, seven are *naturais* of Macau and one is from Portugal.

Other developments

218. In August 1963, the Governor of Macau, Lt. Colonel Lopes dos Santos, announced a new development programme for the Territory. The Governor is reported to have said that he was fully confident of a safe future and that the Portuguese had not forgotten their traditional friendship with the Chinese. The new programme will cost approximately 500 million escudos (\$17.4 million). Extensive land reclamation is to be made which will substantially increase the land area of Taipa; new housing is to be provided for the local population; and hotels are to be built for tourists. Under the second National Development Plan the ori-

¹¹⁸ *Diário de Notícias*, 31 March 1964.

¹¹⁹ Ordinance No. 24,124, 17 October 1963.

¹²⁰ *Boletim Geral do Ultramar*, January/February 1963, page 172.

¹²¹ Decree No. 45,377 of 22 November 1963.

ginal allocations for Macau totalled only 180 million escudos (A/AC.108/L.12, table 9).

219. Since 1956, the number of light industries established in the Territory has increased. It is reported that the registered nominal capital, mostly from Hong Kong, is 1.5 million Hong Kong dollars, though the actual amount is larger. Among the more recently established factories are those for the manufacture of plastics, ready-made garments, knitted wool goods, bead-work, shoes and gloves. The exports of cotton made-up goods to the United Kingdom for 1963 was equivalent to 1,500,000 square yards.

220. Economic activity in Macau, however, has also been affected by exchange controls (see para. 130 above) and financial regulations. In September 1963, because of the devaluation of the pataca (Macau's local currency)¹²² in comparison with the Hong Kong dollar (with which it is normally at par) new regulations were introduced requiring business-men to deposit in Hong Kong dollars with the Banco Nacional Ultramarino 20 per cent of the value of the goods to be exported. Since January 1964, the special measure under which the autonomous services contribute a minimum of 10 per cent of their revenue towards defence expenditures was made applicable to Macau.¹²³

8. TIMOR

General

221. The population of Timor at the 1960 census was 517,079. At the last census in 1950, the total population was 442,378 of which 568 persons were of European origin, 2,022 were *mestiços*, and 3,128 were Chinese. There were 436,448 indigenous inhabitants of whom 434,907 (98 per cent) were listed as non-assimilated (A/AC.108/L.13, para. 8). There was no ethnic distribution for the 1960 census.

Government

222. The new Political and Administrative Statute for Timor was published in November 1963.¹²⁴ The main provisions relating to the powers and functions of the Governor, the legislative and advisory councils, which are similar for all Territories, have been outlined earlier (see paras. 17 to 53 above), and the following paragraphs set out some relevant details.

(a) Legislative Council

223. The new Statute establishes a Legislative Council for the first time. As in the other Territories under a Governor, the composition of the Legislative Council follows the pattern of the former Government Council (A/AC.108/L.13, paras. 28 to 30). The Legislative Council, which is presided over by the Governor, comprises fourteen members, of whom three are *ex officio*, and eleven are elected as follows:

- 1 by individual taxpayers registered as paying taxes amounting to a minimum of 1,000 escudos;

¹²² At the normal rate of exchange, 1 pataca = Hong Kong \$1.00 = 5.5 escudos.

¹²³ Ordinance No. 20,351 of 29 January 1964. See paragraph 79.

¹²⁴ Decree No. 45,378 of 22 November 1963.

- 2 by administrative bodies;

- 1 by legally recognized collective bodies performing administrative functions of public interest;

- 3 by indigenous authorities (*regedorias*) from among their own members;

- 1 by bodies representative of religious and cultural interests;

- 3 by direct suffrage of citizens whose names are inscribed in the general books of the electoral register.

224. With minor exceptions, the composition of the Legislative Council of Timor is similar to that of Portuguese Guinea (see para. 172 above), each has fourteen members, of whom eleven are elected; there is no representation of either workers' or employers' interests. The only difference is that, while the Legislative Council of Portuguese Guinea has two members elected by taxpayers and two by administrative bodies, Timor has one member representing taxpayers and three members representing administrative bodies.

(b) Government Council

225. The composition of the Government Council in Timor is exactly the same as that of the Council in Portuguese Guinea (see paras. 174 and 175 above).

226. Under the new Statute there is no change in the division of the Territory as established in September 1961 (A/AC.108/L.13, paras. 33 and 34). It consists of nine *concelhos* and one *circunscrição*. For the purpose of the direct elections to the Legislative Council, the Territory constitutes one electoral district.

Results of elections

227. According to the official statement on the results of the elections, an average of 69.9 per cent of those inscribed in the registers voted in the elections. In the direct elections of the three members, 56 per cent of those inscribed voted. In the voting by "organic" groups, the percentages of voters were as follows: taxpayers, 52 per cent; administrative bodies, 66.7 per cent; legally recognized collective bodies performing public administrative functions, 100 per cent; indigenous authorities (*regedorias*), 95.7 per cent; religious and cultural interests, 50 per cent. There is no information on the actual numbers of voters inscribed nor on the number who took part in the vote.

228. Of the eleven elected members, seven are reported to be *naturais* of the Territory, two are from Portugal, one is from Macau, and one is from *Estado da Índia*.

Other developments

229. There have been reports that Portuguese defence measures in Timor have been strengthened. In 1963, the Portuguese Government allocated 28.9 million escudos for the armed forces in Timor.¹²⁵ This was equivalent to half of the Territory's ordinary revenue for 1963, which was 63 million escudos.¹²⁶

¹²⁵ Ordinance 19,711 of 19 February 1963, see para. 80.

¹²⁶ *Boletim Geral do Ultramar*, Jan./Feb. 1963, p. 172.

APPENDIX

Table I

COMPOSITION OF THE LEGISLATIVE COUNCILS

(As established under the Political and Administrative Statutes of 1963)

	Angola	Mozam- bique	Portuguese Guinea	Verde Cape	São Tomé and Príncipe	Macau	Timor
Total number of members	36	29	14	21	13	12	14
Ex officio ^a	2	2	3	3	3	3	3
Nominated	—	—	—	—	—	1 ^b	—
Members elected (total)	34	27	11	18	10	8	11
By direct vote	15	9	3	6	3	3	3
By "organic" vote	19	18	8	12	7	5	8
(a) Taxpayers paying a certain tax	3 ^c	3 ^c	2 ^d	2 ^d	2 ^d	1 ^e	1 ^d
(b) Economic interests	3	3	—	—	—	1	—
Private enterprise	—	—	—	2	—	—	—
Employers' associations	—	—	—	2	1	—	—
(c) Workers' interests	3	3	—	2	1	—	—
(d) Cultural and religious groups	3 ^f	3 ^f	1	2	1	g	1
(e) Indigenous authorities ^h	3	3	3	—	—	—	3
(f) Administrative bodies	3	3	2	2	2	3 ^g	—
Public service	—	—	—	—	—	—	2
Other recognized bodies	—	—	—	—	—	—	1

^a In Angola and Mozambique these are the Attorney-General and the Director of Public Finance; in all other Territories, the Secretary-General is the third member.

^b Nominated to represent the Chinese community.

^c Paying a minimum tax of 15,000 escudos.

^d Paying a minimum tax of 1,000 escudos.

^e Paying a minimum tax of 2,000 escudos.

^f One of whom must be a Catholic missionary.

^g There are three members elected to represent administrative bodies and cultural and religious groups.

^h Known as *regedorias*.

Table II

PLACE OF ORIGIN OF MEMBERS ELECTED TO THE LEGISLATIVE COUNCILS

	Angola	Mozam- bique	Portuguese Guinea	Cape Verde	São Tomé	Macau	Timor	Total
Naturais	15	11	4	15	3	7	7	62
Portugal	18	15	4	—	6	1	2	46
Angola	—	1	—	—	—	—	—	1
Cape Verde	1	—	2	—	1	—	—	4
São Tomé	—	—	1	—	—	—	—	1
Other	—	—	—	1 ^a	—	—	2 ^b	3
	34	27	11	16	10	8	11	117

^a Not stated.

^b One from Macau, one from *Estado da Índia*.

Table III

ANGOLA LEGISLATIVE COUNCIL: ELECTION RESULTS

	Number of members	Percentage of electorate voting ^a	Candidates elected
I. Direct vote (by districts)			
Total	15	84.9	No details other than names
II. "Organic vote"			
Total	19		

Table III (continued)

	Number of members	Percentage of electorate voting ^a	Candidates elected
By category		100	Lawyer, Luanda; business- man, Luanda; manager of business concern, Luanda
(a) Economic interests	3	84.4	Lawyer, Luanda; business- man, Sa da Bandeira; in- dustrialist, Lobeto
(b) Administrative personnel and others	4	96.0	Administrator of a <i>circuns- crição</i> ; resident of Qui- bala; inspector of cus- toms, Luanda; business manager, Benguela; phar- macist, Mocamedes
(c) Workers' interests	3	100	Secretary (of the SNEPCA), Luanda; office manager, Lobito; mechanic, Luanda
(d) Religious and cultural in- terests	3	81	Catholic Father of Nova Lis- boa; <i>domestico</i> , Luanda; writer, Luanda
(e) Indigenous authorities (<i>re- gedores</i>)	3	100	Maxinda, Malange District; Quibaxe (Dembos); Cu- anza Norte; Quitexe; Cuanza; Norte District

^a Information provided in a statement by the Minister for Overseas Territories. The number of registered voters has not been published.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

230. The Special Committee considered the question of the Territories under Portuguese Administration at its 264th, 268th, 272nd, 274th to 277th and at its 283rd, 285th and 313th meetings between 9 June and 3 July and 28 September, 2 October and 16 November 1964.

Invitation to Portugal to participate in the work of the Special Committee

231. At the 268th meeting on 19 June 1964, the Special Committee decided to invite a representative of Portugal to attend meetings at which the situation in Territories under Portuguese administration was considered. This invitation was extended by letter of 19 June 1964 from the Chairman of the Special Committee to the Permanent Representative of Portugal to the United Nations (see A/AC.109/87).

232. In his reply, dated 23 June 1964 (see A/AC.109/87), the Permanent Representative of Portugal informed the Chairman that the Portuguese Government declined the Special Committee's invitation for the same reasons it had given in its letter on 8 March 1963.

Note verbale from the Permanent Mission of Portugal concerning the working paper on Territories under Portuguese administration

233. At the 276th meeting on 2 July 1964, the Committee was informed that the Secretariat had received a *note verbale* from the Permanent Mission of Portugal, dated 29 June 1964, forwarding comments, which had been issued the same day as a press release, on the working paper concerning Territories under Portuguese administration (A/AC.109/L.126), incorporated in paras. 1 to 229 above. The Committee decided to request the Secretariat to inform the Permanent Mission of Portugal, in acknowledging receipt of the note, that the working paper had been prepared in accordance with the instructions of the Special Committee and that any comments on the paper should be addressed to the Special Committee either orally, or in writing to the Chairman.

Written petitions and hearings

234. The Special Committee had before it the following written petitions concerning Territories under Portuguese Administration.

Petitioner	Document No.
<i>Territories in general</i>	
Two petitions from Mr. Albert Nank	A/AC.109/PET.233
General Mahamed Habih Amin, President, Union of African Veterans Organizations	A/AC.109/PET.267
<i>Angola</i>	
Mr. Luis Ranque Franque, President, and Mr. Luemba Simon, Secretary-General of the Front pour la Libération de l'Enclave de Cabinda (FLEC)	A/AC.109/PET.232

<i>Petitioner</i>	<i>Document No.</i>
Two petitions from Mr. Lukeki Lunzinga, Founder, NTO-BAKO	A/AC.109/PET.234
Mr. Lukoko-Lunzinga, Founder of NTO-BAKO Party	A/AC.109/PET.234/Add.1
Mr. François Lélé, General Chairman, NTO-BAKO Angola	A/AC.109/PET.235
Mr. François Lélé, President, NTO-BAKO Party	A/AC.109/PET.235/Add.1
National Union of Angola Students (UNEA)	A/AC.109/PET.236
Mr. Isidore Kiala and Mr. Pierre Tecka, Mouvement de Défense des Intérêts de l'Angola (MDIA)	A/AC.109/PET.237
Mr. Jean Pierra Bala, President, Mr. Pierre Tecka, General Secretary and Mr. Michel Lusueki, Deputy General Secretary, Mouvement de Défense des Intérêts de l'Angola (MDIA)	A/AC.109/PET.237/Add.1
Mr. Fred Wilde	A/AC.109/PET.238
Mr. Pedro Soares, Front Patriotique de Libération nationale	A/AC.109/PET.239
Mr. Nicholas Vieira, le Gouvernement Révolutionnaire de l'Angola en Exil (GRAE)	A/AC.109/PET.240
Mr. Carlos Gonçalves Cambando, Gouvernement Révolutionnaire de l'Angola en Exil (GRAE)	A/AC.109/PET.240/Add.1
Mr. Holden Roberto, President, Gouvernement Révolutionnaire de l'Angola en Exil (GRAE) Leopoldville	A/AC.109/PET.240/Add.2
Groupe angolais URSS	A/AC.109/PET.241
Students from Angola and other countries	A/AC.109/PET.242
Mr. Augusto Figueroa, International Secretary, Federación de Centros Universitarios	A/AC.109/PET.262
Mr. George M. Houser, American Committee on Africa, on behalf of Dr. F. Ian Gilchrist	A/AC.109/PET.268
Mr. Agostino Neto, President, Mouvement Populaire de Libération de l'Angola (MPLA)	A/AC.109/PET.269
Mr. Artur Manuel Da Costa	A/AC.109/PET.282
Front pour la Libération de l'Enclave de Cabinda (FLEC)	A/AC.109/PET.283
Messrs. Alphonse Kita, Secretary-General, Jose Manuel, Political Director and Henrique Pierre, President, Comité de l'Unité Nationale Angolaise (CUNA)	A/AC.109/PET.284
Mr. Jose Malheiro Egreja Borges Ervedosa	A/AC.109/PET.292
<i>Mozambique</i>	
Four petitions from Mozambique African National Congress (MANC)	A/AC.109/PET.257
Mr. David J. M. Mabunda, Vice-President, Mozambique National Democratic Union	A/AC.109/PET.258
Mr. Calvino Mahlayeye, Mozambique National Democratic Union	A/AC.109/PET.258/Add.1
Mr. David J. M. Mabunda, First Vice-President, Mozambique National Democratic Union	A/AC.109/PET.258/Add.2
Mr. Jose Baltazar da Costa Chagong'a, President, União Nacional Africana de Mozambique Independente	A/AC.109/PET.273
Mr. G. M. Chilambe, Secretary, Mozambique African National Union (MANU)	A/AC.109/PET.277
<i>Portuguese Guinea</i>	
Mr. Albert Bokoko Nank	A/AC.109/PET.233/Add.1
Mr. Amílcar Cabral, General Secretary, Partido Africano da Independência de Guiné e Cabo Verde (PAIGC)	A/AC.109/PET.274

235. The Special Committee heard the following petitioners concerning Territories under Portuguese administration:

Dr. F. Ian Gilchrist	(264th meeting)
Mr. Carlos Goncalves Cambando, on behalf of the Gouvernement Révolutionnaire d'Angola en Exil (GRAE)	(275th meeting)
Mr. Alberto Bokoko Nank	(283rd meeting)

236. Dr. Gilchrist said that he was a medical doctor working with the Relief Service for Angolan Refugees of the Angolan Government-in-Exile, known as SARA. He had spent his childhood in Angola where his father also had been a doctor. After the completion of his

medical studies, he had returned to Angola in 1961 and had been expelled from the Territory by the Portuguese authorities five months later. He had then gone to Sierra Leone and later to the Congo, where he had offered his services to the Relief Service for Angolan Refugees.

237. The problem of the Angolan refugees was not a new one because there had been an exodus of Angolans ever since the beginning of the Portuguese colonial régime, in other words, for several hundred years. In the last half century, the number of refugees had been very large; Mr. Kwame Nkrumah had given a figure of 1 million persons for the period 1937 to 1947,

a figure which he had obtained largely from Portuguese sources.

238. Angolans had fled to all the neighbouring countries: South West Africa, South Africa, Bechuanaland, Northern Rhodesia and the Congo. In South Africa, the majority of the Angolan refugees had had to find work in the mines, but a number of them had succeeded in settling in the urban centres. In spite of the friendly relations between the Portuguese and South African Governments, the South Africans, whose economy was dependent on a supply of cheap labour, were always happy to receive persons who escaped from Angola. Indeed, a number of agencies were encouraging that clandestine immigration. The number of Angolan refugees who had settled permanently in Bechuanaland and South West Africa was relatively large in comparison with the total indigenous population. There were large numbers of Angolan refugees in the urban and rural centres of Northern Rhodesia and there was a particularly large refugee population in Barotseland. However, Angolans had always found it easiest to flee to the Congo since the long border was difficult to control and the Belgian colonial system had offered them better opportunities than some of the other colonial administrations. Since 1960, the two independent Republics of the Congo had been extremely sympathetic to the Angolans.

239. The increasingly harsh measures taken by the Portuguese had had the effect of increasing the flow of refugees. The International Red Cross had made an effort to enumerate the number of Angolan refugees in the Congo, but its estimate which had been based on the number of persons applying for ration cards, had been confined to one small part of the border between the Congo and Angola. The figures given by the United Nations High Commissioner for Refugees had also been inaccurate for similar reasons. The Relief Service for Angolan Refugees believed that there were now very nearly 1 million Angolan refugees in the Congo, and at least one half million refugees in Northern Rhodesia, Bechuanaland, South Africa and South West Africa.

240. Those figures showed the gravity of the events that had occurred in Angola in the past decade and especially in the past three years. Although the only fighting in Angola since 1961 had occurred in the north-western corner of the country, the Portuguese policy of destruction had been applied everywhere in the Territory. In northern Angola, it had been directed against the masses; in central and southern Angola, it had been directed against the educated élite and against potential leaders of the people. That was why there were refugee populations in all the neighbouring countries. All of the approximately twenty-six Angolan tribes were represented among the Angolan refugees in the Congo.

241. The Relief Service for Angolan Refugees ran a hospital and clinic at Leopoldville, where it attempted to provide relief to the refugees in the form of medical care, clothing, food and education; it also had set up a series of relief centres along the border between Angola and the Congo, from which a group of from 1,500 to 2,000 men carried drugs, clothing and milk to persons hiding in the hills of northern Angola and aided them to cross the border—a dangerous operation resulting in the loss of one third of the men and their charges.

242. He strongly urged the Committee to realize the seriousness of the Angolan refugee problem. As long ago as 1962, the Sub-Committee on the Situation in Angola had been of the opinion that a new, concerted

international effort was needed to deal with it, but nothing had been done since.

243. Angolan refugees in the Congo, who had numbered 200,000 before the Angolan revolution, had increased by 750,000 since 1961. Five hundred thousand other refugees had sought asylum in other countries. With the population of Angola in 1960 at approximately 5 million, it was easy to see what a massive exodus had taken place. It should be noted that the European population of Angola, which had been 100,000 in 1950, was now almost 250,000.

244. The refugees were generally in very bad condition at the time they fled the country. Most of them had been in hiding for months, or even years, in the forests and hills before they managed to cross the frontier, and their state of health, which was frequently poor to start with, suffered from the effect.

245. The Rev. David Grenfell, a British missionary who had been expelled from Angola and had set up a relief centre for refugees near the Angolan frontier, had recorded the crossing of more than 31,000 new Angolan refugees between 1 January and 15 April 1964 at that point alone. He had described the tragic fate of those refugees and their families. Dr. Gilchrist's findings at the centres of the Relief Service for Angolan refugees had been similar. In northern Angola, the Portuguese Government was carrying out a policy of genocide. On the basis of accounts by the refugees, the number of persons killed in Angola in the past three and a half years could be estimated at nearly 250,000.

246. The Government and people of the Congo had been very sympathetic and generous towards the Angolan refugees despite the great difficulties with which they themselves had to cope. Some of the Angolan refugees managed to find work in the urban centres of the Congo, but most of them settled in the country where they were given small plots of land which they cultivated in order to survive.

247. At a time when the Portuguese position in Angola was militarily and economically very strong, the Angolan refugees whose number continued to increase and whose situation was critical, placed their hopes in the United Nations, as did the whole Angolan people.

248. Mr. Goncalves Cambando expressed the gratitude of the Angolan people and the Angolan government-in-exile for the efforts made by the Committee to free the Angolan people from the yoke of Portuguese colonialism.

249. It was now the fourth year that the question of Angola had been before the United Nations, and conditions in the war were getting steadily worse. There was still forced labour, and the repressive activities were such that some Portuguese now dared to speak out against the acts of brutality perpetrated. Thus members of the militia had said that the repressive measures had assumed the proportions of genocide, that about 10,000 Angolans had been exterminated in the Gassange valley, that Portuguese soldiers had shot 3,700 persons at Catete, that the Portuguese civilian militia operated daily massacres in the ghettos surrounding Luanda and in the native villages, that the villages in the north had been bombed with napalm and that there were every kind of violation of freedom, including freedom of religion, as was shown by the execution of Protestant workers who had refused to work on Christmas Day. He estimated that Angolan civilian losses amounted to some 80,000 persons, while the number of refugees,

which was growing constantly, exceeded 500,000. The Portuguese military budget for 1964 had risen to £62.4 million.

250. Nevertheless, the military pressure brought to bear by the Angolan people was such that the Portuguese settlers could not travel more than twenty kilometres from urban centres without a military escort, as Mr. Holden Roberto, the Prime Minister, had said on 22 March 1964. Mr. Roberto had also drawn attention to the diplomatic success that Angola had gained at the Addis Ababa Conference, the participants in which had decided unanimously to come to the aid of the Angolan people. Similarly, the Conciliation Commission of the Organization of African Unity (OAU) had recognized the Angolan revolutionary government-in-exile as the only spokesman for the Angolans, and many Governments, both African and non-African, had given it *de jure* recognition.

251. Reminding the Committee that Portugal aimed to determine the economic development of Angola by itself—a paradoxical situation, in view of Portugal's decadence, which was shown for example by the departure of a large number of Portuguese workers for France—he expressed regret at the fact that Portugal was receiving increased assistance from its allies in the form of money and military equipment with which to kill Angolans, Guineans and Mozambicans in the name of Western civilization. The Portuguese newspaper *ABC* of 1 May 1964 had spoken of combined United Kingdom, South African and Portuguese naval manoeuvres, while Portuguese forces had taken part in massacres in northern Angola. According to *O Século* of 15 February 1964, France had agreed to build warships for Portugal and *The New York Times* of 19 June 1964 had contained a report about training facilities granted by Portugal to the air force of the Federal Republic of Germany. Sir Alec Douglas-Home, the United Kingdom Prime Minister, had described the Angolan nationalist movement as subversive. The statement by the United States Ambassador at Lisbon that Angola was an oasis of peace had been an affront to African opinion. It was to be hoped that the members of NATO which, voluntarily or involuntarily, had armed Portugal would review their policy and look at the situation more realistically. If they did not, things might get considerably more complicated, because the Angolans would take advantage of every opportunity available to them in order to gain their freedom.

252. Although the examples of the past, and particularly that of Algeria, encouraged the Angolans in their struggle for freedom, they were prepared to agree to a peaceful solution if their right to self-determination, as set forth in the United Nations Charter, was respected. The report of the Secretary-General (S/5727, para. 10) described the efforts he had made to bring about a resumption of talks between the representatives of African States and Portugal. In his statement of 22 May 1964, Mr. Holden Roberto had said that, although the United Nations General Assembly had not been able to condemn Portugal categorically at its most recent session, he did not despair of seeing the United Nations impose the principles stated in the Charter.

253. Mr. Nank said that he was the son of Bokoko, Paramount Chief of the Majakoo people, and that he had had to leave Portuguese Guinea in 1930 at the age of thirty because of the deplorable conditions in this country. In those days it had not been uncommon for the Portuguese to seize an indigenous inhabitant's entire rice crop as "tax" or for Portuguese soldiers to

seize livestock in exchange for a bottle of wine. When roads had been built, whole villages, including expectant mothers and children, had been forced to work for a week at a time without pay. Any person who had complained or had stopped work had been whipped. There had been a 9 p.m. curfew. The *palmatória* and the whip had been the punishment reserved for those who had had the misfortune of displeasing the Portuguese. There had been virtually no schools.

254. In 1947 he had gone back to visit his father and had found that the situation had not improved. When in 1959, he had learnt that the army had opened fire on strikers at Bissau, he had tried to find out precisely what was happening in his country. In 1962 he had learnt from refugees from Portuguese Guinea that his nephew Francis Manga had been arrested without trial by the Portuguese and that he had since disappeared. Many indigenous inhabitants had suffered the same fate, among them Lewis Balangata, Okant Pisis, Besenteh Plund, Joseph Jajo and Lewis Pakao, who had not been revolutionaries and who had doubtless been arrested in reprisal. Some prisoners had been hanged, others buried alive or shot. The survivors were facing starvation since they could no longer till their fields.

255. The people of Portuguese Guinea desired independence and the right to work in peace. On their behalf he was calling for peace between the oppressors and the oppressed, a cease-fire, the dispatch of United Nations observers to all the Portuguese colonies in Africa, progress of all the Portuguese colonies towards self-government, and the restoration of normal living and working conditions so that the present hunger could be fought. Most of the African leaders in the Portuguese colonies, scattered in the jungle and defenceless, had been driven to despair. The United Nations alone could still save the situation.

General statements by members

256. The representative of Ethiopia said that the question of the Territories under Portuguese administration had been considered several times by the General Assembly and other organs of the United Nations. The Territories listed in operative paragraph 1 of resolution 1542 (XV) of 15 December 1960 were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter, and not Portuguese overseas provinces as Portugal claimed. Resolution 1542 (XV) had therefore invited the Portuguese Government to take certain measures rapidly with respect to those Territories. Later resolutions of the General Assembly and the Security Council had invited the Portuguese Government to recognize the inalienable right of the Territories' peoples to self-determination and independence in accordance with the provisions of the Charter and resolution 1514 (XV) of 14 December 1960. The Special Committee should insist on the United Nations resolutions being applied.

257. Various events had occurred since the Special Committee had last considered the question. The Conference of African Heads of States and Governments, held at Addis Ababa in May 1963, had been particularly concerned with the fate of the Territories under Portuguese administration. It had reaffirmed that all independent African States had a duty to support dependent peoples of Africa in their struggle for freedom and independence, and had decided to send a delegation of Ministers for Foreign Affairs to the United Nations to

address the Security Council on behalf of all African States when the Council considered the Special Committee's report on these Territories. The resolutions adopted by the Security Council on 31 July 1963 (180 (1963)) and 11 December 1963 (183 (1963)) had reaffirmed the right of all the Territories under Portuguese administration to self-determination and independence and had recommended the Portuguese Government to take concrete measures in that connexion. The Security Council had also requested all States to refrain from offering the Portuguese Government any assistance that would enable it to continue its repression of the peoples of the Territories under its administration and to take all measures to prevent the sale and supply of arms and military equipment to the Portuguese Government. On 3 December 1963, in resolution 1913 (XVIII), adopted almost unanimously, the General Assembly, at its eighteenth session, had reaffirmed the position it had taken on the question and had requested the Security Council to adopt the necessary measures to give effect to its own decisions.

258. A few weeks earlier at the 264th meeting, the testimony of Dr. Gilchrist, a Canadian doctor helping the Angolan refugees in the Congo, had provided most useful information about present conditions in Angola. The statement which had just been made by a representative of the Angolan government-in-exile gave additional information about the desperate efforts which Portugal was making in order to further its inhuman policy. The conclusion to be drawn was that the situation had greatly deteriorated. The unholy alliance between Portugal, the Republic of South Africa and Southern Rhodesia, which enabled those countries to make the African population a source of cheap labour, must be smashed so that the enslaved African peoples could advance towards self-determination and independence. The most effective way of helping those peoples was the implementation of the measures recommended by United Nations bodies.

259. Portugal's tyranny had driven thousands of people into exile. The Portuguese Army was mercilessly massacring civilians because they refused to be driven from their homes and resettled elsewhere. Thousands of people had been arrested, imprisoned or put in concentration camps at Tarrafal and in the Galinhas Islands. In Angola, Mozambique and Portuguese Guinea villages had been burned down on the pretext that nationalists were hiding in them. The number of refugees coming from the Portuguese colonies was continually increasing; in March 1964 an aid post in the Congo, situated about twenty miles from the Angolan frontier, reported that it had assisted more than 12,000 refugees. All those facts showed that the situation was deteriorating daily and that the so-called reforms which the Portuguese Government claimed had been carried out were intended merely to mislead public opinion. No one had ever been taken in by the "reforms" of 1961, which had been designed solely to deceive the world and at most only reflected a feeling of guilt on the part of the Administering Power.

260. In the opinion of the Ethiopian delegation, the Portuguese authorities would be well advised to conform as soon as possible to the fundamental principles of the Charter and to the resolutions concerning Non-Self-Governing Territories. They could no longer conceal the explosive situation which existed in their colonies. An accumulation of acts of brutality like those perpetrated by the Portuguese colonialists could only

unleash a chain of catastrophic events. The fact that Prime Minister Salazar had declared that Portugal would defend its Territories to the limit of its resources implied that Portugal intended to intensify its policy of extermination in those Territories. Portugal had increased the strength of its army; the biggest foreign army in Africa was the Portuguese. In Angola alone, Portugal had more than 55,000 troops. Dr. Gilchrist had estimated that a third of the Angolans who attempted to escape from the Territory were being exterminated.

261. The Ethiopian delegation solemnly appealed to Portugal's allies to try to persuade it to carry out the steps recommended by the General Assembly, the Security Council and the Special Committee. However barbarous the repression which it was carrying out, the Portuguese régime could not hold out for long against the emancipation movement. The last traces of colonialism would ultimately disappear from Africa.

262. The task of the Committee was to assist in putting an end to a situation which the principal organs of the United Nations had found to be a potential threat to international peace and security. The attention of the Security Council should be urgently drawn to the situation, so that appropriate steps might be taken without delay to compel Portugal to comply with the resolutions of the General Assembly and the Security Council. The Special Committee should also request the Secretary-General to continue his efforts to persuade the Portuguese Government to implement United Nations resolutions with respect to its colonies. The Secretary-General and the Office of the High Commissioner for Refugees should also be requested to do everything in their power to see that aid is brought to the refugees from Portuguese Territories.

263. The representative of the Union of Soviet Socialist Republics said that, for the third time in its three years of existence, the Special Committee was examining the question of the situation in the colonies under the administration of Portugal: a question which it had inherited from other United Nations organs and which thus had a long history of movement from one General Assembly organ to another, and from the General Assembly to the Security Council and back again.

264. The situation in the Portuguese Territories was going from bad to worse. In Angola and Portuguese Guinea, Portugal was engaged in a veritable colonial war, and in its other colonies—Mozambique, Timor, and so on—with the assistance of other colonial Powers, it was repressing in the most brutal fashion the aspiration of the peoples to liberty and independence.

265. The Soviet delegation had repeatedly brought out in the Special Committee, the General Assembly and the Security Council the reasons why the peoples of the Portuguese colonies were still under the yoke of one of the most cruel colonial régimes in history.

266. Whom did the régime benefit? Portugal's colonial wars in Angola and Portuguese Guinea and the suppression of the movements of national liberation in Mozambique, the Cape Verde Archipelago and Timor brought the peoples of those colonial Territories nothing but death, suffering, disease and hunger. The working class of Portugal, one of the most politically and economically backward countries in Europe, derived no benefit from the crimes committed in the Portuguese colonies. Colonial wars, whether they were waged in Portuguese colonies, in South Viet-Nam, Southern

Arabia or Kalimantan, were fought primarily in order to serve the interests of international monopolies. Those monopolies constituted the main obstacle to the independence of the peoples of Africa that were still under the colonial yoke. Their interests were behind the alliance of Portugal, with South Africa, Southern Rhodesia and the Western Powers in NATO, which supported Portugal in its struggle against its colonies. The economy of fascist Portugal would collapse if it did not have the resources derived from Angola and Mozambique. But that was not all. The Salazar Government was merely a puppet Government in the hands of the big imperialist monopolies, which, with Portuguese troops, were endeavouring to preserve both their interests in Africa and one of the last fascist régimes in the world.

267. The key economic positions in Angola were held by American, British and Belgian capital. Recently capitalists in West Germany and Japan had begun to invest in the Portuguese colonies. Portuguese capital did not play a leading part in the exploitation of the Portuguese colonies. The Angola Diamonds Company, an Anglo-Belgian-American concern, had a monopoly until 1971 for the prospecting of diamond deposits in an area covering five-sixths of Angola; it was closely connected with the Anglo-American Corporation of South Africa, the Morgan and Oppenheimer group, De Beers and the Union Minière du Haut-Katanga. A prominent role in transport and other branches of the economy of Angola was played by the Companhia dos Caminhos de Ferro de Benguela. The Anglo-American Corporation of South Africa and the United States banks of Ladenburg Thalmann and Company and Lazar Brothers had an interest in that company through Tanganyika Concessions, in which the controlling group of shares was in the hands of the Rockefellers.

268. In oil production, a major role was played by the Cabinda Gulf Oil Company, a subsidiary of the Gulf Oil Company of the United States, by the Mellon group and by the Standard Oil Company of New Jersey. The Angola petroleum companies—the Companhia dos Combustíveis de Lobito and the Companhia dos Petróleos de Angola—were closely linked to the Chase National Bank and the National City Bank of New York. United States capital had assisted in the establishment of the Mabor Company, which manufactured tyres in Angola. Other thriving participants in the Angolan economy included the Sociedade Agrícola do Cassequel (an agricultural company), the Companhia do Açúcar de Angola (sugar industry), the Companhia Angolana de Agricultura (an agricultural company), the Banco de Angola (railways), and so on. Two British companies—Angola Holdings and Hell, Blight and Company—controlled virtually the entire oil extraction industry in Angola. Walford Lines, a steamship company with a subsidiary in Angola, was linked to Angola Holdings. The railways and a considerable proportion of the warehousing and harbour facilities in Angola were owned by British capital. Tanganyika Concessions owned the Benguela Railway linking Katanga with Angola's main port of Lobito. The company made a profit of £1 million a year from the operation of that railway alone.

269. Some idea of the fabulous profits of the foreign companies could be gathered from the fact that in 1959 alone the profits made in Angola by six monopolies amounted to £6 million. West German capital had recently become considerably more active in Angola

and was interested in the mining of deposits of manganese and iron; a contract had been signed between the Companhia Mineira de Lobito and Krupp for the annual supply of 1 million tons of iron ore mined at Kassinga in south Angola. According to the Lusitania information agency, the Federal Republic of Germany had granted Portugal a loan of £125 million for the "economic development" of Angola. Japan had granted a loan of £100 million for the development of the mining industry. Anglo-American companies had granted a loan of £40 million for the construction of oil refineries. The Credit Lyonnais had granted a loan of £5,250,000 for the construction of an aluminium plant.

270. The mining industry was a favourite field for foreign capital. In Mozambique, a region of great strategic importance, United States monopolies were endeavouring to ensure for themselves sources of raw materials. Under a 1950 agreement between the United States and Portugal, American firms had been granted the right to modernize the harbour installations of Lourenço Marques (which was linked with a railway network comprising more than 20,000 kilometres of line in southern Africa) and Beira (which was linked with a railway network comprising more than 5,800 kilometres of line), to build railways and to carry out geological investigations throughout the territory of Mozambique. Belgian capital, through the Géomine company which owned 60 per cent of the shares in the Compagnie de Charbon du Mozambique, held a very important place in the coal industry. The production of bauxite was in the hands of the Yankee Colliery Company, part of whose capital belonged to the Union Minière du Haut-Katanga. Prospecting for petroleum had been intensified in recent years. British capital controlled most of the insurance companies in Mozambique, tea and sugar production, the railways, ports and warehouses. The monopolistic agricultural combines also belonged to foreign capital: Sena Sugar Estates was British, the Sociedade Agrícola do Madal was Belgian and the Companhia do Boror was German. The United States had financed the construction of the railway from Beira to Rhodesia. The Belgian Compagnie de Charbon du Mozambique controlled the country's coal-mining industry.

271. The Gulf Oil Corporation of America, a United States monopoly, had obtained from the Portuguese Government concessions for "prospecting for and extraction of petroleum and other mineral fuel" in an area covering 120,000 square kilometres, or 15.9 per cent of the entire territory of Mozambique. All the Portuguese Government received in exchange was "a prior right to purchase, for domestic consumption, up to 25 per cent of the oil produced in Mozambique". Another United States concern, the Mozambique Gulf Oil Company, had obtained a concession for the geological survey of coal and petroleum deposits over an area in Mozambique and Angola which was half as large again as Portugal itself. An active part in petroleum prospecting and extraction was also played by other United States companies: the Mozambique Pan-American Oil Company, the Gulf Oil Company and the Pan-American International Oil Company, which had invested about £1 million in the exploration of oil-bearing lands in Mozambique.

272. Petroleum recently discovered in Mozambique and Angola was in the hands of international companies: the Mozambique Gulf Oil Company and the

American Petrol Company de Zambezi, which were closely connected with the Rockefeller and Mellon monopolistic groups of the United States, and Petrofina, a Franco-Belgian subsidiary of Royal Dutch Shell. In "Portuguese" Guinea, oil deposits were exploited by the Standard Oil Company, which belonged to the Rockefellers. The Portuguese Companhia Union Fabril, in which Portuguese monopolies were the junior partners of foreign capital, controlled the entire economy of Portuguese Guinea and the copper mines of Angola.

273. The foreign trade of the Portuguese colonies was not free from foreign monopolies either. In Angola's exports and imports the most important places after Portugal were held by the United States, the United Kingdom, the Federal Republic of Germany and the Netherlands. The United States bought Angola's entire manganese and sisal output and 50 per cent of its coffee. Mozambique's foreign trade was mainly with Portugal, South Africa, the United States, the United Kingdom and the Federal Republic of Germany. As for Portuguese Guinea, its entire foreign trade was practically monopolized by Wotton Fabril.

274. To preserve their vast interest, the Western monopolies had brought into action the machinery of the Portuguese State, its army and police, and military alliances such as NATO. The NATO countries supplied Portugal with weapons, ammunition, bombs and napalm that were being used against the people of Angola and Portuguese Guinea. The Portuguese army had turned Mozambique into a fortress bristling with airfields and military bases. Portugal also received from its allies substantial economic assistance in the form of loans. The United States, the United Kingdom and the Federal Republic of Germany were thus a party to the suppression of the national liberation movements in the Portuguese Territories. Not only was the Federal Republic of Germany directly aiding Portugal, but it was also being used by the NATO countries as an intermediary for the resale or transfer of NATO arms to the Portuguese.

275. The responsibility borne by all those countries had been emphasized by many petitioners. For example, in the petition from the Frente Patriótica de Libertação Nacional (A/AC.109/PET.239) it was stated that the International Bank for Reconstruction and Development had recently made two loans to the value of \$112,500,000 to the Salazar Government and that, generally, Portugal's military effort had been made possible only through such loans. The petition reviewed the loans Portugal had negotiated in 1962 and added that for a realistic evaluation of the support received by the Salazar Government it was also essential to investigate the origin of the military equipment used in the Portuguese colonies.

276. In a petition sent on behalf of the revolutionary government of Angola in exile (A/AC.109/PET.240) the writer stated that Portugal had massacred whole populations in its colonies for five centuries and that the present war in Angola between the Portuguese army, equipped by NATO, and the defenceless civilian population was a threat to international peace and security. In another petition sent to the United Nations on behalf of the Mozambique Democratic National Union (A/AC.109/PET.258), Mr. Mabunda stated that the Portuguese were daily intensifying their campaign of terror in the Territory and that the number of Portuguese armed forces were rapidly increasing.

277. It was harrowing to read in the petitions to the United Nations accounts of the inhuman treatment meted out to the Africans by Salazar's thugs. A petition from the Mozambique African National Congress (A/AC.109/PET.257) said that the people of Mozambique were threatened with complete annihilation. The petitioners were certain that the Portuguese, with the military equipment received from the United States, the United Kingdom, France, the Federal Republic of Germany and other members of NATO, would not hesitate to wipe out the people of Mozambique systematically. In another petition (A/AC.109/PET.274), Mr. Cabral, General Secretary of the Partido Africano da Independência da Guiné e Cabo Verde, stated that the Portuguese were daily going further in the crime of genocide destroying the population of Guinea, and using napalm bombs.

278. The human conscience could not tolerate acts of such enormous cruelty and savagery. The United Nations must do all in its power to halt the war in the Portuguese colonies.

279. The Soviet delegation considered that the first duty of the Special Committee was to demand that the countries of NATO should stop helping Portugal. In addition, since there had been no change for the better in the Territories administered by Portugal, the matter should again be placed before the Security Council. The measures which should be taken by the United Nations against Portugal should include provision for vigorous action by all States, individually or collectively and in conformity with the Charter, to apply economic, political, diplomatic and other sanctions. The United Nations should also appeal to all countries to assist the national liberation movements of the peoples oppressed by Portugal.

280. The Special Committee for its part should study the activities of foreign monopolies having interests in the Portuguese Territories and in all of southern Africa, and also the question of aid provided to Portugal in its fight against the national liberation movements, and it should draw up a report with recommendations on the subject. A study should also be made of the relations that existed between the Portuguese colonies in southern Africa, South Africa and Southern Rhodesia, for the régimes in those three areas, which were bound together by a single racist ideology, represented the most serious threat to the cause of liberating the African continent from colonialism once and for all.

281. The Soviet Union, which had always sided with those fighting for freedom and independence, was prepared to support the demands of the African countries. In a statement issued on 12 June 1964, at the conclusion of the visit of friendship to the USSR by Walter Ulbricht, Chairman of the Council of State of the German Democratic Republic, the USSR and the German Democratic Republic had expressed their profound indignation at the colonial brigandage of the Portuguese oppressors who, using the material assistance and weapons supplied by the imperialist States of NATO, were massacring the patriots of Angola, Mozambique and so-called Portuguese Guinea. The Soviet Union and the German Democratic Republic had affirmed their solidarity with the peoples of Africa, Asia and Latin America who were waging a dogged struggle against colonialism and imperialism for national liberation, social progress and the right to build their own life without outside interference; they had condemned colonial oppression in any form whatsoever.

ever, and were determined henceforth to render assistance to the movements of national liberation, which were one of the greatest forces for progress in the world today.

282. The Soviet delegation would support any action designed to secure the swift liberation of the peoples of Angola, Mozambique, Portuguese Guinea and other Portuguese possessions from colonial rule and the restoration of peace on the long-suffering soil of Africa.

283. The representative of the United Republic of Tanganyika and Zanzibar said that new facts emerged every day to show how the Portuguese were intensifying their campaign of genocide in their colonies. They also showed how the connivance of the NATO allies in Portugal's position was steadily growing. In a press release published on 12 June 1964 at Dar es Salaam under the headline "American Ambassador to Lisbon Lauds Portuguese Colonialism" it was stated that the United States Ambassador to Portugal had visited the Portuguese colonies, including Mozambique, and that the visit had been followed two months later by a visit from General Grobbelaar, highest officer in the South African armed forces. The dangerous activities of the countries supporting Portuguese imperialism took many forms, some of them very subtle. A long catalogue of the different manoeuvres could be drawn up. The Special Committee had been reminded of the unspeakable atrocities being perpetrated by the Portuguese colonialists with renewed assistance from NATO when it had heard the testimony of Dr. Gilchrist. It had just now also heard the account of Mr. Gonçalves Cambando. The Portuguese colonialists still refused to implement the resolutions of the United Nations and the majority of mankind.

284. Portugal's NATO allies must reconsider their position on the question of the Portuguese colonies. They could no longer continue to aid and abet the unholy alliance consisting of Portugal, South Africa and Southern Rhodesia, while at the same time proclaiming friendship for the rest of Africa. They could not be warned too strongly about their diabolical attitude. The peoples of Africa and other peace-loving peoples knew that nothing could halt man's march towards freedom and independence. The freedom-fighters had the support of the overwhelming majority of mankind. Like other colonialists, the Portuguese would be expelled from the Territories which they now dominated by force.

285. At their forthcoming meeting at Cairo, the African Heads of States would undoubtedly renew their commitment to struggle against the remnants of colonialism and racial discrimination in Africa. It was obvious that Portugal would be unable to defy the African peoples and the United Nations much longer. The revolutionary forces would triumph in the Portuguese colonies.

286. The representative of Yugoslavia said that since the question under consideration had already been discussed with great care in the United Nations, his delegation would not go into detail.

287. It was the duty of the Committee to be very alert to all new developments. Not only had there been no progress in the Portuguese Territories, but the situation was deteriorating: the brutal killings of the population were continuing and the number of refugees was constantly increasing. There had been no change in the attitude of the Portuguese Government, as was shown by the letter of 23 June 1964 (A/AC.109/87),

in which the Permanent Mission of Portugal replied to the Chairman of the Special Committee that the Portuguese Government was not aware of any reasons which should alter the grounds for its position. It was that attitude which caused the greatest concern, namely, Portugal's refusal to co-operate with the United Nations. Moreover, the Portuguese Government still managed to rally military and economic support among its allies notwithstanding the resolutions of the General Assembly and the Security Council.

288. Portugal should be made to realize that it could no longer deny the right of self-determination and independence to the people of its colonies. Their patience was running out. After fruitless attempts to settle their problems peacefully, they had taken up arms to win their freedom and independence. It was the duty of the international community to help them secure independence and to bring pressure to bear on the Portuguese Government to fulfil its obligations under the Charter and grant independence to its colonies without further delay.

289. The representative of Iraq said that his delegation wished to express its indignation at the appalling repression of the peoples of the Territories under Portuguese administration, and, in particular, of the people of Angola.

290. It was most regrettable that Portugal had rejected all United Nations efforts to bring about a peaceful solution of the problem of the Portuguese Territories. Its attitudes had naturally led the peoples of the Territories to open revolt. When the United Nations brought to the attention of world opinion the well-substantiated facts about the killings, the merciless exploitation and the oppression carried out by Portugal in those Territories, Portugal became indignant and charged slander. It complained of the partiality with which it was being treated as compared with other colonial Powers. For its part, the Government of Iraq had consistently taken an impartial attitude. It had given due credit to those Administering Powers which had shown good faith in implementing the principles of resolution 1514 (XV); for example, it had recognized the way in which New Zealand was helping the peoples under its administration to attain independence. But Portugal's colonial policy was extremely repugnant to the Iraqi delegation. It still hoped, however, that the Portuguese Government would heed the appeal of the United Nations and work with it towards a peaceful settlement of the Angolan problem. It also called upon Portugal's allies to refrain from providing any assistance which might enable the Portuguese Government to continue its repression of the Territories under its administration.

291. In the opinion of the Iraqi delegation, the situation should once again be brought to the attention of the Security Council, which should take measures including, if necessary, diplomatic and economic sanctions.

292. The representative of Poland said that the statements of the petitioners from Angola and the numerous communications from nationalist organizations in the Territories under Portuguese administration showed that the situation in those Territories was steadily deteriorating. The Portuguese Government was brutally pursuing its policy of repression. The colonial wars in Angola and so-called Portuguese Guinea had been going on for several years and the losses among the Africans were reckoned in tens of thousands. Por-

tugal was also intensifying its repression of the independence movement in Mozambique. It was constantly increasing its military build-up in all its Territories and the number of refugees had increased substantially.

293. Since the question had been discussed at length in the General Assembly and other United Nations bodies, his delegation would not go into detailed analysis of the facts, which were only too clear. What was now required was a solution of the problem as soon as possible in accordance with the resolutions of the General Assembly and the Security Council. The views of the United Nations on all aspects of the question of the Territories under Portuguese administration were recorded in the Security Council resolutions of 31 July and 11 December 1963 (180 (1963) and 183 (1963)). In particular, the Council had reaffirmed that the provisions of the Declaration on the granting of independence were applicable to the Territories under Portuguese administration; it had rejected Portugal's claim that they were "overseas provinces" and had determined that the situation in the Territories was seriously disturbing peace and security in Africa.

294. The Government of Portugal was continuing to disregard United Nations resolutions and to deny to the peoples of its colonies the right of self-determination and independence in accordance with the United Nations Charter and the Declaration on the granting of independence to colonial countries and peoples. The Secretary-General had recently said that he had not received any information from the Government of Portugal concerning the steps taken to implement the resolutions of the Security Council. Like South Africa, Portugal refused to participate in the Special Committee's discussions. It was evident that it had not altered its position in any respect. Its persistent refusal to abandon its anachronistic policy stemmed primarily from the fact that it derived economic advantages from its Territories. Had it not been for those advantages and for the support it received from its NATO allies, which shared in the exploitation of the wealth of Angola and Mozambique, Portugal would have had to give up its policy. But NATO was not the only culprit: Portugal's attitude was also closely related to the activities of foreign financial and industrial monopolies operating in that region of Africa which were powerful enough to influence the policy of the Governments of the NATO countries. Bolstered by the United States, the United Kingdom and West Germany, Portugal was intensifying its flight against the national liberation movements. Petitioners had drawn the Committee's attention to the fact that the Federal Republic of Germany was increasing its military, political and financial assistance to the fascist régime in Lisbon. His delegation was convinced that without the assistance of its Western allies, Portugal could not continue in its despicable policy.

295. That policy had serious international repercussions and was a subject of grave concern to all countries. The anxiety felt by the peoples of Africa had been reflected in the unanimous decisions of the Summit Conference of Independent African States held at Addis Ababa and in the participation of African Foreign Ministers in the Security Council debate on the question in 1963. Poland shared that anxiety and believed that only by the concerted action of all Member States, as suggested in the Addis Ababa resolution, could Portugal be made to see reason. The United Nations could not

remain indifferent to a policy which threatened the peace of the entire African continent.

296. The representative of Tunisia recalled that the question of the Territories under Portuguese administration had been discussed in the United Nations for eight years. Since the eighteenth session of the General Assembly, the situation had worsened in all the Territories under Portuguese administration where a policy of mass repression was being pursued more ruthlessly than ever. Portugal had not in any way abandoned its intransigence, as was shown by its reply (A/AC.109/87) to the invitation to take part in the Special Committee's debates. It had shown no willingness to co-operate with the United Nations in finding a solution to a problem which was a growing threat to international peace and security. On the contrary, it was intensifying the repressive character of its colonial policy, and its atrocities in the colonies were becoming ever more refined. While boasting of its "civilizing mission", it subjected the inhabitants of its colonies to a régime marked by the absence of political rights, restrictions on freedom of movement, almost total illiteracy, forced labour, and the absence of any participation by the indigenous people in the conduct of their own affairs. Such methods could only lead to the explosions that had occurred.

297. Recent events showed that the peoples of the Territories under Portuguese administration were ready to bear the greatest sacrifices in order to secure their independence. Furthermore, the Conference of African Heads of State and Government at Addis Ababa had confirmed the unshakable resolve of the African peoples to rid the African continent of colonialism and had laid the foundations for a united African front against colonialism. The war in Angola and so-called Portuguese Guinea would end only when those Territories were liberated.

298. Portugal could not wage colonial wars without the economic and financial assistance of certain States Members of the United Nations and the military equipment they supplied. The frightful napalm-bomb attacks had been possible thanks to equipment supplied to Portugal under NATO. The General Assembly and the Security Council, as well as the Addis Ababa Conference, had requested the great Powers to stop supplying Portugal either directly or indirectly with any assistance that could be utilized for repressive action. The African Heads of State and Government had asked the allies of the colonial Powers to choose between their friendship for the African peoples and their support of Powers that were oppressing those peoples.

299. In view of Portugal's obvious determination not to abandon its anachronistic ideas, and, every means of moral pressure and persuasion having been wasted so far on Portugal, the only possibility that remained was enforcement action. It was therefore a matter of urgency to bring the question of the Territories under Portuguese administration before the Security Council so that the necessary measures might be adopted.

300. The representative of Mali said that her delegation was disappointed by the Portuguese Government's persistent refusal to implement the resolutions of the General Assembly, the Security Council and the Special Committee. The Salazar Government's negative and arrogant attitude proved that it had learnt nothing from history. Even Portugal's allies in NATO did not share its outworn conceptions. On repeated occasions, organs of the United Nations had strongly condemned

such atrocities as those described by Dr. Gilchrist, one of the petitioners, and the condemnations had been reiterated in all international organizations. Still another condemnation would not be sufficient to compel the Salazar Government to re-examine its colonial policy and more vigorous action was therefore necessary.

301. Portugal was waging veritable war on its colonies in violation of the provisions of the Charter, the Universal Declaration of Human Rights and the resolutions of the General Assembly and the Security Council. It was regrettable that it enjoyed the support of countries which had fought against facism during the Second World War, and the time had come for Africans to draw a distinction between real friends and friends in name only. The conflict was not only between the African people and the Salazar régime but also between them and all who helped Salazar.

302. The behaviour of members of NATO who claimed to be anti-colonialist but whose assistance enabled Portugal to continue its colonial wars in Africa was evidently due to the very large financial interests at stake. It would, however, be absurd to think that co-operation in repression could constitute a long-term guarantee for capitalist exploitation in Africa. That would be not only ignoring the existence of the Organization of African Unity but also flying in the face of decisions taken by the African Heads of State.

303. The representative of Syria thanked Mr. Cambando, the petitioner, for his statement at the 275th meeting, expressed his sympathy with all the bereaved families in Angola and deplored the acts of barbarism committed by the Portuguese authorities. The whole civilized world had already condemned the stubborn attitude of Portugal but unfortunately the United Nations did not seem to have advanced one single step towards liberating the peoples of the Portuguese Territories. At the same time, by supplying arms to Portugal a number of countries were helping to perpetuate an intolerable situation. The Committee should appeal to the conscience of the people of those countries to bring pressure on their Government to stop such assistance.

304. The representative of India said that there was no need for him to dwell on his delegation's views concerning the question of the Territories under Portuguese administration, as they were well known. Portugal's refusal to relinquish its colonial domination of the Territories had been repeatedly condemned by the United Nations. The Portuguese Government had consistently refused to co-operate with the Special Committee, and had continued to flout all the resolutions passed by United Nations organs. Deplorable conditions continue to reign in the Portuguese African colonies, where the struggle for freedom was being ruthlessly suppressed. The Portuguese colonialists appeared to have fallen prey to the perverse conviction that they were right and the rest of the world was wrong, and were oblivious of Herodotus's teaching that a nation's history was one of initial success, leading to arrogance and injustice, and then to downfall. The lenient attitude of Portugal's friends was to some extent responsible for that country's intransigence. They should put pressure on Portugal to mend its ways, failing which the death agony of Portuguese colonialism would probably be drawn out, to the detriment of Portugal's own long-term interests.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

305. At the 275th meeting on 1 July 1964, Cambodia, Ethiopia, India, Iran, Iraq, the Ivory Coast,

Madagascar, Mali, Sierra Leone, the United Republic of Tanganyika and Zanzibar and Yugoslavia submitted a joint draft resolution (A/AC.109/L.135).

306. The representative of Sierra Leone said, in introducing the draft resolution, that his delegation's position on the Territories under Portuguese administration was well known; his country's Foreign Minister had expounded it before the Security Council in December 1963. The situation in the Territories had become even worse since then. The main object of the draft resolution was to bring about Portugal's recognition of the right of the peoples in its Territories to self-determination and independence and to enable them to exercise that right freely and at an early date.

307. In a further statement the representative of Sierra Leone recalled that the Portuguese Government had constantly refused to co-operate with the United Nations in finding a solution on the alleged grounds that the overseas territories in question constituted an integral part of Portugal. The General Assembly and the Security Council, when seized of the question, had condemned Portugal only after trying at persuasion. The Portuguese Government continued to maintain its illogical position as if it was neither willing nor able to reason with the United Nations.

308. The decision of the General Assembly as far back as 1960 that Portugal was under a duty to transmit information on its colonial Territories was still valid. A very important fact was that the indigenous people of those Territories did not regard themselves as Portuguese and demanded recognition of their claims to freedom and independence.

309. The Portuguese army was today the largest foreign army on African soil. In Angola alone, over 50,000 well-equipped Portuguese troops were engaged in land, sea and air operations against the population. In Mozambique, thousands of troops were being used to massacre the inhabitants. One of the consequences of the atrocities committed was a mass exodus of refugees. The Portuguese aggression, moreover, was not limited to Angola and Mozambique since in Territories such as São Tomé and Macao, Portugal refused likewise to recognize the people's right to self-determination. It was tragic to see the imperialism of Portugal and that of Verwoerd and Ian Smith holding down the whole of southern Africa under a hideous yoke.

310. Portugal had completely ignored the many General Assembly resolutions referred to in the second preambular paragraph of draft resolution A/AC.109/L.135, of which Sierra Leone was a sponsor. It had also ignored the resolutions of the Security Council. It had refused to recognize the right of the people in its colonies to self-determination and independence and to negotiate the implementation of resolution 1514 (XV) with the leaders of the nationalist movements. Accordingly, the present draft resolution drew the attention of the Security Council to the situation in the Territories under Portuguese administration with a view to the Council's taking appropriate measures to secure Portugal's compliance with those resolutions.

311. Portugal's allies could help the United Nations inestimably by suspending the military assistance which enabled Portugal to prosecute its colonial wars and by stopping their investments. His delegation was not opposed to foreign investments in principle, but considered that such investments should not constitute an obstacle to the fulfilment of national aspirations. Hence

the draft resolution provided that Sub-Committee I be requested to study the activities of foreign economic and other interests, which were impeding the implementation of the Declaration on the granting of independence in the Territories under Portuguese administration.

312. Operative paragraph 6, referring to the refugees, could not but secure unanimous support from the Committee. The sufferings of the refugees had been described in the statements of petitioners and in many petitions, from some of which (A/AC.109/PET.233, A/AC.109/PET.240, A/AC.109/PET.257 and A/AC.109/PET.274) he quoted relevant passages. After praising the freedom-fighters in the Territories under Portuguese administration and pointing out that it was the duty of the United Nations to seek a peaceful solution of the problem, he urged all delegations to support the draft resolution. He agreed with the Tunisian representative that a stronger draft resolution might have been presented. The draft before the Committee was designed to obtain unanimous support.

313. In a subsequent statement the representative of Sierra Leone, speaking on behalf of the sponsors of the draft resolution, introduced two changes consisting of the addition of a new paragraph at the end of the preamble and the revision of operative paragraph 6 (A/AC.109/L.135/Rev.1).

314. The representative of the United Republic of Tanganyika and Zanzibar stated that in the draft resolution just introduced, the Security Council was once again asked to examine the issue in the hope that the necessary sanctions would be taken against Portugal for its continued threat to peace in Africa and in the world. The members of the Special Committee would have contributed their share in the struggle for human freedom in the Portuguese Territories by adopting the draft resolution, which embodied the views of his delegation and which in no uncertain terms condemned the nefarious policies and activities of Portugal.

315. The representative of Yugoslavia stated that as one of the sponsors of draft resolution A/AC.109/L.135, his delegation wished to stress the importance of the paragraph in which the Committee would draw the immediate attention of the Security Council to the deteriorating situation in the Territories under Portuguese administration, and to the paragraph recommending a study of foreign investments in those Territories. The Security Council should take positive action to secure compliance with United Nations resolutions by the Portuguese Government. As to the requested study, it would help to expose various factors which were hampering the efforts of the peoples of the Territories to achieve independence.

316. The representative of Poland stated that, in the view of his delegation, the Security Council should take appropriate measures immediately to secure compliance by Portugal with the resolutions of the General Assembly and the Security Council, as stated in operative paragraph 4 of the draft resolution before the Committee. The Polish delegation would vote for that draft resolution.

317. The representative of Tunisia was grateful to the delegations sponsoring draft resolution A/AC.109/L.135. His delegation, however, would have preferred a draft resolution that reflected the extent of the war and repression ravaging Angola and so-called Portuguese Guinea. His delegation would have liked the Committee, as in the past, to reaffirm solemnly the inalienable right

of the Territories in question to self-determination and independence. That was too important a matter to be left to be dealt with by implication. The sponsors had rightly reproduced in operative paragraph 3 of their draft resolution operative paragraph 5 of the Security Council resolution 180 (1963) of 31 July 1963, but his delegation would have liked to see that paragraph strengthened and expanded by the Committee so as to take account of intervening developments.

318. His delegation would have preferred operative paragraph 1 to read: "Deplores that Portugal has not taken any effective steps to implement the Declaration on the granting of independence to colonial countries and peoples", followed by a paragraph saying that the Committee

"Also deplores Portugal's refusal to recognize the principle of self-determination as defined by the Security Council resolution of 3 December 1963 and to enter into negotiations with the legitimate and qualified representatives of the peoples of Angola, Mozambique and so-called Portuguese Guinea in accordance with paragraph 5 of resolution 1514 (XV)."

319. It would also have been a good idea to include in operative paragraph 2 of the draft a strong condemnation of Portugal for its flagrant violation of the principles of the Charter and its obligations as a Member State. As to operative paragraph 3, his delegation would have preferred it to read:

"Calls once again on the Government of Portugal to implement immediately the resolutions of the General Assembly and the Security Council, and particularly the provisions of the resolution adopted by the Security Council on 31 July 1963."

320. It would have been better if operative paragraph 4 read:

"Draws the immediate attention of the Security Council to the situation, which continues to be a serious threat to international peace and security."

In operative paragraph 6, it would have been better to delete the words "consider the possibility", so that the text read:

"Further requests the Secretary-General to invite the High Commissioner for Refugees and the specialized agencies concerned to extend total assistance to the increasing numbers of Angolan, Mozambican and Guinean refugees."

321. As to paragraph 7, his delegates regarded the problem as essentially political and considered that the proposed study should not be entrusted to Sub-Committee I, but to another group under the aegis of the Special Committee and with more specific terms of reference. All Member States should be requested to co-operate with that group in the performance of its task.

322. The representative of Mali said that her delegation, noting with regret that in the case of Portugal all efforts at persuasion had failed, felt that the question of the Territories under Portuguese administration should be considered again by the Security Council so that it might take the necessary measures for the implementation of its resolution of 11 December 1963. Draft resolution A/AC.109/L.135 had that as its objective, and her delegation, as a co-sponsor, urged its adoption by the Special Committee.

323. The representative of Bulgaria said that the twelve-Power draft resolution (A/AC.109/L.135/

Rev.1) represented a new effort to help the colonial peoples—and specifically those under Portuguese domination—to throw off the foreign yoke. It accurately reflected the existing situation and deplored the fact that the Portuguese Government, in flagrant violation of United Nations resolutions, was continuing its policy of exterminating the indigenous inhabitants of its colonies.

324. It was clear from the discussion that Portugal, one of the most backward countries in Europe, could not possibly have maintained its colonies without the help of its NATO allies. Without their military and economic support, Portugal would certainly have been in no position to flout repeatedly the resolutions of the United Nations. Clearly, the NATO countries were assisting Portugal with weapons and munitions in order to suppress the liberation movements in the Portuguese Territories and to prevent their accession to independence. The Portuguese economy was being supported by its allies in order to enable Portugal to pursue its policies in its African Territories.

325. The statements made by the petitioner, Mr. Cambando, and by the Soviet representative at the 275th meeting had brought out that foreign monopolies were aiding and abetting the Portuguese colonizers in the maintenance of the colonial system. By means of enormous grants and loans they had in effect taken over the Portuguese colonies while the Portuguese colonialists had become *gendarmes* who maintained law and order for the benefit of foreign capital. Some mention of those facts might have been included in the draft resolution.

326. Portugal was being helped not only by its NATO allies and foreign monopolies, but also by certain United Nations bodies. According to document A/AC.109/PET.239, the International Bank for Reconstruction and Development had announced that it had made loans to the Salazar Government. His delegation hoped that the Bank, observing articles VI and XIII of its Agreement with the United Nations, would conduct its lending operations in future in compliance with, rather than contrary to, United Nations policies.

327. In conclusion, he said that although the draft resolution might have been worded in stronger terms and included the points he had mentioned, the Bulgarian delegation would vote in favour of it.

328. The representative of Madagascar reaffirmed his delegation's complete support for General Assembly resolution 1514 (XV) and its determination to see that the various resolutions already adopted by the United Nations on the subject of colonialism were implemented. Madagascar would continue to support any efforts aimed at solving the serious problem that had long confronted the United Nations in the Territories under Portuguese administration. It would continue to seek peaceful methods of achieving the triumph of real democracy throughout the world and the disappearance of colonialism in all its forms. It was in that spirit that its delegation had co-sponsored the draft resolution before the Committee.

329. The African peoples could not be dominated by force. For that reason his delegation deplored vigorously the odious policy now being followed by the Lisbon Government in its African Territories. It was that Government which is condemned, not the noble people of Portugal. Once again Madagascar appealed to the Portuguese Government to comply with the pro-

visions of the United Nations Charter and with the urgent measures recommended by the Security Council. It also appealed to those Powers which had close relations with the Lisbon Government to stop supporting the shameful policy which that Government followed. If they were really in favour of international peace and security and if they really believed in the Declaration on the granting of independence to colonial countries and peoples, they would use their influence to see to it that Portugal put an end to its despicable policy of colonial domination. Finally, his delegation drew the attention of those Powers to all the previous appeals made in the Committee and requested them to support the draft resolution.

330. The representative of Denmark said his Government was strongly opposed to Portugal's colonial policy. He therefore supported the general ideas underlying the revised draft resolution and particularly those expressed in operative paragraph 3 and the final preambular paragraph. While appreciating the efforts made by the Secretary-General, he found some of the language used, for example, in operative paragraph 2, somewhat strong, and he could not agree with the wording of operative paragraph 7. He rejected the critical remarks about NATO which had been made by certain representatives. As everyone must know, NATO was an organization whose only purpose was to preserve peace and freedom. With those reservations, he was prepared to vote for the draft resolution as a whole.

331. The representative of Uruguay said he would vote for the revised draft resolution because he continued to believe that General Assembly resolution 1514 (XV) should be implemented in all Non-Self-Governing Territories. He shared the hope implicit in the resolution 180 (1963) adopted by the Security Council that Portugal's position was not final, and preferred to believe in the qualities that the Portuguese had so often displayed in the course of their long history. He therefore hoped that some way might be found of reaching a just solution to the problem and avoiding any further deterioration of the situation.

332. The representative of Syria said that as a co-sponsor of the revised draft resolution he would support it as the minimum that could be asked, although he would have preferred a stronger text. He appealed to members of the Committee not to hesitate in voting for such a mild resolution and to visualize the reaction in Africa if they should abstain. He assured the petitioner that his people were not alone in their struggle; the United Nations and all the peace-loving people of the world were with them.

333. The representative of India considered that although the revised draft resolution was not perfect, it contained the essential elements whose implementation would enable the peoples of the Portuguese colonies to attain their independence, while allowing Portugal to withdraw gracefully and avoid otherwise inevitable bloodshed.

334. The representative of Australia briefly reviewed his Government's position. Australia believed that under Chapter XI of the Charter a policy of self-determination must be applied to the Territories under Portuguese administration in Africa, just as it was applied by administering Powers elsewhere. In the United Nations and through diplomatic channels, the Australian Government had made its views perfectly clear and had endeavoured to persuade the Portuguese authorities to change their policy. His delegation there-

fore found itself in agreement with much that was contained in the revised draft resolution, and recognized the need to stress the fact of Portugal's non-compliance with United Nations wishes.

335. Nevertheless, his delegation would not be able to vote for the revised draft resolution for two reasons. In the first place, it had reservations concerning the terminology used in certain paragraphs. While not condoning Portugal's failure to implement resolution 1514 (XV), it could not accept the unusual wording used in operative paragraph 2, which constituted a very substantial departure from previous practice. It would therefore have to vote against that paragraph if put to the vote separately. Although it was not strongly opposed to operative paragraph 4, it felt that the question should not be referred again to the Security Council until the results of other possible talks were known. Again, while his delegation would not normally oppose an inquiry of the kind referred to in operative paragraph 7, provided that there was an assurance from the Secretariat that it was capable of handling such an assignment, the statement made both in that paragraph and in the preamble to the effect that foreign interests impeded the realization of the political aspirations of the indigenous inhabitants actually prejudged the outcome of the inquiry. Consequently, he would neither oppose nor support such a study, and could only hope that if it was undertaken, its conclusions would be based on a full knowledge of the facts.

336. Furthermore, although the new preambular paragraph improved the draft resolution, it did not take into account either the Security Council's wishes regarding the Secretary-General's activities, as expressed in resolution 183 (1963), or the statement in paragraph 10 of document S/5727 that the Secretary-General was in consultation with the Portuguese Government and representatives of the African States regarding the possibility of the talks between them being continued. His delegation considered that there was still a chance that such talks might, with goodwill on all sides, lead the Portuguese authorities to accept the United Nations view on the issue of self-determination. The draft resolution should accordingly have contained some positive reference to them. In that way, an encouragement would have been given to all parties to continue the negotiations, and the United Nations would have been regarded as operating on two fronts, the front of public opinion, represented by the draft resolution, and the front of private persuasion at a very high level. However, the absence of such a paragraph should not be taken by the Secretary-General as implying that the Special Committee was dissatisfied with, or disinterested in, the efforts being made in that direction.

337. The representative of Sierra Leone stated that the revised draft resolution reflected the basic aims of the Special Committee and of resolution 1514 (XV). Although it was unfortunate that some representatives could not support all the paragraphs of the revised draft resolution, the fact remained that they flowed inevitably from Portugal's refusal to implement resolution 1514 (XV) and the other General Assembly and Security Council resolutions on the question.

338. For their part, the sponsors had full confidence in the Secretariat's ability to undertake the task requested in operative paragraph 7. In that connexion, he wished to point out that it had not been their intention to question the fundamental soundness of foreign investment in overseas territories, and that as he had already

stressed the interests to be studied were only those which were hampering the realization of the population's aspirations, so that the relative clause in operative paragraph 7 had a restrictive meaning.

339. With regard to the aspect of negotiations, the Secretary-General was currently under a mandate from the Security Council to endeavour to establish contacts between the parties concerned; it had therefore been considered unnecessary to add an operative paragraph designed to meet the same purpose in the draft resolution. He urged those representatives who were hesitant about supporting the draft resolution to re-examine their position in the light of the explanations he had just given.

340. The representative of the United Kingdom requested a separate vote on operative paragraphs 2 and 7 of the revised draft resolution.

341. At the 277th meeting, on 3 July 1964, the Special Committee voted on the revised draft resolution (A/AC.109/L.135/Rev.1) as follows:

Operative paragraph 2 was adopted by 16 votes to 3, with 4 abstentions.

Operative paragraph 4 was adopted by 19 votes to 2, with 2 abstentions.

Operative paragraph 7 was adopted by 18 votes to 2, with 3 abstentions.

The revised draft resolution as a whole (A/AC.109/L.135/Rev.1) was then adopted by a roll-call vote of 20 to none, with 4 abstentions. The voting was as follows:

In favour: Bulgaria, Cambodia, Chile, Denmark, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanganyika and Zanzibar, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

342. The representative of the United States of America explained that his delegation had abstained from the vote because it felt that the resolution would not bring about any fundamental improvement, which depended primarily upon the pursuit of an understanding between the African States and Portugal through consultation and discussion. In particular, there was nothing to be gained by the unprecedented action of condemning the Portuguese Government. The customary practice was for the Committee to condemn the policies and actions to which it took exception, not the Government responsible for them; moreover, such a condemnation would hardly help the Secretary-General in his efforts to reconvene talks between Portuguese and African leaders. Similarly, the renewed recourse to the Security Council—which only the previous December had made recommendations which his delegation considered should be acceptable to all parties—was unhelpful and hardly conducive to the productive discussion which was so eminently desirable. Finally, his delegation questioned the implication that foreign economic activities in the Portuguese Territories were prejudicial to the political interests of the people concerned. Most United Nations Member States had found that foreign investment by no means impeded political progress.

343. His delegation had consequently voted against operative paragraphs 2, 4 and 7. On the other hand,

it strongly supported the new preambular paragraph expressing appreciation of the Secretary-General's efforts to establish contacts between the parties, as it did the principle of self-determination for the Territories. The Portuguese and African leaders should choose to walk the path of reason which could still produce the desired results.

344. The representative of the United Kingdom said that his Government's views on the question before the Committee were well known, having been expounded both in the Security Council and the Fourth Committee in 1963: they were that Portugal should give effect to the principles of self-determination in its African Territories. However, his Government did not pretend to tell Portugal how to go about that, as operative paragraph 3 of the resolution attempted to do. It followed that his delegation could agree with the Committee's general objective, but not with its methods or choice of words; the right way to tackle such problems was by searching for a compromise rather than by drafting resolutions. In that connexion, he welcomed the reference to the talks held under the auspices of the Secretary-General, and hoped that they would be resumed.

345. The resolution which had just been adopted was unlikely to assist in achieving the Committee's aims. His delegation specifically disagreed with certain paragraphs. In particular, it had strong reservations regarding the fifth preambular paragraph and operative paragraph 7, which were tantamount to a statement that foreign interests were prejudicial to the political aspirations of the people of the Territories. In spite of the explanations given by the representative of Sierra Leone, such statements appeared to be designed to drive foreign investments out of Africa, with consequences which would surely not be in the interests of the African peoples.

346. Coming from a General Assembly Committee, the language used in operative paragraph 2 was inappropriate in the circumstances. Nor could his delegation support operative paragraph 4, which not only drew the Security Council's attention to the matter under discussion but virtually ordered it to take certain action, as though the Special Committee had become a kind of preparatory body for the Security Council, or, worse still, as though the latter existed merely to endorse the former's recommendations. The Security Council, several of whose members were represented on the Committee, was quite able to judge whether a situation required action, without such prompting.

347. On the other hand, his delegation was in agreement with operative paragraph 6, although it felt that the number of refugees in that part of the world exceeded available resources. The High Commissioner for Refugees might be asked to estimate the number of refugees from the Territories under Portuguese administration, about which there was some disagreement.

348. In the light of those considerations, his delegation had voted against operative paragraphs 2, 4 and 7, and had abstained from the vote on the resolution as a whole.

349. The representative of Venezuela said that in spite of its many links with Portugal, his country had always condemned Portugal's policy towards the Territories under its administration, for Venezuela had always defended the right of peoples to self-determination and independence. His delegation had therefore voted in favour of the draft resolution as a whole, in

the hope that the Portuguese Government would in due course change its attitude. It had however abstained from voting on operative paragraphs 2 and 7, in the first place because it felt that the Committee was not empowered to condemn the Government of a Member State, and in the second place because the Committee appeared to be prejudging the findings of the study that was being requested. Although it had voted for operative paragraph 4, his delegation still considered that while the Committee was authorized to draw the Security Council's attention to the situation, it had no right to make suggestions to the Council, much less influence its course of action.

350. The representative of Uruguay said that his delegation had already explained why it would vote for the draft resolution as a whole. It had abstained in the separate vote on operative paragraph 2 out of a conviction that it was inappropriate to adopt the practice of condemning Governments of Member States when a condemnation of the policies pursued by those Governments would adequately meet the case.

351. The representative of Chile recalled that his delegation had consistently supported the right of the peoples in the Territories under Portuguese administration to self-determination and independence in accordance with the Charter and General Assembly resolution 1514 (XV). His delegation had accordingly voted in favour of the resolution as a whole. On the other hand, it had abstained in the separate vote on operative paragraph 2 because it felt that the condemnation expressed therein should properly have been directed towards Portuguese policy rather than towards the Portuguese Government itself. He hoped that the resolution would help to bring about a change in Portugal's attitude and to put an early end to the distressing situation in the Territories under Portuguese administration.

352. The resolution on the situation in the Territories under Portuguese administration (A/AC.109/90) adopted by the Special Committee at its 277th meeting on 3 July 1964 reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

"Recalling General Assembly resolutions 1542 (XV) of 15 December 1960, 1699 (XVI) of 19 December 1961, 1742 (XVI) of 30 January 1962, 1807 (XVII) of 14 December 1962, 1810 (XVII) of 17 December 1962, 1819 (XVII) of 18 December 1962, and 1913 (XVIII) of 3 December 1963,

"Recalling Security Council resolutions 163 (1961) of 9 June 1961, 180 (1963) of 31 July 1963, and 183 (1963) of 11 December 1963,

"Having reviewed the situation in the Territories under Portuguese administration in the context of the relevant resolutions of the General Assembly and the Security Council,

"Noting with concern the activities of foreign economic and other interests in the Territories under Portuguese administration which are detrimental to the political aspirations of the indigenous people,

"Having heard the petitioners,

"Noting that the Secretary-General has submitted a report (S/5727) to the Security Council in accordance with the Council's resolution of 11 December 1963,

"Expressing its appreciation of the Secretary-General's continued efforts to establish contacts between the parties concerned,

"1. *Deplores* that Portugal has not taken any effective steps to implement the resolutions of the General Assembly and the Security Council;

"2. *Condemns* strongly the Government of Portugal for its continued refusal to implement the Declaration on the granting of independence to colonial countries and peoples contained in resolution 1514 (XV), contrary to its obligations under the Charter of the United Nations;

"3. *Reaffirms* that for a peaceful solution of the problem of the Territories under Portuguese administration, which, as the Security Council has determined is seriously disturbing peace and security in Africa, it is necessary that Portugal implement the measures laid down in the resolutions of the General Assembly and the Security Council, and in particular, those contained in the Security Council resolution of 31 July 1963, namely:

"(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence,

"(b) The immediate cessation of all acts of repression and the withdrawal of all military and other forces at present employed for that purpose,

"(c) The promulgation of an unconditional political amnesty and the establishment of conditions that will allow the free functioning of political parties,

"(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with resolution 1514 (XV),

"(e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples;

"4. *Draws* the immediate attention of the Security Council to the deteriorating situation in the Territories under Portuguese administration with the view to its taking appropriate measures to secure compliance by Portugal with the relevant resolutions of the General Assembly and the Security Council;

"5. *Requests* the Secretary-General to transmit this resolution and the records of the debates on this question to the Security Council;

"6. *Further requests* the Secretary-General to invite the High Commissioner for Refugees and the specialized agencies concerned to consider the possibility of extending medical and other assistance to the increasing numbers of refugees from Territories under Portuguese administration;

"7. *Requests* Sub-Committee I of the Special Committee, with the assistance of the Secretary-General, to study the activities of foreign economic and other interests, which are impeding the imple-

mentation of the Declaration on the granting of independence in the Territories under Portuguese administration;

"8. *Decides* to maintain this item on its agenda."

353. The text of this resolution was transmitted to the Security Council on 7 July 1964 (S/5803).

354. At the 277th meeting, on 3 July 1964, the representative of Syria had asked the Secretariat to obtain from the International Bank for Reconstruction and Development (IBRD) information regarding loans that the Bank might have made to the Government of Portugal. Accordingly the Secretariat had asked the IBRD for clarification. At the 285th meeting on 2 October 1964, the Special Committee was informed of the reply by the Bank which stated:

"...the Bank has made two loans, aggregating \$12,500,000 equivalent, to two private companies in Portugal with the guarantee of the Republic of Portugal; one loan of \$7,500,000 equivalent was for a hydro-electric power project on the Douro River and the other of \$5,000,000 equivalent was for a thermal electric power project near Oporto. The statement that the Bank made loans to the Government of Portugal in the amount of \$112,500,000 is incorrect.

"The guarantee agreements between the Republic of Portugal and the Bank for the said two loans, together with the relevant loan agreements and loan regulations, were registered by the Bank with the Secretary-General of the United Nations on March 23 and April 2, 1964, respectively.

"...if there should be any developments which call for further information or clarification on the part of the Bank please let us know, and we shall be pleased to co-operate with the Committee in any way that we can."

355. The Special Committee, in its resolution on Territories under Portuguese administration (A/AC.109/90) adopted on 3 July 1964, requested Sub-Committee I of the Special Committee, with the assistance of the Secretary-General, to study the activities of foreign economic and other interests, which are impeding the implementation of the Declaration on the granting of independence in the Territories under Portuguese administration.

356. At its 313th meeting, on 16 November 1964, the Special Committee considered and took note of a preliminary report on this study submitted by Sub-Committee I (A/AC.109/L.160). This preliminary report by Sub-Committee I is annexed to the present report.

ANNEX

Report of Sub-Committee I on the activities of foreign economic and other interests, which are impeding the implementation of the Declaration on the granting of independence in the Territories under Portuguese administration

1. The Special Committee, in its resolution on Territories under Portuguese administration (A/AC.109/90) adopted on 3 July 1964, requested Sub-Committee I of the Special Committee, with the assistance of the Secretary-General, to study the activities of foreign economic and other interests, which are impeding the implementation of the Declaration on the granting

of independence in the Territories under Portuguese administration.

2. At its 15th meeting, held on 2 November 1964, the Sub-Committee was informed by the Secretariat of the steps which it had taken to collect material on the subject and to organize the necessary research.

3. At the same meeting, members of the Sub-Committee made comments regarding the preparation by the Secretariat of the necessary working papers for the study.

4. The Sub-Committee decided that, subject to any decisions that the Special Committee might take, it would consider this question as soon as the necessary working papers for the study were prepared.

CHAPTER VI

ADEN

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963 AND BY THE GENERAL ASSEMBLY AT ITS EIGHTEENTH SESSION

1. The Special Committee considered the question of Aden at its meetings in 1963. At the 163rd meeting, on 3 May 1963, the Special Committee adopted a resolution¹ by which it established a Sub-Committee and requested it "to ascertain the views of the population especially those of the representatives and leaders of the various political parties and hold talks with the administering Power". The Sub-Committee was to visit the Territory and, if necessary, other neighbouring countries.

2. The Sub-Committee on Aden was composed of the representatives of Cambodia, Iraq, Madagascar, Venezuela and Yugoslavia. Since the Sub-Committee was not allowed to go to the Territory, it visited the United Arab Republic, Yemen, Saudi Arabia and Iraq from 25 May to 7 June 1963. On 1 July 1963 the Sub-Committee adopted its report containing its conclusions and recommendations.² Following its consideration of the Sub-Committee's report, the Special Committee, at its 197th meeting on 19 July 1963, adopted a resolution³ by which, *inter alia*, it approved the conclusions and recommendations of the Sub-Committee and requested the administering Power to inform the Secretary-General and the General Assembly at its eighteenth session of any action taken to implement that resolution.

3. At its eighteenth session, the General Assembly, following its consideration, in plenary meetings, of the report of the Special Committee (A/5446/Rev.1), adopted resolution 1949 (XVIII) of 11 December 1963 on the question of Aden. The operative paragraphs of this resolution read as follows:

"1. *Approves* the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and endorses the conclusions and recommendations of the Sub-Committee on Aden;

"2. *Expresses deep regret* at the refusal of the Government of the United Kingdom of Great Britain and Northern Ireland to co-operate with the Sub-Committee on Aden, particularly its refusal to allow the Sub-Committee to go to the Territory in pursuance of the tasks entrusted to it by the Special Committee;

"3. *Endorses* the resolutions adopted by the Special Committee on 3 May⁴ and 19 July 1963;⁵

"4. *Reaffirms* the right of the peoples of the Territory to self-determination and freedom from colonial rules in accordance with the Declaration on the granting of independence to colonial countries and peoples;

"5. *Considers* that the maintenance of the military base in Aden is prejudicial to the security of the region and that its early removal is therefore desirable;

"6. *Recommends* that the people of Aden and the Aden Protectorate should be allowed to exercise their right to self-determination with regard to their future, the exercise of that right to take the form of a consultation of the whole population, to be held as soon as possible on the basis of universal adult suffrage;

"7. *Calls upon* the administering Power:

"(a) To repeal all the laws which restrict public freedoms;

"(b) To release all political prisoners and detainees and those who have been sentenced following actions of political significance;

"(c) To allow the return of those people who have been exiled or forbidden to reside in the Territory because of political activities;

"(d) To cease forthwith all repressive action against the people of the Territory, in particular military expeditions and the bombing of villages;

"8. *Further calls upon* the administering Power to make the necessary constitutional changes with a view to establishing a representative organ and setting up a provisional government for the whole of the Territory in accordance with the wishes of the population, such legislative organ and government to be constituted following general elections to be held on the basis of universal adult suffrage and with full respect for fundamental human rights and freedoms;

"9. *Requests* the Secretary-General, in consultation with the Special Committee and the administering Power, to arrange for an effective United Nations presence before and during the elections referred to in paragraph 8 above;

"10. *Recommends* that these elections should be held before the attainment of independence, which will be granted in accordance with the freely expressed wishes of the inhabitants;

"11. *Recommends* that conversations should be opened without delay between the government

¹ Official Records of the General Assembly, Eighteenth Session, Annexes, addendum to item 23, document A/5446/Rev.1, chapter V, para. 337.

² *Ibid.*, appendix.

³ *Ibid.*, chapter V, para. 478.

⁴ *Ibid.*, chapter V, para. 337.

⁵ *Ibid.*, para. 478.

resulting from the elections mentioned above and the administering Power, for the purpose of fixing the date for the granting of independence and the arrangements for the transfer of power;

"12. *Requests* the Secretary-General to transmit the present resolution to the administering Power and to report to the Special Committee on its implementation;

"13. *Requests* the Special Committee to examine again the situation in Aden and to report thereon to the General Assembly at its nineteenth session."

4. On 13 December 1963, the Fourth Committee of the General Assembly, in connexion with its consideration of the item on information from Non-Self-Governing Territories, heard one petitioner, the representative of the Peoples Socialist Party and the Aden Trades Union Congress, who drew attention to the emergency situation in Aden and in the Aden Protectorate as a result of developments there (A/C.4/638). On 16 December 1963, the General Assembly, on the recommendation of the Fourth Committee (A/5673, paras. 17 to 19), adopted resolution 1972 (XVIII), whereby it urged the Government of the United Kingdom to take, as a matter of urgency, measures which would be most effective to secure: (a) the immediate release of the nationalist leaders and trade unionists; and (b) an end to all acts of deportation of residents of the Territory.

B. INFORMATION ON THE TERRITORY

INTRODUCTION

5. The Territory of Aden formerly comprised Aden Colony and the Aden Protectorate. Eleven of the States included in the Protectorate were members of a federation known as the Federation of South Arabia.

6. On 18 January 1963, Aden Colony acceded to the Federation of South Arabia. At the same time the component parts of the Territory were renamed Aden and the Protectorate of South Arabia and a new constitution came into force in Aden.

7. Information on the Territory is already contained in the Report of the Special Committee to the General Assembly at its eighteenth session (A/5446/Rev.1, chapter V). Supplementary information on political and constitutional developments is set out below.

GOVERNMENT

Aden

Elections

8. A Franchise Commission was set up by the Aden Government in August 1963 for the purpose of making recommendations concerning a new electoral law, particularly concerning the qualifications for voters. The term of the existing Legislative Council was due to end on 25 January 1964. Under the Constitution, general elections should be held within three months of the dissolution of the Legislative Council. Discussions between a ministerial delegation of the Aden Government and Mr. Duncan Sandys, the Secretary of State for the Colonies on the proposals put forward by the Franchise Commission reportedly were delayed because of the bomb incident that occurred at Aden airport on 10 December 1963 (see paras. 13 to 16 below).

9. On 15 January 1964, Mr. Sandys stated in the House of Commons that the Aden Ministers had

recommended that the life of the Legislative Council should be extended. They had pointed out that it would not be possible to give adequate consideration to the recommendations of the Franchise Commission to prepare and enact the necessary legislation, to compile a new register of voters and to go through the process of holding a general election within the time provided. It had been decided, therefore, to empower the High Commissioner to postpone the dissolution of the Legislative Council for the time necessary to complete these processes up to a maximum period of six months. By an Order in Council dated 20 January 1964, the maximum life of the Legislative Council was extended to five years and six months, namely until 25 July 1964.

10. The proposals of the Franchise Commission were revised by the Aden Government and were introduced in the form of a bill before the Aden Legislative Council which passed them in March 1964. The new Ordinance provides that, to qualify as a voter, a person must be a male of not less than twenty-one years of age, resident in Aden, and: (a) who was born in Aden; or (b) whose father was born in Aden; or (c) who is a British subject naturalized in Aden. In addition, he must be able, to the satisfaction of the Registration Officer, a Deputy Registration Officer, or any officer appointed by the Council of Ministers in that behalf, to speak and understand Arabic and must have signed a declaration to this effect on his application for registration. He must also have signed a declaration to the effect that he has made his home in Aden, that he is not by virtue of his own act under any acknowledgement of allegiance, obedience or adherence to any foreign power or State, that he has not done, concurred in or adopted any act done with the intention that he will become a subject or citizen of any foreign power or State and that he does not hold a passport issued by any foreign power or State. Finally, the law empowers the Registration Officer or a Deputy Registration Officer or any officer appointed by the Council of Ministers in that behalf to make such inquiries, carry out such tests and require such proofs as he may deem necessary to ascertain a person's qualifications to vote and the accuracy of his declarations.

Local government

11. Elections for Aden Municipality and other townships are due to be held in 1964. In December 1963, six members were elected unopposed for the Sheikh Othman Township Authority.

Federation of South Arabia

Declaration of a state of emergency in the Federation of South Arabia

12. A state of emergency was declared in the Federation of South Arabia by the Federal Supreme Council on 10 December 1963, after a hand-grenade exploded at Aden airport while the High Commissioner was preparing, with other government officials, to leave for London for discussions on the constitutional future of the Territory. The High Commissioner, the Sultan of Fadhli State, who is also Minister of National Guidance and Information in the Federation, and thirty-nine others were injured, one person was killed and another, the Assistant High Commissioner, later died of his wounds. It was reported that measures taken under the public emergency decree included the closing of the frontier with Yemen for two days, the deportation of 281 persons of Yemeni origin and the detention of fifty-seven other persons; these included members

of the Aden Trades Union Congress and of the Peoples Socialist Party, including the President of the Party, Mr. Abdullah Al-Asnag. The detainees were held at the prison of Zingibar, capital of Fadhli State. A decree was also issued ordering all aliens entering and residing in the Federation to register and obtain registration documents.

13. In protest against these measures, the Minister of Labour, Welfare and Immigration for the Aden Government, Mr. Ali S. Ali, resigned from the Government on 18 December and the whole Government of Aden State threatened to resign. In addition, sixteen municipal councillors from Aden and eighteen representatives in the Federal Council threatened to resign if the detainees were not released or transferred to Aden State. The Peoples Socialist Party issued a statement on 22 December denying any responsibility for the bomb incident and reiterating its belief that "Aden should be liberated by peaceful means".

14. Following the declaration of the state of emergency on 10 December 1963, a number of reports were published in Aden and elsewhere, that the detainees were being subjected to various forms of ill-treatment, including torture. On 29 December 1963, the High Commissioner ordered an investigation into "allegations of any unjustifiable or brutal treatment of British subjects detained under the Federal Public Emergency Decree, 1963", to be undertaken by the Chief Justice of the Territory. A number of detainees were later transferred to Ahwar in Aulaqi Sultanate and to Al-Ittihad, capital of the Federation. Their number was reported to have decreased to twenty-three by 8 February 1964, all of whom were kept at Al-Ittihad. On 11 February, the Secretary of State for Commonwealth Relations and the Colonies stated in the House of Commons that all members of the Aden Trades Union Congress and of the Peoples Socialist Party had been released. One person was charged before the Supreme Court for the bomb incident.

15. The Chief Justice's report was submitted on 9 February 1964. The Chief Justice stated that he had inspected all the places where the detainees were or had been detained and had interviewed forty-four persons under detention, as well as one person who had been released from detention. He gave a description of all the places of detention and related the complaints and statements made by the detainees as well as the replies made thereto by various government officials, and concluded: "at no time has there been any unjustifiable or brutal treatment of British subjects detained under the Federal Public Emergency Decree, 1963. There is no evidence at all of the slightest degree of physical violence having been used against any detainee, and reports to the contrary are entirely false and presumably published for propaganda purposes. The treatment of the detainees did, however, result in varying degrees of hardship, particularly during the first week of the emergency. That any political detainee should have to suffer substantial hardship is most regrettable, but I am satisfied, however, that such hardships as were suffered were justified by the assessment of the security situation at the time together with initial administrative difficulties."

Constitutional progress of the Territory

16. Talks on the constitutional future of the Territory had been scheduled to take place in London in December 1963, with the participation of ministers from the Aden Government as well as the Government

of the Federation of South Arabia. The talks had been opposed by some political leaders on the ground that no negotiations affecting the future destiny of the Territory should take place before new elections were held (A/AC.109/PET.184). The talks were postponed after the bomb incident occurred.

ECONOMIC CONDITIONS

Aden

17. Aden serves as an important oil-bunkering port, providing service to ships, as well as a centre for trade, mainly trans-shipment and *entrepôt* trade. There is no agriculture, but the production of salt and fish is important. Nearly 4 million pounds of fish were produced in 1962. There is an oil refinery at Little Aden which produces refined petroleum from imported crude oil. The refinery had a capacity of 6.8 million tons a year in 1962. Total production of refined petroleum products during that year amounted to 6,119,000 tons. Other manufactured products include aluminium ware, cigarettes, building materials, dyeing and printing of cotton goods, and soap.

18. In November 1963, a commission was appointed by the Aden Government to examine the present and future position of the port of Aden in relation to the economy of the area and probable future shipping trade and to examine the organization, control, administration, operation and development of the port and all the port activities and to make recommendations thereon.

19. The total value of re-exports and exports was £64,92 '98 in 1961. This included ships' stores and bunkers valued at £23 million and refined petroleum valued at £33 million. Total imports were valued at £82,886,404, of which £28 million was for crude and partly refined petroleum. In addition to the oil trade, the port of Aden is a centre for trade in textiles, gums and resins, grains and flour, coffee, tea, hides and skins, raw cotton and cotton piece goods, dates, sugar, spices, oils, tobacco and shells, and manufactured luxury goods such as cameras, watches, binoculars and cosmetics. The supply of goods and services to the British Forces personnel and their dependants is a main source of income.

20. The chief sources of revenue for the Territory are income tax and customs and excise duties levied on alcoholic and other beverages, tobacco, non-potable alcoholic mixtures, qat, aerated waters and petroleum products. There is no general customs tariff, Aden being a free port. Total revenue for 1962/1963 was £5,552,563; and total expenditure was £5,475,281, including capital expenditure.

21. The Development Plan for 1960-1964 is financed through a Development Fund which consists of transfers from general revenue, loans and Colonial Development and Welfare grants. These grants, according to the Plan, were to amount to £1 million over the four-year period. Expenditure was to be as follows:

	£
Education	550,000
Medical and public health services	866,469
Communications and public utilities	1,222,557
Land and housing	2,127,000
Miscellaneous	694,000
Residual 1955-1960 schemes	484,974
TOTAL	5,945,000

In addition, the Electricity Department was to spend £550,000 on power expansion.

Aden Protectorate

22. The economy of the Protectorate is agricultural, the main crops being cotton (long staple), cereals, dates, sesame and tobacco. Production of cotton in 1962 amounted to 28,000 bales of 400 pounds each, compared with 100 bales in 1949. Vegetables and citrus fruits are also grown. It has been estimated, however, that the cultivable area does not exceed 1 per cent of the total area of the Territory. Animal husbandry is common, the principal livestock being goats, sheep, camels, cattle and donkeys. Fishing is relatively important (approximately 70,000 tons a year) and is promoted by the Fisheries Department particularly in the Eastern Protectorate, where crawfish have been discovered in commercial quantities.

23. The principal exports of the Protectorate are cotton and cotton-seed, coffee, skins and hides, lime, tobacco, cattle, sheep, goats and fish. The marketing of cotton is undertaken by the Abyan Board (see para. 25 below) and the Lahej Development Board. Some exploration of mineral oils has taken place in the Qu'aiti, Kathiri and Mahra States of the Eastern Protectorate.

24. Complete figures on public finance are not available. Expenditure by the United Kingdom in the Protectorate amounted to nearly £3 million in 1961/1962 and to over £5 million in 1962/1963.

25. The major development project in the Protectorate has been the Abyan Scheme which was started in 1947 with a Colonial Development and Welfare loan. It is administered by the Abyan Board, a partnership between States, landowners, and tenant farmers. An area of approximately 50,000 acres is to be irrigated for intensive cultivation, particularly of cotton.

26. A Development Plan for the Federation of South Arabia was drawn up in 1961 and is administered by the Federal Government. Expenditure on projects under this Plan was expected to amount to £450,000 in 1962/1963. The Federal Government reportedly requested £10 million from the United Kingdom Government in 1963 as aid towards development. Apart from providing financial assistance from its own resources, the United Kingdom Government is willing to help the Federation in applying for aid from any other suitable source. There is a separate Development Plan for the Eastern States which have not joined the Federation.

27. East African currency is now used in Aden and the Protectorate. It has been reported, however, that plans are under way for issuing a new currency with sterling coverage for the Federation of South Arabia.

SOCIAL CONDITIONS

Aden

Labour

28. The total labour force was estimated at 77,089 in December 1962, distributed as follows:

Port workers	7,456
Building and construction	12,646
Industrial undertakings	12,495
Retail and wholesale trade	10,082
Government service	16,297
Domestic services	17,000
Miscellaneous	1,113
TOTAL	77,089

The registered unemployment figure was 3,859. No precise figures are available on seasonal and migrant labour owing to the fact that frontiers are undefined, and until very recently (see para. 12 above), there was no immigration control except on arrivals by sea and air. It was estimated, however, that 60 per cent of the total labour force was migrant in character, mainly from the Western Protectorate and Yemen.

29. The number of trade unions in Aden in 1962 was twenty-two with a total membership of 21,400. Employers' organizations numbered five with a total membership of thirty-one. The Aden Trades Union Congress is affiliated with the International Confederation of Free Trade Unions (ICFTU).

30. The Ministry for Labour, Welfare and Immigration maintains an employment exchange, carries out inspections of labour conditions and oversees the settlement of labour disputes.

Public health

31. In 1963, there were six hospitals in Aden with a total of 789 beds and fifty-four cots. The main hospital, the Queen Elizabeth (Civil) Hospital had nearly 500 beds; the remaining hospitals included one maternity hospital, one hospital for infectious diseases, a home for aged persons and a hospital maintained by the British Petroleum Refinery. In addition, the Government maintained five out-patient dispensaries and two dispensaries for merchant seamen.

32. The principal diseases are pulmonary tuberculosis, pneumonia and gastro-intestinal disturbances. The death rate is 10.87 per thousand; the infant mortality rate is 82.22 per thousand live births.

33. The medical and health staff in 1962 was as follows:

	Government	Missions	Private	Company
Physicians	46	4	12	14
Nurses of senior training ..	66	3	—	20
Certified nurses	19	—	—	11
Partially-trained nurses ..	7	—	—	10
Midwives	30	2	—	4
Sanitary inspectors	2	—	5	1
Laboratory technicians ...	23	1	—	6
Pharmacists	1	1	1	6
Medical auxiliaries	400	16	7	117

34. Recurrent expenditure on medical and health services in 1962 was £587,049, or nearly 20 per cent of total government expenditure. In addition, £15,786 was spent on capital development.

Aden Protectorate

Labour

35. Almost 90 per cent of the population in the Protectorate is occupied in agriculture or animal husbandry. Other occupations include fishing, dyeing, weaving and the preparation of hides and skins. Migrant labour is widely used: an average of 8,000 to 9,000 people leave for work in, or return from, other countries every year. There are no labour organizations in the Protectorate.

Public health

36. There were seven hospitals in the Protectorate in 1962, located in the following centres: Lahej, Makhzan, Mukalla, Shihr, Shibam, Duan and Saihun. The total number of beds was 252. In addition, there were eighty-one rural health centres. The medical and health personnel consisted of the following:

	<i>Government and State</i>	<i>Mission</i>
Registered physicians	19	—
Hospital and health assistants	164	2
Senior nurses	3	6
Certified nurses	43	—
Midwives	3	6
Senior health inspectors	2	—
Sanitary inspectors	11	—
Laboratory technicians	8	—
Pharmacists	2	—
Dentists	1	—

37. No vital statistics are available. The principal diseases are malaria, tuberculosis, intestinal infections and eye infections.

38. Estimates of expenditure by the United Kingdom Government on health in the Protectorate amounted to £302,336 in 1962/1963, nearly half of which was capital expenditure. The corresponding figures for State expenditure were as follows:

	<i>Recurrent £</i>	<i>Capital £</i>
Federal Ministry of Health	129,702	2,450
Eastern Protectorate	54,847	5,040
Municipalities	23,445	—

EDUCATIONAL CONDITIONS

Aden

39. Education in Aden is now under the exclusive authority of the Federal Government. Free primary and intermediate education is provided for all Aden-born children. In furtherance of this policy, the Development Plan for 1960-1964 included £550,000 to be spent on the development of primary and intermediate education. Grants-in-aid are paid to fourteen primary and ten intermediate schools.

40. The primary school course lasts four years. In 1961, the total number of primary schools was forty, of which twenty were government schools. The number of children enrolled was 10,913 (7,339 boys and 3,574 girls). Intermediate schools provide a three-year course. In 1961, there were nine government, ten grant-aided and six private intermediate schools with a total enrolment of 5,939 children (4,018 boys and 1,921 girls).

41. Secondary education is offered by four government schools, namely, Aden College, the Secondary Boys' School, the Technical Institute and the Girls' College. In 1962, the number of students at Aden College was 391, of whom forty-three were studying in the advanced level forms. The number of students at the Girls' College was 307. The courses offered at the Technical Institute include a four-year secondary course leading to the General Certificate of Education in technical subjects, as well as part-time and evening apprentice classes; the total number of enrolled students was 244. The Secondary Boys' School, opened in 1959, was designed to provide a four-year course of the secondary modern-type of education. In 1962, the number of boys at this school was 464. A new government junior secondary school, opened in October 1962, offers a two-year course to prepare students for the commercial course at the Technical Institute and for the government and non-government apprenticeship courses. Its total roll numbered 140 students. Other secondary schools in the Territory included six grant-aided and three unaided schools. Total enrolment in all secondary schools in 1962 was 2,184 (1,740 boys and 444 girls).

42. The Men's and Women's Teacher-Training Centres offer courses of two years' duration. Students prepare for service in either primary or intermediate schools. The teacher-training facilities of the Men's Centre are open to students from the Protectorate. A new teacher-training centre for trainees from the Federation was established in October 1962, but the trainees were accommodated temporarily at the Training Centre of Aden. The total number of teacher trainees in 1962 was 143.

43. At the end of 1962, there were forty students from Aden taking courses in higher education abroad under scholarships granted by the Government.

44. Government expenditure on education in 1962-1963 was estimated at £784,090, or 12.7 per cent of the total budget.

Aden Protectorate

45. A Protectorate Education Adviser is responsible for advising the Ministry of Education of the Federation of South Arabia and the Directors of Education of the Qu'aiti and Kathiri States in the Eastern Protectorate. All States, whether federated or not, are responsible for their own primary education. Within the Federation of South Arabia, all post-primary education is a federal responsibility.

46. In 1962, there were eighty-two primary schools in the Protectorate, with a total enrolment of 10,437 children (8,663 boys and 1,774 girls). There were also six junior-secondary schools, one secondary and one teacher-training school with total enrolments of 1,005, thirty-five and twenty-four respectively. Provision is made annually for a certain number of students from the Protectorate to enter secondary schools in Aden, including the Technical Institute.

47. There were approximately twenty-nine scholarship students in universities abroad, mainly in the United Kingdom, the Sudan and Lebanon.

48. Expenditure allocated to education for the year 1961-1962 was about £370,000. A technical college is being planned for the Eastern Protectorate.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

49. The Special Committee considered the question of Aden at its 234th to 243rd meetings between 25 March and 9 April 1964.⁶

50. By letter dated 20 March 1964 (A/AC.109/60), the Deputy Permanent Representative of Yemen asked to participate in the discussions of the Committee on the question of Aden. The Committee decided, without objection, to grant this request.

Reports of the Secretary-General

51. On 17 March 1964, the Secretary-General reported to the Special Committee (A/AC.109/58) that he had written to the Permanent Representative of the United Kingdom on 5 March 1964 drawing his attention to paragraph 12 of resolution 1949 (XVIII) and requesting information on measures taken by the United Kingdom Government to implement resolutions 1949 (XVIII) and 1972 (XVIII). On 15 April, the Secretary-General submitted a second report to the Special

⁶ See also section E for an account of the discussions which took place on Aden at subsequent meetings of the Special Committee.

Committee (A/AC.109/58/Add.1) containing the text of a reply from the Deputy Permanent Representative of the United Kingdom, dated 13 April 1964, in which he stated:

"The United Kingdom representatives in the Committee of Twenty-Four gave a full account of the current position in Aden and the Protectorate of South Arabia in their statements on 26 March and 8 April 1964, and my Government has nothing to add to these statements."

Written petitions and hearings

52. The Special Committee had before it the following written petitions concerning Aden:

Seven petitions in support of a petitioner	A/AC.109/PET.181
Petition from the National Hadhrami Association	A/AC.109/PET.182
Eight petitions from the Peoples Socialist Party and the Aden Trades Union Congress	A/AC.109/PET.183 and Add.1 and 2
Petition from Mr. Syed Abdulqawi Mackawee and others	A/AC.109/PET.184
Petition from the Confederation of Arab Trade Unions	A/AC.109/PET.185
Seven petitions from Women of Southern Yemen and others	A/AC.109/PET.186
Petition from the Arab Unitarian Party	A/AC.109/PET.191
Petition from Said Muhammad Hassan ..	A/AC.109/PET.192
Petition from the International Committee for Solidarity with the Workers and People of Aden	A/AC.109/PET.193
Petition from the Confederation of Free German Trade Unions	A/AC.109/PET.194
Petition from Mr. S. A. Alhabshi, Secretary-General, South Arabian League	A/AC.109/PET.195

53. The Special Committee heard the following petitions concerning Aden between 25 March and 9 April 1964:

Mr. Shaikhan A. Alhabshi, Secretary-General of the South Arabian League	(234th-236th meetings)
Mr. Mohamed Salem Basendwah, representative of the Peoples Socialist Party and the Aden Trades Union Congress	(234th-236th meetings)

54. Mr. Alhabshi expressed gratification at the General Assembly's adoption of resolution 1949 (XVIII) on 11 December 1963 on the question of Aden and expressed the hope that the Committee would be able in a short period of time to remove from Aden and the Protectorate every trace of colonization and enslavement. The Committee's duty was not to decide to what specific group the South Arabians belonged, but solely to liberate them and to see that their rights were restored so that they might decide for themselves which group they wished to join.

55. Since the adoption of resolution 1949 (XVIII), the situation in the Territory had deteriorated. The number of persons killed or wounded had increased. There had been incidents in the provision of Radfan, where tribesmen had been shot or imprisoned. The nationalist chiefs had been taken as hostages. Mass punishment and deportations were taking place. The Royal Air Force was in daily action, machine-gunning and killing inhabitants and burning crops. These occurrences created constant tension not only in South Arabia

itself but on the borders; it had just come to his knowledge that there had been exchanges of aerial bombing at the frontier between South Arabia and Yemen.

56. None of the provisions of General Assembly resolution 1949 (XVIII) had been complied with by the administering Power. South Arabia remained an enslaved colonial country cut up into twenty-three sultanates. The so-called Federation of South Arabia had given the false impression that South Arabia was unified, when in fact two thirds of South Arabia and its population had not been federated. There were five unfederated sultanates, and that had impelled certain quarters to hope that those areas would become so many States. The sultanates in question were those of Qu'aiti, Kathiri, Mahra, Upper Aulaqi and Upper Yafei. The policy currently being pursued by the United Kingdom officers was to incite one group against another and to foster a desire for separate independence in each area. Thus, nothing had changed in South Arabia. Power remained in the hands of the United Kingdom officers, while the sultans exercised a despotic rule over the inhabitants. No one felt safe, or free to express his feelings, or to demand a better society. Worse still, no one could move about freely. In particular, no one from Aden could enter the Eastern Protectorate without a visa. Thus, people were not free to travel even between the federated States. Customs duties had to be paid every time a commodity was taken from one federated State to another, so that the people, although very poor, were obliged to pay such duties several times over. Human rights were completely ignored. There was no code distinguishing between permissible and illicit acts, and every person was presumed guilty until he had proved his innocence. The United Kingdom representative had alleged that there was no penal code because the sultans did not want one, since they were bound to observe the Shari'a law. Yet at the same time the United Kingdom had also claimed absolute sovereignty over the Territory. It was consequently guilty of having deliberately refrained from promulgating a penal code and laws guaranteeing human rights.

57. In resolution 1949 (XVIII), the General Assembly had reaffirmed the right of the people of Aden to self-determination. Nevertheless, the United Kingdom had not recognized that right. He accordingly urged the Committee to invite the United Kingdom to give assurances not only that it would recognize the South Arabians' right to self-determination, but also that the unity and integrity of the Territory would be safeguarded. Similarly, in operative paragraph 6 of the same resolution, the General Assembly had recommended that the people of the Territory should be allowed to exercise their right to self-determination. He therefore requested the Committee, in keeping with the unanimous demands of all South Arabians, to call on the United Kingdom immediately to take steps and make all necessary arrangements with a view to enabling the people to exercise that right.

58. After quoting paragraph 7 of the resolution, he affirmed that none of its provisions had been respected. Political leaders were still being imprisoned and political freedoms were still restricted. Persons were still forced to live in exile; he himself, for example, had not been allowed to return to Aden since 1956, without any specific reason being given and although he had been neither convicted of nor charged with any offence. Although by operative paragraph 7 (d) of resolution 1949 (XVIII) the General Assembly had

called upon the administering Power to cease forthwith all repressive action, in particular military expeditions and the bombing of villages, military expeditions and aerial bombings were still taking place in the Territory. Nor had the United Kingdom taken a single step towards implementing operative paragraph 8 of the resolution which called on it to establish a representative organ and a provisional government, not for any specific region or province, but for the whole of the Territory. The people of the Territory were seriously concerned about that situation, although some of them had succumbed to the incitement of the present authorities, who were encouraging the creation of several small States. Citing operative paragraphs 9, 10, 11 and 12 of the resolution, he went on to express the view that there must be some way of inducing a Member State to give up a policy of colonial slavery, for the coexistence of slavery and the United Nations was unthinkable. It behoved the Committee therefore to discover a way of inducing the United Kingdom to take steps with a view to holding general elections, allowing the return of political leaders and refugees, repealing the laws restricting political freedoms and proclaiming the observance of human rights throughout the Territory.

59. It seemed that it was the United Kingdom's policy to foment incidents in the Territory likely to lead to the establishment of several independent States. Thus in Aden—which the South Arabians looked on as part and parcel of the Territory—the previous ordinance governing elections had granted the franchise to all inhabitants who had lived in Aden for the past ten years and to South Arabians who had lived in Aden for the past two years, whether they had been born there or not. However, a new ordinance had been promulgated denying the franchise to South Arabians who had spent the last two years in Aden and to persons of Yemeni origin who had spent the last ten years there. And yet those people were, respectively, South Arabians and Yemeni living in Aden who had become citizens of Aden. Thus the present policy was truly reactionary and tended to create hostility between the various South Arabian communities; it could lead to bloody feuds, which were already foreshadowed in the statements of certain persons in the Territory. Furthermore, he wished to emphasize how dangerous it was to promise a specific local community that the oil resources that might exist in a given region belonged to it and it alone. The Committee should put an end to such a state of affairs. Moreover, incidents, some of them very serious, had occurred outside of Aden. Whereas there were courts and laws in Aden, there was no kind of codification in the Protectorates, where the rights of the individual were unknown and where there was no control, no correspondence and no newspapers. The Committee should send a visiting or investigating mission to the Territory. Failing such a step, it would be a United Nations function, not to say duty, to send permanent observers to the Territory, or if that should prove impossible to neighbouring countries such as Yemen, Saudi Arabia and Somalia. Furthermore, the Committee should invite the United Kingdom to give assurances that United Nations resolutions would be implemented within a reasonable time; it was indispensable that the United Kingdom or the Committee should fix a time-limit after which the Territory would be an independent and sovereign nation. The United Kingdom should also give assurances that the unity of the Territory would be safeguarded.

60. The dispatch of a visiting mission and the appointment of observers were particularly important measures, in view of the General Assembly's wish that the Committee should undertake more specific functions. The Committee was being asked to examine the situation in Aden again and to report thereon to the General Assembly. But it could not gather reliable information without sending a visiting mission or appointing permanent observers with specific functions. Any bloodshed in the Territory would threaten the security of an area much larger than the Territory itself. The situation in the Territory was deteriorating, as might be reported to the Security Council within the next few days, and frontier incidents had already taken place. It was the Committee's duty to draw the General Assembly's attention at its next session to the fact that more drastic measures should be taken to persuade the United Kingdom to comply with the provisions of the Assembly's resolution and of the Declaration on the granting of independence to colonial countries and peoples.

61. Mr. Basendwah said that since October 1963 the British occupying authorities in Aden and the Aden Protectorates had been carrying out a series of land and air attacks against helpless tribes in the Western Protectorates. In November 1963, the members of the Military Forces' Local Employees' General Union had gone on strike after exhausting all means of negotiation with the British Command. As a result, more than 150 Aden workers had been arrested and deported to Yemen, while the British Military Command had recruited by air an army labour corps to break the strike. An article by Mr. Fenner Brockway, a Labour Member of the British Parliament criticizing the handling of the strike would be found among the exhibits he was making available to the Committee. In defiance of General Assembly resolution 1972 (XVIII), the United Kingdom Government had encouraged and instructed its administering authority in the area, the so-called Federation of South Arabia, to continue to carry out the most repressive measures against the Peoples Socialist Party (PSP), the Aden Trades Union Congress (ATUC) and the people in general. Nationalists and trade union leaders were arrested by British-controlled police and had been taken to dungeons in the remote States of Fhadli and Aulaqi where they had languished for weeks in sickening conditions. A full account of the way in which the prisoners had been treated was contained in the exhibits before the Committee. After many weeks the prisoners had been brought back to Aden where their detention had continued under rigorous conditions. Their families were not allowed to see them and had declared a hunger strike in protest against the way in which the prisoners were being treated.

62. General meetings of trade unions were entirely prohibited and the trade-union movement as a whole could not function at all because of the many restrictions due to the state of emergency. Three prominent political figures in the pro-British administration had resigned in protest over the misuse of the "emergency". Executive meetings of trade unions and the ATUC were only allowed under a temporary permit from the Commissioner of Police. In the other States of the so-called "Federation", there were still hundreds of people in detention. Very recently, in February 1964, more than twenty citizens in Dathina State had been arrested and were still detained. All those repressive measures had been taken under the state of emergency

ordinance, which was still in force. In the Eastern Protectorates the feudal sultans and their British advisers were arresting, deporting and punishing people with complete impunity. In the Eastern Protectorates too, the United Kingdom and the United States had a free hand in prospecting for oil, a resource which really belonged to the people.

63. The PSP and the ATUC upheld their belief in the need for unity with the Yemen, a need which was becoming increasingly recognized even in the United Kingdom. It had been stressed by Mr. Brockway, Mr. Taverne, in a recent book by Mr. Harold Ingrams, a former British political adviser in Aden, and in Parliament by Mr. William Yates, a Conservative member. But the British Colonial Administration was at present carrying out certain schemes, such as the Franchise Law in Aden, with the intention of provoking artificial differences and hostility among the people. It was obviously the intention of the United Kingdom Government to repeat the tragedy of Cyprus on the soil of Aden. The British military base at Aden was still being used for aggression against the people and against the Yemen Arab Republic and Oman, and might be used one day against any African or Asian nation with which the United Kingdom came into conflict. The United Kingdom Government still intended to sign a lease agreement with the feudal sultans and sheikhs and the ministers of the so-called Federation and of the so-called Government of Aden so as to legalize its use of Aden for aggressive purposes. The United Kingdom Government was continuing to erect military installations on the islands of Perim, Kamaran and Kuria Muria. Such lease agreements would never be binding on the people.

64. Mr. Basendwah challenged the United Kingdom representative to announce his Government's willingness to allow a fact-finding sub-committee of the Special Committee to visit Aden and the Aden Protectorates in order to investigate the situation and ascertain the wishes of the population. The people of the Territories placed their faith in the United Nations and considered it essential that the Organization should intervene. He appealed to the Committee to send a fact-finding sub-committee to the area and to bring pressure to bear against the United Kingdom Government to implement resolutions 1949 (XVIII) and 1972 (XVIII).

65. Mr. Basendwah in a further statement, said that the so-called treaties of friendship and protection between the United Kingdom Government and certain sheikhs and sultans had not been entered into willingly, but had been imposed by force or bribery, and they did not stipulate any date of expiry. As to the Commission which had drafted the Aden Franchise Bill, no representative of the major political parties in Aden—whether the South Arabian League or the Peoples' Socialist Party—had taken part in the work of the Commission. The representatives of Aden's political parties had denounced the Franchise Bill recently approved by the so-called Legislative Council of Aden, and they had always insisted that the resolutions of the United Nations General Assembly should be put into effect and that elections should be held under United Nations auspices. The state of emergency was still maintained because it gave the High Commissioner and the so-called Ministers of the so-called Federation of South Arabia more and more excessive powers and prerogatives. The population was subject to detention at any time, and the representatives of political parties were subject to deportation.

General statements of Members

66. The representative of the United Kingdom said the Committee would be familiar with the basic political, economic and historical facts relating to Aden and the Protectorate of South Arabia as a result of its consideration of those territories in 1963, and he would therefore simply recall very briefly the circumstances in which the Federation of South Arabia had come into being. In 1959, the rulers of six states of the Protectorate, on their own initiative, had decided to form a federation for their mutual defence and to foster political, economic and social development for the benefit of their country and its people. In the course of the next four years, five other states had joined the Federation which, at the beginning of 1963, had comprised eleven members. During the same period, ministers of the Federation had held a series of meetings with the Ministers of Aden, and both sides had agreed to work for the entry of Aden and its hinterland, whose inhabitants were predominantly of the Arab race and Moslem religion, spoke the same language and regarded themselves as one people. The Legislatures of the Federation and of Aden had approved proposals for Aden's entry into the Federation in the autumn of 1962, and on 18 January 1963 Aden had become the Federation's twelfth member. Two more states had joined the Federation in March 1963 which at present comprised the majority of the states of South Arabia. As the Committee was aware, the British presence in the Protectorate of South Arabia stemmed from treaty relationships of friendship and protection between the United Kingdom Government and the Rulers of the various states. The Rulers had willingly entered into these treaties to preserve their freedom from incursions and aggression from their more powerful neighbour to the north, and the need for such protection was now as great, if not greater, than ever before. The United Kingdom Government had concluded a further treaty with the Federation itself upon its establishment on 11 February 1959, and had undertaken by that treaty to assist the Federation towards independence. In addition to the task of promoting political and constitutional development, the British Government also had an obligation to assist the Federal Government in protecting its territory from Yemeni aggression and encroachment, and to maintain law and order.

67. The last elections for the Aden Legislative Council had been held in 1959 and fresh elections were due in 1964. All parties in Aden had agreed that the franchise was unsatisfactory and must be reviewed before the next elections. In August 1963 a Commission of Inquiry had been established to define the qualifications for the franchise and for election to the Legislative Council. The Commission had included representatives from all the major political elements in Aden, including a member of the South Arabian League and a supporter of the People's Socialist Party. Although its recommendations had reflected unanimity on the part of the members of the Commission as individuals this had not led to any corresponding agreement among the various factions and groups which the members represented. Thus the controversy which had always surrounded the issue had persisted even after the work of the Commission had been concluded. In order to avoid protracted arguments which would have prevented further progress towards the holding of the next elections, Aden ministers had decided to seek a simplified formula for the franchise; a formula which they had hoped would gain a wide measure of local

acceptance. However, because of the time required for the preparation and enactment of the necessary legislation to give effect to the changes in the franchise, it had not been possible to complete those processes by 25 January 1964, when the life of the Aden Legislature had been due to end. Aden Ministers had also pointed out that the work of compiling a new register of voters, and the process of holding a general election, could not be completed within the time available. They had therefore recommended that the life of the Legislative Council should be extended for a maximum period of six months to enable the franchise legislation to be passed. The British Government, recognizing the practical difficulties which had given rise to the request, had agreed to that six months extension. The bill embodying the revised franchise arrangements had been published on 10 February and the Aden Legislative Council had begun consideration of it when it reassembled on 25 February. In the course of the debate in the Legislative Council, there had been a full opportunity for the free expression of views on the bill, and the interests of all the various sections of the local community had been taken into account during the debate.

68. The new franchise bill had been passed by the Council at the beginning of March. Under the new arrangements, voting rights would be given to males of twenty-one and over, resident in Aden and born or naturalized in Aden, or whose fathers were born in Aden. The former property qualification had been abolished, but voters must be able to speak and understand Arabic and must not owe allegiance to any foreign Power or hold a foreign passport. During the debate on the bill, the Chief Minister of Aden had given an assurance that a citizenship bill would be introduced in due course which would provide Protectorate subjects with an opportunity of becoming Aden citizens with the right to vote. In short, he continued, the revised franchise followed the normal practice in most countries whereby nationals of the State could vote, and others could not. Under the existing constitution, elections under the revised franchise would be held within three months of the dissolution of the Legislative Council which was due to end by 25 July 1964.

69. There had also been a number of important events in the political field in the Protectorate. Elections for the newly constituted Legislative Assembly in Fadhlī had been held during November 1963 on a wide franchise. Of the twelve constituencies, eight had been contested and four candidates returned unopposed. There had been keen local interest in the elections, and an average poll of 65 per cent of the registered electors. In Dathina, the State Council was considering legislation which would provide for elections to a new legislative assembly on the lines of those held in Fadhlī. Arrangements for those elections were likely to be concluded in two or three months. In Lahej, legislation was in course of preparation for the holding of elections to the Legislative Assembly. It would be considered by the Lahej Executive and Legislative Councils, and it was hoped that it would be adopted in 1964. In Qu'aiti State, a committee had been appointed by the State Council to consider a draft constitution, which included provision for a Legislative Council with an elected majority. Mukalla, the Qu'aiti capital, had for some time had a municipal council with an elected majority.

70. With regard to the threat to the territorial integrity and peaceful progress of the Federation of South Arabia by the Yemeni authorities in Sana, and the steps being taken by the Federal Government to

protect its territory from outside interference and subversion, and to maintain law and order, the representative of the United Kingdom stated that the Federation of South Arabia naturally wished to maintain peaceful and friendly relations with its neighbours. Unfortunately, the Yemeni authorities in Sana had consistently adopted a violent and hostile attitude to the Federation. They continued to advance the unjustified claim, which was totally rejected by the Rulers of the States of South Arabia, that the territory of the Federation was part of the Yemen, and they attacked the Federation through all means at their disposal. These attacks had taken two main forms; first, Sana radio was continually used to incite the people of the Federation to armed revolt. The representative of the United Kingdom quoted a few examples of the type of propaganda to which the Federation was being subjected.

71. Secondly, the Yemeni authorities had established an organization called the National Front for the Liberation of the Occupied Yemeni South, the avowed purpose of which was to carry out subversive activities within the Federation of South Arabia. Facilities for the training of terrorists and saboteurs had been arranged, and their agents had laid mines in Federal territory which had frequently caused injury to innocent persons and damage to property. Mercenaries had been recruited from Federal tribes and subsequently sent back into the Federation with arms and explosives to stir up trouble. Individuals or small groups of disaffected tribesmen were enticed across the frontier by promises of weapons and money, and to return to terrorize peaceful villages and destroy roads and buildings. The representative of the United Kingdom then gave specific examples of those activities. In the latter half of 1963, a group of Radfani tribesmen from Dhala Amirate had been invited into the Yemen to the town of Qataba. They had returned later, bringing rifles and mines with them, and had started a number of incidents in Dhala. It was clear that Qataba was being used as a centre for training and arming Protectorate subjects for subversive activities in the area. In the neighbouring state of Haushabi, a number of tribesmen had been induced to enter the Yemen and after their return to the Protectorate, several incidents had followed. Some arms and ammunition had been recovered subsequently, including hand-grenades. On the frontier of Shaib State, a detachment of Yemeni troops with artillery and heavy machine-guns had arrived in December and begun preparations for stirring up trouble in a new area of the Federation border. Further north, small gangs of dissidents from the Audhali Sultanate and the State of Dathina were based on and maintained in the neighbouring Yemeni town of Baidha, and provided a hard core of thugs who could be sent over the frontier by the Sana authorities to create incidents. He said he had given these examples of hostile activities of the Sana authorities in five of the states of the Federation which have a common frontier with the Yemen to show that it was not a question of isolated and disconnected incidents but a systematic campaign controlled and financed by Sana. As the most recent example of those aggressive activities, on 13 March 1964, only a few days previously, three aircraft from the Yemen had launched an attack in the Husn al Atbah region of the State of Baihan. The attack had been made with incendiary bombs and automatic fire from machine-guns. Similar aircraft had previously violated Federal air space earlier on the same day for reconnaissance purposes prior to the attack. The incidents had occurred despite earlier

protests to the Sana authorities about violation of Federal air space on several occasions. In particular, strong protests had been made to those authorities in March 1963 after Yemeni aircraft had, on 27 February 1963, made an armed attack in the same area as the attack he had described. His delegation had informed the President of the Security Council of the incidents by a letter dated 20 March 1963 and circulated as United Nations document S/5618. The letter called the attention of the Council to the very grave risks which such violations and attacks constituted. The United Kingdom had reason to believe that the Sana authorities were being encouraged by support from other sources in their activities. One example had been the constant stream of hostile propaganda from Cairo Radio, equalling that from Sana in its vindictiveness, and containing on occasions not only incitement to violence but also disgraceful attacks upon, and threats against, named individuals in the Federation. Those broadcasts had been the subject of diplomatic protests. Whereas in the Protectorate the main device of the Sana authorities had been the encouragement of subversion and the recruitment of mercenaries, in Aden State their activities had taken the ugly form of attacks by hand-grenade. On 23 July 1963, the office of the South Arabian News Agency at Maalla in Aden State had been the object of a hand-grenade attack. On 21 October 1963, another grenade had been exploded at the premises of the Aden newspaper *Al Ayyam*.

72. The culmination of those incidents had been the cowardly and outrageous attack on the lives of the Federal ministers and the High Commissioner at Aden airport on 10 December 1963. As members of the Committee would recall from the proceedings at the previous General Assembly, the High Commissioner and a number of Federal ministers had been about to leave for constitutional talks in London when a grenade had been hurled at them. A British official and an Indian lady had died from injuries received in the explosion and a large number of persons, including the Fadhli Sultan and the High Commissioner, had also received injuries. This attack had come as the crowning incident in a continual campaign of incitement to violence, and indeed, actual bloodshed. It had left the Federal Government with no alternative but to take effective measures to protect the inhabitants of the Federation from further intimidation and terror. On 10 December 1963, the Supreme Council of the Federation had therefore declared a state of emergency throughout the territory of the Federation. At that point of time, in the aftermath of the assassination attempt, it had not been clear whether further murderous attacks were planned. Indeed, shortly before the incident, two persons crossing into the Federation from the Yemen had been found to be carrying grenades of the same type as that used in the actual outrage; and in January a Yemeni had been arrested in Aden in possession of a hand-grenade, a pistol and seven rounds of ammunition. The Federal authorities had thus been fully justified in taking preventive action against those persons or groups of persons who were known to be in sympathy with, or supporting, Yemeni subversion. In Aden State, sixty persons had been detained, including a number of leading members of the Peoples Socialist Party and the Aden Trades Union Congress, who had openly organized opposition to the planned merger of Aden to the Federation and had faithfully echoed Yemeni propaganda. At the same time, a number of aliens of Yemeni origin, who did not belong to Aden and had no legal

right to reside there, had been returned to their own country. As a result of the measures which had been taken, the situation in Aden had greatly improved, and daily life had returned to normal. Fifty-nine out of the sixty persons detained, including all leading members of the Peoples Socialist Party and the Aden Trades Union Congress, had been released. A person had been charged with the murder of the Indian lady and the British official killed by the hand-grenade on 10 December 1963. His Government naturally regretted that such a situation should have occurred in the Federation, thus making necessary recourse to emergency measures. However, the situation was not the making of the Federal Government or of the British Government. It was directly due to the incessant campaign of incitement and arms smuggling from outside the Federation's borders. The British Government was satisfied that the circumstances in Aden fully justified the special measures which had been applied and that the state of emergency would be ended as soon as it could be done without endangering public security.

73. The United Kingdom delegation would not conceal from the Committee its disappointment that political progress in Aden and South Arabia had not been more rapid in the previous six months. But political progress was necessarily dependent upon orderly conditions, and the blame for the recent difficulties and delays lay clearly on the shoulders of those who had been creating dissension and instigating bloodshed and assassination among the people of South Arabia. The Federation was determined not to yield to such coercion and intimidation, and the British Government were similarly determined to fulfil their treaty obligations to assist the Federation to defend itself against subversion and outside interference. British military forces were maintained in the Federation not for any aggressive purposes, but to enable the British Government to discharge its obligations in South Arabia and elsewhere. Those forces did not menace anyone; on the contrary, they made a valuable contribution to peace and stability in the area. Those forces were not imposed upon the people of South Arabia; they were there with the goodwill of the Federation, whose security from external aggression they helped to ensure. The presence of the forces thus helped and safeguarded the constitutional development of the Federation towards independence.

74. In conclusion, he wished to stress the following points:

(i) Britain's aim in South Arabia was to promote the political, economic and social development of the Federation and bring it to independence without delay.

(ii) Since Aden had joined the Federation in 1963 there had been important political developments in Aden itself and in other states of the Federation, and the adoption by the Aden Legislature of a revised franchise would pave the way for fresh elections later in 1964.

(iii) The reason why political progress in Aden and South Arabia had not been more rapid was that the Federation had been the target of an unprecedented campaign of intimidation and violence from the Yemen, supported by a barrage of propaganda from Sana radio, with the avowed objective of overthrowing the Federal Government and incorporating the territory of South Arabia within the Yemen.

(iv) The Federal Government was determined to preserve its independence from Yemeni rule, and the

British Government was similarly determined to assist the Federation in that, in accordance with its treaty obligations.

(v) British military forces in South Arabia were there with the agreement of the Federal Government, and their presence helped to ensure the security of the Federation and thus assisted in the political development of the Federation towards independence.

(vi) It was not therefore a "colonial situation" in which the people of the Territory were fighting for freedom against an alien oppressor; it was a situation in which the peoples of the Territory were striving to establish firmly their newly formed Federation against the attempts of outside influences to obstruct advance.

(vii) If the Committee wished to see the speedy advance of South Arabia towards independence, its first concern should be to condemn unreservedly all external interference and attempts to undermine the territorial integrity of the Federation and to overthrow its Government.

75. The representative of Yemen stated that a large portion of his country was still suffering from the effects of British imperialism. Southern Yemen, known to the Committee as Aden and the Aden Protectorate, was today occupied by British forces and was in a state of emergency. The United Kingdom representative had maintained that peace again prevailed in the area. In his delegation's view, however, it was impossible to speak of peace when the state of emergency still existed in Aden and in all the Protectorates, when freedom of expression was denied to the people, when gatherings of more than five persons were prohibited, when thousands of deportees were still unable to return to their homes, when the very principles of international law were violated and when the Charter and the resolutions of the United Nations were defied. The British had been trying to give the impression that their presence in the area was a necessity for keeping the peace, and to convince the sultans and sheikhs of the Protectorates that they would not be able to retain power if the British were to withdraw.

76. When the British authorities had realized that the Yemen Arab Republic would not bargain with Yemen's independence and unity, they had attempted to spread disorder northwards to the Yemen Arab Republic itself. That policy was not a new phenomenon, for ever since the British had set foot in Aden their plan had been to occupy the whole country; it was thus that they had concluded so-called treaties of friendship and protection with the chieftains of Yemeni tribes surrounding Aden and had proceeded northward and eastward. The major blow to Yemen's territorial integrity had come with the First World War, when the Turks had surrendered to the British the south-western and eastern regions which they had occupied and which would today have been part of the Yemen Arab Republic. Whenever cunning and intrigue had failed, the British had never hesitated to use arms. Thus, large-scale military operations had been started against the Kingdom of Yemen when the Yemen Government had announced that it did not recognize the agreement between Turkey and Great Britain. Between the end of the First World War and 1934 almost every major Yemeni city had been bombarded, entire villages had been demolished, crops had been burned and many countries of the Kingdom of Yemen had been annexed to the British-occupied zone. It was in such an atmosphere of terrorism that the Government of Sana in 1934 had signed with the British a "treaty of friend-

ship and mutual co-operation" ensuring the preservation of the *status quo*. More than half of Yemen had thus been annexed by the British.

77. The United Kingdom's policy towards Yemen was aimed at creating troubles and thus convincing the Yemen Arab Republic that peace could never be achieved unless it was on British terms. If the Yemen Arab Republic gave in to that, it would be easy to persuade the people in the occupied zone to abandon their struggle for the unity of Yemen because the Republic itself had abandoned them. After the Yemen revolution of 26 September 1962, the British forces in occupied southern Yemen had started to distribute arms and munitions to some tribes in Baihan and neighbouring areas, inciting them to rise against the revolution. But by March 1963, the Yemeni forces had been able to restore peace and order in Mareb and Harib, the south-eastern regions of the Republic. Since then, besides using propaganda and sabotage, the British authorities had been resorting to open aggression and the use of force against the Yemen Arab Republic. British armed forces were occupying the areas of Shoaib mountain and Khattam al-Azab and a number of villages in the territory of the Yemen Arab Republic.

78. Information had reached the Yemen Government that the British authorities in Aden were hatching an aggressive plan, the aim of which was to unleash war in the southern and south-eastern regions of the Yemen Arab Republic. Clearly, however, such a plan would not overthrow the Government of the Yemen Arab Republic or solve the British problems in Aden and the Protectorate. The Yemen Arab Republic did not recognize the British occupation of Aden and the so-called Protectorate and regarded it as illegal. Nevertheless, to prove its adherence to the principle of solving international differences through peaceful means, the Yemen Arab Republic would accept a solution in keeping with the resolutions adopted by the United Nations on the question and in keeping with the principle of self-determination.

79. The delegation of Yemen considered that the United Nations should conduct a plebiscite when all repressive measures had been abolished and the population of occupied southern Yemen was genuinely able to express its will. His delegation urged the United Kingdom Government to demonstrate goodwill and constructive co-operation, instead of ignoring the United Nations resolutions. There were precedents of Non-Self-Governing Territories joining one nation or another under United Nations auspices. The historical, geographical, ethnic and economic ties between the Yemen Arab Republic and British-occupied southern Yemen were so strong that it would be absurd to oppose Yemen's reunification.

80. The representative of the United Kingdom said that his Government considered the Yemeni claims to Aden and the Protectorate of South Arabia to be without foundation and that those claims were also rejected by the rulers and governments of South Arabia.

81. The representative of Iraq said that, after the lengthy debates in 1963 on the question of Aden, a clear picture had emerged of a territory where colonialism in its most classic form was being practised, after an outright conquest in the case of Aden, and through unequal treaties concluded with ignorant sheikhs in the case of the Protectorates. A strategic base had been established at Aden to protect the vast economic interests of the colonial Power, which exercised its authority either directly or through subservient tribal leaders. It

was regrettable that the Government of a great country refused to admit that a military base could not be maintained against the wishes of a people and that economic interests could not be protected by force. The United Kingdom was following a cynical policy of division aimed at supporting a reactionary and discredited régime in the belief that it could thus maintain its economic domination over the oil sheikhdoms of the Persian Gulf. Although access to the Territory had been denied to it by the administering Power, the Sub-Committee on Aden had been able to do useful work in 1963 by establishing contact with people from all walks of life who had come before the Sub-Committee to express their ardent desire for independence and their faith in the United Nations. General Assembly resolution 1949 (XVIII), which was based on the Sub-Committee's conclusions and recommendations, had stressed that the unity of the Territory must be preserved and consolidated by providing for one representative organ and one Government deriving its power from the consent of the people. Yet the administering Power had made no concrete proposal for the implementation of the Assembly's recommendations, which had been endorsed by all sectors of the Aden population.

82. In his statement at the 236th meeting, the United Kingdom representative had summed up his Government's policy in seven points, five of which dealt with the border situation with Yemen, as if the Committee was primarily concerned with a frontier question instead of seeking ways and means to enable the people of Aden to achieve independence. The real question facing the Committee was how the Territory could accede to independence and whether such independence would be illusive or real. It must be determined whether the military base would be maintained, whether United Kingdom sovereignty over Aden proper would be relinquished, whether the islands of Perim and Kuria Muria would be permanently separated from Aden, and whether Aden would be governed under the newly enacted Franchise Law which gave power to the Administration to disenfranchise the opposition party. The aim of that law, which had been hailed by the United Kingdom representative as a great step forward, was very clear: it was to disenfranchise the members of the Peoples Socialist Party, which had the confidence of the majority of the people and had advocated that the Territory should be reunited with Yemen after independence had been achieved. In introducing the Franchise Bill to the Aden Legislative Council, the Chief Minister had stated that it had been amended so as to meet the desire of the people of Aden to establish themselves as a separate entity. Such an aim was not consistent with the statements made by the United Kingdom Administration, which claimed that it was not encouraging localism but wished to establish in the Territory a common consciousness of a common destiny. He wondered whether the repeated references by the Chief Minister of Aden to the fact that the Territory was a Crown Colony meant that the United Kingdom Government intended to keep Aden as a colony in accordance with article 2 of the Treaty concluded between the Federation and the United Kingdom in 1962. As far as the Protectorates were concerned, it was to be wondered whether the tribal sheikhs and leaders would be kept in power, whether there would be real freedom of political activity in those territories, whether the shameful treaties of protection would be maintained, and whether the so-called Federation of South Arabia

would continue to be an instrument of United Kingdom policy in the Arab world.

83. In his statement the United Kingdom representative had laid stress on a so-called campaign of intimidation and violence from Yemen in order to give the impression that the question before the Committee was whether the Territory should be reunited with Yemen or not. However, the representative of Yemen himself, as well as Mr. Basendwah, the representative of the Peoples Socialist Party, had stated clearly that they stood by the resolution of the General Assembly and that the question of association with Yemen would be decided when the Territory was finally liberated from United Kingdom colonial rule.

84. As for the situation along the border with Yemen, the Iraqi delegation considered that that was essentially a matter for the Security Council. The facts were very clear: the United Kingdom Government had just committed an act of aggression against Yemen on 28 March 1964, when Royal Air Force aircraft had violated Yemeni air space and bombed a fort inside Yemeni territory, killing twenty-five persons, wounding over a hundred others, and causing considerable material damage. In the letter from its Permanent Representative to the President of the Security Council (S/5628), the United Kingdom had claimed that that action had been undertaken in retaliation for alleged Yemeni attacks. But if every State was to take the law into its own hands, the United Nations would lose all its purpose. The fact that the murderous raid by the Royal Air Force had been undertaken with the prior approval of the United Kingdom Government deserved to be noted. It was astounding that a permanent member of the Security Council could acknowledge that it had in fact undertaken an act of military retaliation, instead of first having recourse to the Security Council. It appeared from the report by the Secretary-General to the Security Council on the functioning of the United Nations Yemen Observation Mission (S/5572), dated 3 March 1964, that arms and ammunition were being supplied to the royalists in Yemen from the area bordering on the so-called Federation of South Arabia, with the aim of attempting to overthrow the legal Government of Yemen, which had been recognized by the United Nations and by most of the Arab countries and the other Members of the United Nations. Moreover, the Iraqi delegation had been informed that a heavy concentration of troops had been observed in the Baihan area; that report substantiated the Yemeni representative's statement that a "hot war" front might soon be opened on the southern and south-eastern frontiers of Yemen, in order to overthrow the republican régime in Yemen. The international community could not tolerate an attempt by any country to put the clock back one thousand years by attempting to restore the mediæval régime of the Imams in Yemen. The members of the Sub-Committee on Aden who had gone to Yemen had been able to see what a thousand years of misrule and feudal oppression had done to that country. That a great country, a member of the Security Council, should be seeking to restore that feudal régime in Yemen was something to be condemned in no uncertain terms.

85. The delegation of Iraq considered that the recommendations contained in General Assembly resolution 1949 (XVIII) represented the best way of dealing with the question of Aden. Next, the Committee should take the views of the petitioners into account and establish a sub-committee with very broad terms

of reference, which would act as a *comité de vigilance* responsible for reporting to the Special Committee on any new developments and with authority to establish contact with the administering Power either at United Nations Headquarters or in London and to visit the Territory, if possible. Moreover, it might be useful to ask the Secretary-General to explore with the United Kingdom Government the possibility of establishing a United Nations presence in the Territory, so that the Special Committee could be kept fully informed of developments. The Secretary-General's representative should try to conciliate the parties concerned and help them find a solution which conformed to the General Assembly's resolutions and the Declaration on the granting of independence to colonial countries and peoples. The Arab countries could not tolerate that so much an inch of Arab territory should remain under foreign rule. For each Arab country, the road to freedom had been hard and the sacrifices great. The conscience of the international community demanded that the last bastion of nineteenth century colonialism should be removed from the Territory of Aden and that the people of Aden should be given the freedom for which they had yearned for so long.

86. The representative of the Union of Soviet Socialist Republics recalled that, when the Special Committee had discussed its agenda, certain delegations had felt that urgent consideration should be given to the situation in Aden. The United Kingdom representative had assured them at that time that there were no grounds for such a feeling, that the action taken by his Government after the proclamation of martial law was intended to improve the situation and that a display of restraint by the Committee would be conducive to a peaceful settlement of the question. Recent developments had made it plain that the United Kingdom Government had had no intention of reaching a peaceful settlement and putting an end to a dangerous situation. Its statements had merely been designed to cloak the colonizer's real purpose, which was to stifle the national liberation movement. It was not by mere chance that the United Kingdom representative had not said a word about the way in which his Government intended to implement the General Assembly's resolutions, but had instead proceeded to accuse the Yemen Arab Republic, groundlessly, of plotting aggression. According to a *communiqué* issued by the High Commissioner of the so-called Federation of South Arabia, eight Royal Air Force aircraft had attacked the territory of the Yemen Arab Republic on the orders of the British command. That aggressive action had been approved by the responsible Ministers in London. It had cost the lives of twenty-five people, including women and children. It proved once again that military bases on foreign soil not only constituted a source of tension but threatened the peace and security of whole regions and individual countries, and were used by the colonizers as springboards in their struggle against national liberation movements and for purposes of aggression against independent States. The latest British act against the Yemen Arab Republic again confirmed the fact that the base in Aden, and the whole territory of South Arabia, occupied a special position in the British colonizers' plans against the peoples of the Arab world.

87. It was interesting to note that the attack had taken place only one day after the statement by the representative of Yemen in the Special Committee, according to which his Government had been informed that the British authorities in Aden were plotting an

attack with the aim of opening a "hot war" front in the southern and south-eastern regions of the Republic. The representative of Yemen had said that he was "authorized, in this connexion, to say that the British authorities, should they go ahead and execute such a plan, would be playing with fire" and had warned that "the result of such an adventure will not be better than its Suez precedent of 1956". Having delivered that warning, he had appealed to the United Kingdom to endeavour to reach a peaceful settlement of the problems dividing the two States. However, the United Kingdom preferred another course: that of aggression. Those acts by the United Kingdom accorded ill with the appeals made by that country's representatives in the Committee to the effect that the problems should be solved by peaceful means. In fact, no sooner had the revolution triumphed than the Yemen Arab Republic had been subjected to open pressure, now superseded by aggression pure and simple. The latest incident was by no means the first, for the Government of Yemen had complained of others on several occasions. The Special Committee and the United Nations as a whole must raise their voices in defence of the young Yemen Arab Republic, which was pursuing a policy of strengthening peace in the Near and Middle East and was trying to secure the speediest possible implementation of the Declaration on the granting of independence to colonial countries and peoples. Steps must be taken to prevent a "hot war" from breaking out in that area. The Committee must draw the Security Council's attention to the situation there. What steps the Council might take was another question. But the Committee should express its firm conviction that the resolutions of the General Assembly must be implemented at a very early juncture, since that was the only way of fulfilling the purposes of the United Nations by peaceful means.

88. In a further statement, the representative of the Union of Soviet Socialist Republics said that the situation in Aden and the Protectorates had sharply deteriorated since the General Assembly's eighteenth session. The administering Power had taken a series of measures aimed at sabotaging the provisions of General Assembly resolution 1949 (XVIII). The alleged constitutional reforms sought to consolidate foreign domination with the aid of régimes which had been imposed on the people against their will. The new Electoral Law disenfranchised whole sectors of the population. In the so-called Federation of South Arabia the administering Power was seeking to arouse enmity and mistrust between the various groups of the population, to encourage separatist tendencies and to facilitate the dismemberment of the Territory. With the complicity of the sheikhs and sultans, it had installed a police régime which was depriving the people of all political rights and freedoms. Activity by the political parties had been banned and their leaders arrested or expelled. Despite the efforts of the colonial Powers, however, the national liberation movements were triumphing over the forces of colonialism. The colonial empires, including the British Empire, were toppling. Yet it should not be thought that British colonialism would disappear along with the British Empire. The underdeveloped countries and their peoples could be mercilessly exploited without direct political control. But that did not mean that the colonizers had abandoned the so-called traditional methods of colonial robbery. It would be more accurate to say that the policies and practices of present-day colonialism constituted a distinctive hotchpotch of all possible methods of colonial

exploitation. In practice the imperialists had not renounced a single one of the old traditional methods, although they now often had to conceal their predatory nature. During the period of colonial annexation, wars had been fought for the purpose of enslaving the indigenous populations and turning their countries into colonies; in the early days of imperialism, wars had again been fought over the redistribution of a world already divided up; but today colonial wars were waged for the further purpose of preventing peoples which were struggling for their political and economic independence from gaining their freedom.

89. The Middle East area was of great importance from the standpoint of the United Kingdom's foreign policy. On 1 January 1964, *The Washington Post* had written that British policy in Arabia was based on two interlocked considerations—oil and defence; that the presence of British soldiers was required to ensure that United Kingdom oil supplies would not be interrupted; and that therefore the United Kingdom needed to maintain a military base in Aden. As noted by that same newspaper, now that the military bases in the Suez Canal Zone, Iraq and Kenya had been lost, Aden was the last base which the United Kingdom still maintained between Cyprus and Singapore. Besides the importance which the British attached to their bases in the East Arabia area as a means of furthering their local purposes, the consolidation of British positions in the area was dictated by the over-all plans drawn up in London. At the end of 1963 it had become known that a new plan had been drawn up which would enable the United Kingdom to maintain a chain of bases in strategically important areas of the Atlantic, Indian and Pacific Oceans. The essence of the plan was the construction, on islands belonging to the United Kingdom in the Atlantic and Indian Oceans and in the southern Pacific Ocean, of airfields and landing strips for use by military, transport and supply aircraft. On a number of islands it was also proposed to build radar stations and other military installations. Bases on the islands of Gan and Aldabra, in the Indian Ocean, and on the islands of Massera and Socotra were to replace, if necessary, the base at Aden. If that plan was considered in conjunction with the plans for the creation of a global network of "mobile underwater nuclear bases" in the form of submarines equipped with Polaris missiles and bases in sixteen ports, including Aden, there could be traced a definite tendency on the part of Western strategists to think of the remnants of colonial possessions in terms of military bases and outposts of aggression. That tendency was a threat to the peoples of small territories, whose interests were being subordinated to the military plans of the colonial Powers. At the same time, the fact that military thinking in the West was turning to the small territories implied recognition of the colonizers' inability to resist, for long, the national liberation movement of peoples in the relatively large colonial territories. The United Kingdom foresaw that at a certain stage it would have to withdraw from Aden. However, the British were doing their utmost to put off that moment, using every means at their disposal. Aden had been transformed into a military citadel from which the vast area comprising the Arabian Peninsula, the rich oil Sultanates of the Persian Gulf, and the neighbouring dependent Arab and African countries was controlled. According to *The Economist* of 27 July 1962, the British were spending between £9 million and £11 million a year on the Aden base. Reuter's news agency reported that nuclear rockets had

been installed at Little Aden. There were about 18,000 British soldiers at Aden, two fighter squadrons, a naval air squadron and a bomber squadron. There were British landing strips all over South Arabia and in the Persian Gulf area. A British fleet patrolled the Red Sea, the Gulf of Aden and the Persian Gulf. The base at Aden was a link in the chain between the three aggressive military blocs represented by NATO, SEATO and CENTO. It was one of the pillars of joint British and NATO colonialism, and a threat to the national liberation movement of the peoples of South Arabia. Yemen was likewise threatened, as demonstrated by the recent British air raid on Yemen and British violations of Yemen's air space. The Somali Republic too was threatened, as indicated in an article in the Somali newspaper *Unione*, which had noted at the end of December 1963 that the United Kingdom was financing the activities of subversive reactionary groups in Somalia and of anti-government groups which had established themselves in Aden. The removal of the military base at Aden, which the General Assembly had called for in resolution 1949 (XVIII), would create a healthier climate in South Arabia, throughout the Middle East and in the neighbouring countries of Africa.

90. The United Kingdom refused to heed the voice of reason and implement the decisions of the General Assembly because its policy in the countries of the Middle East was determined by oil imperialism. Capital investment in the oil industry in the Near East had totalled \$1,800 million at the end of 1960 and the profits of the petroleum monopolies in that area amounted to \$1,400 million a year, or 70 per cent of the capital investment. (In the United States, profits usually amounted to 10 to 12 per cent of capital investment.) Those investments were therefore a veritable "gold mine". Among the petroleum companies extracting oil in that region, the most important, according to *The New York Times* of 1 January 1964, were Standard Oil of California, Standard Oil of New Jersey, Socony Mobil, Texas Oil, Gulf Oil, British Petroleum, Royal Dutch Shell and the Compagnie française des pétroles. That those companies were doing good business was illustrated, for example, by the fact that in 1963, according to the *New York Herald Tribune* of 24 January 1964, the net profits of the Socony Mobil Oil Company had amounted to the record sum of \$271.8 million, or \$5.44 per share. To maintain and still further increase those sources of profit was the purpose of the United Kingdom and its allies.

91. By establishing the Federation of South Arabia, the United Kingdom sought to frustrate the aspirations of the peoples of South Arabia, who were fighting for their independence. In 1963, after incorporating Aden into the Federation by force, the United Kingdom had taken further measures to consolidate its position by trying to force the entry into the Federation of Arab Sultanates which had refused to join it. It was therefore not surprising that tension in the Territory should have increased. Immediately after the incorporation of Aden into the Federation, the population of Aden had risen against the British colonialists.

92. It was the Committee's duty to give all possible support to the peoples of South Arabia in their sacred struggle to throw off colonial rule, and to call upon the United Kingdom to accede unconditionally to the demands of the population of that area for the immediate abrogation of the colonial régime, the withdrawal of British troops from South Arabia and the dismantling

of the military bases, including the base in Aden. The Committee should call on the United Kingdom to comply with General Assembly resolution 1949 (XVIII), which was the basis for a solution of the problem of South Arabia in accordance with the principles of the Declaration on the granting of independence to colonial countries and peoples.

93. In reaching its decision, the Committee should, *inter alia*, condemn the United Kingdom's refusal to comply with the resolutions of the General Assembly, and provide for the setting of a firm date for South Arabia's liberation from British colonial rule so that the peoples of South Arabia might win their freedom and independence in the very near future, and in any case not later than the twentieth anniversary of the United Nations.

94. The representative of Bulgaria said that the situation in Aden had deteriorated still further as a result of the action recently taken by the United Kingdom Government. Only two days after the United Kingdom representative had made his statement before the Committee, British air forces, acting on orders from the United Kingdom Government, had attacked the fort and locality of Harib in Yemen, leaving twenty-five dead, including women and children, and more than 100 wounded. That unspeakable action had been undertaken in retaliation for an attack on bedouin and their flocks in which two camels had been killed, as the Permanent Representative of the United Kingdom had explained in his letter of 28 March 1964 to the Security Council (S/5628). In other words, certain circles long accustomed to practising a policy of brute force were unable to conceive that such a policy was a thing of the past and that nowadays there were other means of settling disputes and conflicts. That letter showed that the United Kingdom Government had deliberately assumed the responsibility of bombing and machine-gunning the locality of Harib, knowing full well that such an attack would cause many casualties and considerable material damage. That action appeared to be part of a series of measures the United Kingdom Government was taking in order to hinder the implementation in Aden of the Declaration on the granting of independence to colonial countries and peoples and of the resolutions specifically relating to that Territory. Although the Declaration solemnly proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations, the United Kingdom Government had contemplated all kinds of measures in order to oppose the struggle of the people of Aden for national liberation. Not only had that Government failed to put an end to all armed action or repressive measures of all kinds, as the Declaration required, but, on the contrary, it had intensified them, as could be seen from the persecution of nationalists like Mr. Basendwah.

95. The Declaration on the granting of independence also emphasized the fact that any attempt aimed at the partial or total disruption of the territorial integrity of a country was incompatible with the purposes and principles of the Charter. In that respect, the United Kingdom Government and its local representatives had consistently endeavoured to foment hostility between the various classes of the population and to preserve and deepen the division of that country, whose inhabitants, according to the United Kingdom representative himself, were predominantly of the Arab race and Moslem religion, spoke the same language and regarded themselves as one people. The British authorities had

naturally taken care to secure the consent of certain local chiefs, for whom the colonial régime constituted the best guarantee of their privileges, and, by means of laws and measures adopted by so-called assemblies and councils set up on their instructions, to add a veneer of independence and sovereignty to the colonial régime that they were seeking to perpetuate in new ways.

96. The United Kingdom was doing everything possible to restrict the right to vote and to prevent the people from deciding on their future. It was resorting to new administrative laws and new repressive measures in order to restrict political freedoms, and was removing as many as possible of its opponents on the strength of laws and orders promulgated by the local and federal assemblies. In such circumstances, the United Nations must try to secure the implementation of the General Assembly's resolutions by all possible means and help the people of Aden to achieve their independence in the shortest possible time. The people of Aden should realize that the United Nations not only sympathized with their desire to shake off the colonial yoke, but was prepared to take all appropriate steps to bring about its fulfilment. The Committee should once again call the United Kingdom Government's attention to the fact that the policy of force that it was applying in Aden was utterly inconsistent with its position as a Member of the United Nations and the Security Council, as well as with the purposes and principles of the Charter and of the Declaration on the granting of independence to colonial countries and peoples, and the policy of general and complete disarmament solemnly proclaimed by the United Nations in resolution 1378 (XIV). The United Kingdom should realize that a policy such as it was practising was fraught with grave dangers not only for other nations but also for the nations that pursued it.

97. The representative of Syria observed that so far the United Kingdom Government had done nothing in Aden to meet the appeal made in resolution 1972 (XVIII). On the contrary, the repression of the nationalist movement had become more severe. Furthermore, it had no intention of dismantling the military base in Aden, which resolution 1949 (XVIII) had called on it to remove. At the 236th meeting, the United Kingdom representative had attempted to blame Yemen for the unsatisfactory situation in the Territory. He had alleged that the territorial integrity and peaceful progress of the Federation of South Arabia were threatened by the Yemeni authorities at Sana. However, he knew perfectly well that the attitude of the Government of Yemen towards Aden and the Aden Protectorates was nothing new. Yemen's national claims to the Territory were approved by Arabs everywhere. The bonds between the Territory and Yemen were much stronger than a certain colonialist propaganda would suggest. At the 235th meeting, the United Kingdom representative had quoted Mr. Harold Ingrams' opinion that to admit that Yemen had a claim to Aden would be tantamount to holding that the British still had a claim to Calais or to the United States of America. That comparison, however, could be turned against those who had used it: he wondered what ties there could be between Her Britannic Majesty's subjects and peoples living thousands of miles away from the British Isles, apart from the ties deriving from what used to be called the road to India, and which now stemmed from an imperialist policy aimed at controlling Aden and the Protectorates in order to dominate the Arabian Peninsula, the Indian Ocean and East Africa.

98. For all the Arab peoples, the struggle against imperialism and colonialism was a fundamental duty confirmed both by the resolutions of the Council of the Arab League and by those adopted at the Conference of Arab Heads of State held at Cairo in January 1964. The so-called Federation of South Arabia was a conglomeration of territories headed by despotic chiefs and sultans under the direct authority of the United Kingdom; but those territories were part of the Arab world and of Yemen. It was impossible to accept the argument that the United Kingdom Government had defence commitments conferred on it by agreements concluded with a State for the protection of its independence and territorial integrity. The Territory was in fact a British colony. What the United Kingdom intended to protect, under the cloak of the Federation of South Arabia, was not so much the territorial integrity of the sultanates as its own presence in an area in which there were extensive oil deposits.

99. Obviously, the Committee was faced with a typical example of colonialism; it was only in that light that it should consider the situation, with due regard for General Assembly resolution 1949 (XVIII). The United Kingdom Government continued to flout United Nations recommendations. Far from eliminating the military base in Aden, it was using it, on the contrary, to carry out raids against neighbouring countries, such as that which had taken place on 28 March 1964. The local despots went on oppressing their subjects, and nothing was being done to introduce democracy in the Protectorates. That fact had been recognized by a Labour Member of the British Parliament, Mr. Richard Taverne, who had twice visited the area. In an article published in the Aden newspaper *The Recorder* on 9 February 1964, he had said that the introduction of formal democratic institutions in the sultanates would have little effect in itself, and that it would be vain to attempt to establish a democracy without first raising educational standards and the level of economic and political development in the Territory. The administering Power was still administering the Protectorates as separate entities subject to the pleasure of their alleged sovereigns instead of as members of a genuine federation. Local differences were encouraged. Some parts of the Protectorate remained outside the Federation. As far as civil liberties were concerned, following the incidents of 10 December 1963 and the declaration of a state of emergency, there had been mass arrests and deportations. The members of the Peoples Socialist Party and the Aden Trades Union Congress had been subjected to unjust and harassing treatment in prison. There was no freedom of assembly and the different sectors of the population were thus unable to give free expression to their views on the future of their country. Mr. Basendwah, who had appeared before the Committee in 1963 on behalf of the Peoples Socialist Party and the Aden Trades Union Congress had been harried by the authorities on his return to Aden and Mr. Sohbi, the Chairman of the Aden Bar, had been prevented from practising solely because he had appeared before the Committee. In that connexion, his delegation supported the USSR representative's recommendation that the Committee should seek guarantees for Mr. Basendwah's protection.

100. The new Electoral Law, which was incomplete and discriminatory, made a distinction between the inhabitants of Aden and those of the Protectorates. Furthermore, by compelling the electors to limit their allegiance to the colony of Aden alone, it prevented

the nationalists and all those who thought that their country was part of a wider whole from participating in the elections, which was a violation of paragraph 6 of resolution 1949 (XVIII). The Special Committee should resolve to take the measures that the situation required. The petitioners might differ on the long-term objectives, but they were agreed on the need to guarantee the independence of Aden and the Protectorates. His delegation recommended, first, that the Committee should appoint a new sub-committee to put its views on the question to the United Kingdom Government and visit Aden and the Protectorates in order to investigate the situation there and hear petitioners. Secondly, the Committee should urge the Administering Power to take the action called for in the relevant General Assembly resolutions as soon as possible. Thirdly, the Secretary-General should appoint observers to keep track of the situation on the spot and to ensure that Aden and the Protectorates would really be given their independence in accordance with the recommendations of the General Assembly.

101. The representative of Yugoslavia said that the history of Aden and its people suffering under colonial domination had been described in the statements made by the petitioners and many delegations. In 1963, despite the refusal of the administering Power to allow the Sub-Committee on Aden, which had included his delegation, to enter the Territory, the members of the Sub-Committee had been able to collect very valuable information by visiting neighbouring countries. They had been informed of the deplorable conditions prevailing in Aden and the Protectorates and the people who had appeared before them had expressed their desire to free themselves from the colonial yoke and gain their independence. At its most recent session, the General Assembly had recommended the measures set forth in resolution 1949 (XVIII), through which the Aden question could be solved. His delegation noted with regret that there had been no progress and that no serious attempt had been made by the administering Power to comply with the provisions of the General Assembly resolutions. The petitioners, Mr. Alhabshi and Mr. Basendwah, had stated that the situation had deteriorated further, that arrests and deportations continued, and that the most elementary human rights were disregarded. They had confirmed that there was no political freedom and that military operations were being carried out in their country, which was still divided into a large number of sultanates, whose despotic rulers continued to oppress the population. Through the petitioners, the people of Aden and the Protectorates had been able to make their voices heard and to make it known that they placed their hopes in the United Nations.

102. It was apparent from the United Kingdom representative's statement that nothing had been done to implement resolution 1949 (XVIII). According to the United Kingdom representative, however, the purpose of his country's presence in southern Arabia was to help the so-called Federation of South Arabia advance towards independence. When the Committee had discussed the question of Southern Rhodesia, the United Kingdom representative had claimed that his Government was not in a position to carry out the General Assembly resolutions since Southern Rhodesia was self-governing. In the case of Aden, the United Kingdom blamed the Yemen Arab Republic for the lack of progress in the Territory, saying that it created disturbances. The Yemen Arab Republic, however, was

threatened by the existence of foreign military bases near its frontiers and by the grave situation in the so-called Federation, as the representative of Yemen had confirmed. The people of Yemen had freed themselves from the yoke of feudalism and opened the way towards progress, but those changes had not been to the liking of certain people because they endangered special interests. It was unthinkable that the United Kingdom Government should have ordered its air force to launch a counter-attack on the territory of the Yemen Arab Republic. Was a country to be allowed to take measures of retaliation against another country which was small and weak? Was the principle that might was right to be accepted in relations between States? His delegation considered that the United Kingdom Government should use other means to prevent incursions instead of the use of force and reprisals. After such events, how could it claim that the presence of United Kingdom military forces in Southern Arabia contributed to the maintenance of peace and stability in that part of the world and constituted a guarantee that the so-called Federation of South Arabia would progress towards independence?

103. His delegation attached great importance to the report submitted by the Secretary-General to the Security Council on 3 March 1964 (S/5572), which indicated a possibility that the royalist forces in Yemen were receiving aid and supplies of arms from sources in the so-called Federation of South Arabia.

104. It was significant in that connexion that the United Kingdom air force had bombed and destroyed a military fort in the Yemen Arab Republic near the frontier of the Federation of South Arabia. Such actions were serious threats to the freedom, independence and integrity of the Yemen Arab Republic and to peace and security in the area. The Committee had been rightly apprehensive when it had feared that the creation of an artificial federation might lead to a deterioration in what was already a serious situation, since the Federation was still merely an instrument of the colonial Power. The present Legislative Council of Aden was to have been dissolved on 25 January 1964 and general elections were to have taken place three months later. Mr. Duncan Sandys, however, had announced that the United Kingdom Government had authorized the High Commissioner to postpone the dissolution of the Legislative Council for six months. It would therefore be nine months before positive steps could be taken to improve the present unfortunate state of affairs.

105. The question of Aden and the Protectorate must be solved in accordance with the principles of the Declaration on the granting of independence to colonial countries and peoples. His delegation considered, therefore, that the Committee should again invite the administering Power to take any measures necessary to apply the General Assembly resolutions without further delay. General elections should take place as soon as possible under United Nations supervision and the people should be able to elect their representatives on a basis of universal adult suffrage. Negotiations should then be undertaken with their elected representatives and not with the existing organs, which had no popular backing. The people of Aden must be given political freedom and elementary human rights. Arbitrary arrests and deportations, which were one of the main causes of tension in the Territory, must cease and the state of emergency should be terminated immediately. Such measures would make it possible to arrive at a peaceful solution of the problem, in accord-

ance with General Assembly resolution 1949 (XVIII) and with the wishes of the people of the Territory.

106. The representative of Ethiopia stated that the provisions of the Declaration regarding the manner in which colonial countries and peoples should accede to independence were perfectly clear. First of all, the inhabitants of the Territories concerned were entitled to be consulted. Of equal importance were the provisions of operative paragraph 3 of the Declaration, which stated that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence. Again, operative paragraph 4 emphasized that all armed action or repressive measures of all kinds directed against dependent peoples should cease in order to enable them to exercise peacefully and freely their right to complete independence, and that their territorial integrity should be respected. A study of the statements that had been made and of the documents before the Committee showed that little had been done in Aden to implement those provisions.

107. When the Committee had discussed the question in 1963, his delegation had stressed that it was essentially a matter of transferring powers to the people of Aden and of the Protectorates. The General Assembly and the Special Committee had studied the structure of the Federation of South Arabia. The administering Power asserted that the Federation could lead to representative government based on universal suffrage; but from the information available, it seemed very doubtful whether the Federation, as at present constituted, enjoyed the support of the population of the Territories concerned. As long as such doubt remained, it would be impossible to subscribe to the views of the administering Power. It would be recalled, moreover, that no satisfactory reply had been given by the United Kingdom representative to the question posed by certain delegations regarding the extent to which the inhabitants of Aden and the Protectorates had been free to choose whether or not to join the Federation.

108. In those circumstances, it was the Committee's duty to request full implementation of resolution 1514 (XV) and the other relevant resolutions. The Committee should once again urge the United Kingdom Government to implement resolution 1949 (XVIII), and especially the provisions of operative paragraphs 7 and 8, without delay. His delegation would support all proposals designed to find the most effective method for the speedy implementation of resolutions 1514 (XV) and 1949 (XVIII).

109. The representative of Mali said that the Special Committee had been obliged to revert to the question of Aden because it had found that none of the provisions of resolution 1949 (XVIII) had been applied and that the political and social situation in the Territory had deteriorated following the proclamation of a state of emergency, the pretext for which had been the explosion of a grenade at Aden Airport. Under the state of emergency, Draconian measures had been taken against the peaceful population of Aden and the Protectorates. The frontier between the Territory and Yemen had been temporarily closed, and sixty persons had been arbitrarily arrested. Two hundred and eighty-one Arabs who had lived in Aden or in the Protectorates for several years had been expelled by an arbitrary decision of the British authorities and their minions, the Ministers of the so-called Federation of South Arabia. Attempts had been made to disorganize the trade unions and political parties by imprisoning their leaders, who were being cruelly maltreated. That sad

state of affairs could only disgust the people of Aden and the Protectorates, and the United Kingdom Government would assuredly find no support. The resignation of Mr. Ali S. Ali from his post as Minister of Labour and the threatened resignations of other Ministers were proof positive that the United Kingdom should harbour no illusions.

110. In his statement to the Committee, the United Kingdom representative had said nothing to indicate that his country intended to grant independence to the Territory as speedily as possible, in conformity with resolution 1514 (XV). He had stated that the aim of his Government was to promote the evolution of the Federation of South Arabia towards independence, but had been able to adduce only anti-democratic constitutional measures introduced in Aden by his Government. That façade of constitutionalism would also be universally spurned.

111. The United Kingdom representative, in that statement, had indulged in attacks on the Yemen Arab Republic, which had been accused of instigating the disturbances in Aden. His delegation considered, on the contrary, that the unrest in the Territory was due to its being unjustly kept under colonial domination. Moreover, that fact constituted a threat to international peace and security, for the situation was steadily deteriorating.

112. The United Kingdom representative had stated that in Aden the Committee was not faced with a colonial situation and that its first concern should be to condemn external interference. The administering Power really lacked arguments to escape its responsibility. In that connexion, its hostility towards the Special Committee's Sub-Committee which was to have gone to Aden in 1963 should be recalled. The United Kingdom had then refused to let the Sub-Committee enter the Territory, and had stirred up all kinds of trouble for it. All the facts demonstrated that Aden and the Protectorates were only colonies; that no constitutional developments to bring about genuine independence had been initiated; and that, through subterfuges such as the establishment of the Federation, the United Kingdom Government was practising a policy of divide and rule.

113. The United Kingdom also hoped that its military base in Aden would help it to protect its economic interests. For the United Kingdom and NATO, that base was a kind of control tower for the whole Middle East. The dangers of such a situation had been bound to concern the peoples of the Territory. The Government of Mali therefore supported the people of Aden in its struggle for the restoration of its rights and for the evacuation of the military base. That base was meant to be used for aggressive purposes, as evidenced by the murderous raid recently carried out by Royal Air Force units against a fort in Yemen. It was difficult to understand how the United Kingdom could be so blind and could continue to practise gun-boat diplomacy, which had been condemned throughout the world. The United Kingdom claimed that it had acted by virtue of agreements concluded with the Federal Government of South Arabia. But the Federation that it meant to protect did not in fact represent anybody, and the United Kingdom itself would have to answer for the crimes which had been committed. His delegation supported the peoples of the Territory who requested the dissolution of the Federation, which was only a fiction and would come to the same end as the defunct Federa-

tion of Rhodesia and Nyasaland. Aden and the Protectorates constituted a unit, and their peoples should be able to exercise their right to self-determination. The United Kingdom would have to show more realism and understand that a people fighting for its freedom always defeated its oppressors. The peoples of South Arabia would sooner or later be the masters of their destiny. At a time when the world was sincerely seeking a solution to some of its fundamental problems—witness the United Nations Conference on Trade and Development now being held at Geneva—the survival of colonialism could not be accepted. The problem before the Committee was very simple: its solution lay in the implementation of resolution 1514 (XV) and of the resolutions concerning Aden, particularly resolution 1949 (XVIII).

114. The representative of Cambodia stated that the problem before the Committee was clear. It was a case of a Territory under foreign rule; the establishment of a Federation of South Arabia had not changed that fundamental fact. The Committee's immediate task had been to try to determine the desires and aspirations of the inhabitants of the Territory. It was for that purpose that a Sub-Committee had been established in 1963. The attitude of the British authorities had unfortunately prevented it from going to the Territory of Aden, but by travelling to neighbouring countries, it had been able to hear many petitioners and to collect many written communications. The views of all those who had been heard by the Sub-Committee had been reported in the section of the Sub-Committee's report entitled "Summary of the situation in Aden and Aden Protectorates as presented by the petitioners" (A/5446/Rev.1, chapter V, appendix). The petitioners had said that the whole people demanded its independence and that the Federation established by the United Kingdom was only an indirect means of maintaining British rule. Most had asked that the people should have an opportunity to express their desires with respect to the future of the country, through elections or a plebiscite conducted under United Nations supervision. In their view, the British military occupation was the principal method by which the United Kingdom Government imposed its rule. All had affirmed that the inhabitants desired the unity of the Territory and opposed its dismemberment into a multitude of small States. Those views and those aspirations had been reaffirmed by the petitioners whom the Committee had just heard. To meet the wishes of the people, the Sub-Committee on Aden and, thereafter, the Special Committee had recommended the implementation of the right of self-determination, with all necessary guarantees. At its eighteenth session, the Assembly had given its support to those recommendations, adopting resolution 1949 (XVIII) by a large majority. A programme of specific action had been recommended to the administering Power, but it refused to put that programme into effect.

115. It was regrettable that the United Kingdom refused to meet its obligations under the Charter and the Declaration on the granting of independence to colonial countries and peoples. Its "evolutionary" conception of the granting of independence, according to which a country could become independent only if it was economically and socially advanced, ran counter to the provisions of resolution 1514 (XV). Moreover, the facts had revealed the weakness of that conception, which could no longer be credited. By granting the franchise to only one category of persons, the adminis-

tering Power permitted discrimination which was incompatible with the principles of the Charter and with the Universal Declaration of Human Rights. Then again, the United Kingdom relied on treaties of friendship and protection which bound it to sultans and sheikhs, but those treaties had not been signed with Governments formed by the will of the people. The United Kingdom representative that year stressed what he had called Yemen's campaign of intimidation and violence, but he had not said why the legitimate aspirations of the people of Aden and of the Protectorate of Aden were not taken into account.

116. In seeking a solution to the question of Aden, the Special Committee should have in view not only the prompt implementation of the Declaration on the granting of independence to colonial countries and peoples, but also the need to put an end to a dangerous situation the continuation of which was likely to threaten international peace and security. The attack on a Yemeni village on 28 March 1964 had constituted an unjustifiable and inadmissible act of aggression by the United Kingdom, for in the words of Article 2, paragraph 4, of the Charter, "... all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state . . .". In conclusion, he fully supported the proposals made by the Iraqi representative (see para. 85 above). Should the situation deteriorate or should the administering Power refuse to implement the recommendations of the Special Committee and the General Assembly, the Security Council would have to deal with the consequent threat to international peace and security.

117. The representative of Madagascar remarked that sharply divergent views had been advanced regarding the purposes of the Federation of South Arabia. Its proponents claimed that it was consonant with a policy of unification through the progressive regrouping of the existing small States in the area, while its adversaries asserted that it was merely designed to foster division and long-standing tribal rivalries and stressed that in any case it did not embrace the entire Territory. He himself felt that if the ultimate aim of the Federation was indeed the unification of the country, the idea had its merits and should not be condemned out of hand, but that if it was merely a device for dividing up the country into artificial entities which did not reflect the wishes of the people, the Committee should immediately make representations to the administering Power about the situation. In any event, the people should have been consulted before the Federation was established. With regard to the issue of the possible unification of the Territory with another country, he considered that the matter was not one that the Committee was competent to discuss. His delegation was not opposed to the principle of unification as such, nor would it prejudice the cogency of the arguments that had been advanced in its favour. In his opinion, unification could be negotiated only between two sovereign territories, dealing on an equal footing. To avoid further complications, the present realities should be accepted, on the understanding that, once independent, Aden would be free to choose its own course.

118. The dispatch of another visiting mission to Aden could prove useful if the mission enjoyed the co-operation of the administering Power. In 1963 that had not been the case, with the result that the mission in question had had great difficulty in obtaining first-hand information and that the Committee lacked vital

data required to clarify the issues confronting it. His delegation was concerned at the Territory's failure to progress towards independence and at its continued subjection to an arbitrary and inhuman policy of violence and repression which succeeded only in punishing the innocent. The Committee, with the collaboration of the United Kingdom, which bore the brunt of the responsibility, should act to put an end to that deplorable situation.

119. The representative of Tanganyika said that the case of Aden, where the prospects for speedy implementation of the provisions of the Declaration on the granting of independence to colonial countries and peoples were by no means favourable, was one with regard to which the Committee must redouble its vigilance. The Territory was going through a most difficult period. The Administering Power was restoring to the typical duplicity of hard-pressed colonialism, for example by asserting that it had the interests and independence of the people at heart while at the same time refusing access to a United Nations sub-committee, for fear that it might witness the attempts that were being made through agents and puppets to frustrate the movement for freedom and independence. Yet, as history had shown in so many instances, such machinations were foredoomed to failure. The declaration of a state of emergency was a familiar device resorted to by colonial Powers in an endeavour to silence the nationalists. While the Secretariat's working paper (A/AC.109/L.102 and Add.1, incorporated in paras. 1 to 48 above) had sketched in the political background, the statements of the petitioners had supplemented it with detailed information regarding the denial of human rights and the inhumane treatment to which detained nationalists had been subjected. Once again, the tragic series of arrests and deportations which so many former colonies had experienced was being repeated in Aden. In keeping with their traditional methods, the colonialist authorities had also used the period of emergency in order to push through important and arbitrary legislation, such as the disputed franchise law, while the nationalists had been muzzled, and to intensify their repressive and punitive expeditions, which had been carried across the border with the recent air attack on the Territory of Yemen.

120. As the United Kingdom representative himself had admitted, nothing whatsoever had been done to implement General Assembly resolutions 1514 (XV), 1949 (XVIII) or 1972 (XVIII) with respect to Aden and the Protectorates. Instead, the nationalist leaders were being used as scapegoats to explain the delay in implementing those resolutions, and were labelled as self-seekers and terrorists with support from outside. Such arguments, however, were naïve and merely evidenced a blind disregard for the people's aspirations to freedom and dignity. Fortunately, mankind was displaying an increasingly overwhelming solidarity, strongly in evidence in the United Nations, in the struggle to wipe out the last vestiges of colonialism. In that context, it was only natural that the Arab States and peoples should identify themselves closely with their brothers in Aden and the Protectorates. The trend to the reunification of peoples was another important phenomenon of the era which it would be most dangerous to ignore. It was the Committee's duty to assure the people of Aden of its full support of their aspirations and to demonstrate that support to the best of its ability.

121. In the course of their testimony, the petitioners had once again drawn the Committee's attention to the establishment in the Territory of institutions whose legitimacy and propriety were challenged by the nationalists, who regarded them as a mere device to perpetuate a feudal form of government. The Committee should warn the administering Power against encouraging an artificial federation and attempting to set up artificial entities and to sow discord among the people, for such a policy could easily lead to an explosive situation. His delegation considered that the immediate implementation of the provisions of resolution 1514 (XV) was an indispensable prerequisite for peace and progress in Aden and the Protectorates, and it joined others in reaffirming the previous resolutions on the question of Aden. It further agreed with the proposal that a sub-committee should again be established to keep a close watch on the situation in the Territory, and felt that the need to visit the latter was more imperative than ever in view of the deterioration of the situation. His delegation hoped that the United Kingdom, which should by now have realized that colonial relationships could be neither happy nor lasting, would co-operate with the Committee fully in abolishing colonial rule in Aden and the Protectorates, as elsewhere, in accordance with resolution 1514 (XV).

122. The representative of Tunisia said that in view of the unanimous adoption of General Assembly resolution 1949 (XVIII) and of the concern voiced by Member States at developments in Southern Arabia during the eighteenth session of the Assembly, he would have expected the United Kingdom Government to allay the general anxiety about the fate of the population of Southern Arabia and see to the early implementation of the provisions of resolutions 1514 (XV) and 1949 (XVIII). Unfortunately, recent information showed that far from improving, the situation had deteriorated further; the tragic picture revealed by the statements of the petitioners had only confirmed the prevailing fears and left little ground for optimism regarding the United Kingdom's attitude.

123. Since the adoption of resolution 1949 (XVIII), no effective progress had been made in the Territory; on the contrary, tension had increased as a result of the arbitrary and inhumane measures taken by the British Administration in an attempt to reinforce its rule. Acts of intimidation and the arbitrary arrests and deportations of nationalists were part of the daily picture. The constantly renewed air raids and harassing operations in certain areas, of which recent examples were the attacks against the Hushabi and Badfan tribes and the bombardments at Yafai and in Beihan were carried out for the purpose either of re-establishing the shaky authority of a feudal sheikh or sultan of questionable loyalty, or of bringing the population to heel. By such terroristic means, and by treaties of assistance and protection signed with feudal chiefs who were its puppets, the United Kingdom Government was seeking to perpetuate an outdated system and to maintain the population in subjugation.

124. The territory of South Arabia had been fragmented by treaty into twenty-three feudal sultanates or principalities, whose artificial maintenance with foreign backing was an insult to the civilized world and a challenge to both natural and Arab law. The validity of those treaties would not withstand a test by the standards of modern international law.

125. Human rights in the Territory were trampled underfoot, and terrorism had become a daily practice,

particularly since the proclamation of a state of emergency. Moreover, the so-called pacification measures seemed to be an end in themselves. They had been taken under the terms of unjust treaties and their aim was to perpetuate the presence of the foreign invader. The United Kingdom representative had tried to divert attention from the real issue by blaming Yemen for all the misfortunes of South Arabia. The Committee should not be influenced by such manoeuvres; the essential task of the administering Power was to accelerate the liberation of a subjected people and guide it towards early independence. The administering Power should cease its dilatory tactics and implement the resolutions of the General Assembly forthwith.

126. The reprisals of 28 March 1964 against the Yemen Arab Republic and the bombing of Harib were merely a repetition of actions which had characterized the history of colonialism and presaged its disintegration. The administering Power was ignoring its responsibilities under Article 73 of the Charter and was strengthening its military machinery at the expense of the population's real interests. Aden had been made into a military base whose aggressive character had been amply demonstrated. Obviously, the real aim of the administering Power was to preserve its sordid interests in South Arabia, thus endangering peace and security in the region. His delegation denounced such pernicious schemes and protested against any attempt by the United Kingdom to use the territory of South Arabia—either Aden or the islands of Perim, Kamaran and Kuria Muria, which were an integral part of Aden—to pursue its policy of aggression and exploitation.

127. The people of South Arabia placed all their hopes in the United Nations, which must heed their appeals. The Tunisian delegation would co-operate in all efforts to implement the provisions of General Assembly resolutions 1514 (XV) and 1949 (XVIII). It would endorse any initiative designed to relieve the sufferings of the people of South Arabia and accelerate their liberation.

128. The representative of Poland noted that the political situation in Aden and the Protectorates was rapidly deteriorating. A state of emergency still existed and many restrictions were in force. Nationalists who opposed the policies of the Administering Power were still being persecuted, arrested or deported. The colonial authorities were using the military base in Aden against neighbouring Yemen, thus seriously endangering peace and security in the area. The raid carried out by the Royal Air Force on 28 March 1964 had been an arbitrary violation of the sovereign rights of Yemen. His delegation could not accept the unwarranted allegation made at the 236th meeting by the United Kingdom representative to the effect that Yemen was responsible for the lack of political progress in South Arabia. It was significant that, in that statement, the United Kingdom representative had made no reference to resolution 1949 (XVIII) or to any desire on the part of his Government to implement the provisions of the Declaration on the granting of independence to colonial countries and peoples.

129. The purpose of the changes which the United Kingdom authorities had recently introduced in Aden and the Protectorates had been changes of form and not of substance; South Arabia was still in a subordinate colonial status. The purpose of the changes had been to consolidate and preserve United Kingdom domination by bolstering a backward and totally unrepresentative

régime which was particularly amenable to direction and advice. That had been the motive for the creation of the Federation of South Arabia, which had been established without the consent of the people concerned. The area was still fragmented, since the Federation did not embrace the whole Territory and his delegation fully shared the concern expressed by the petitioners about the danger of "Katangization" of the sheikhdoms excluded from the Federation. By virtue of a treaty concluded in 1959, the United Kingdom preserved its authority in the Federation and had secured the right to install military bases and move its troops throughout the area. The attack on the defenceless population of Yemen launched by troops stationed in the Federation was contrary to the provisions of the Charter and of the Declaration on the granting of independence to colonial countries and peoples. Another aspect of United Kingdom policy was to keep Aden and the Protectorates isolated from the outside world. That attitude was motivated by self-interest and the fear of losing the enormous profits which the United Kingdom and the United States derived from Arab oil. The position of those who lived off the weakness and oppression of the poor was based upon power and, above all, upon military force.

130. The Polish delegation fully supported the legitimate aspirations of the people of the Territory for immediate self-determination and independence. It also agreed on the need to remove the military base and achieve unity among the Arab people. It deplored the fact that the United Kingdom had not implemented General Assembly resolution 1949 (XVIII), which provided the best and most practical means for a peaceful solution of the problem. The Committee should urge the administering Power to lift the state of emergency, release all political prisoners and repeal all laws restricting civil liberties. General elections, based on universal adult suffrage, should be held immediately with a view to establishing a truly representative Government for the whole of the Territory, to which all powers should be transferred in accordance with paragraph 5 of General Assembly resolution 1514 (XV). His delegation would support any measures to attain those objectives.

131. The representative of India said that the United Kingdom representative had himself admitted that the situation in the Territory was unsatisfactory. That situation was continuing to deteriorate and a state of emergency continued to exist. In such an atmosphere, normal political activity was impossible and the problem of Aden could not be tackled in the manner visualized in the resolutions of the Committee and the General Assembly. The crux of the problem was the failure of the Administering Power to implement those resolutions, in particular General Assembly resolution 1949 (XVIII). Using typically colonial tactics, the United Kingdom was making unconvincing efforts to blame outside elements for the lack of constitutional progress and for the troubled situation. While the Committee could give the people of Aden every possible assistance, it was those people themselves who were the final arbiters of their destiny; they were politically mature and capable of expressing their will and exercising their sovereign right to freedom and independence. The recent electoral reform bill was unsatisfactory and had rightly been criticized by representatives and petitioners in the Committee and by responsible persons in Aden and the Protectorate. The bill was restrictive and exclusive and therefore alien to the spirit of resolutions

1514 (XV) and 1949 (XVIII). Any solution of the Aden problem as a whole should reflect the wishes and interests of the population; resolution 1949 (XVIII) had laid down the means by which those wishes could be ascertained. The process of gradual evolution, which the United Kingdom was advocating for its colonies' advance towards independence, was so slow that no progress at all could be detected, despite the United Kingdom's claims of the work it had done in the region. The bombing of Yemeni territory by the Royal Air Force on 28 March 1964 had been typical of the outmoded thinking of that Power. Instead of bringing the matter before the Security Council, the United Kingdom had resorted to force and its conduct smacked of old colonial methods. The Committee's concern about the situation in Aden was shared by thinking people in the United Kingdom. Members of the British Parliament who had recently visited the Territory had been far from satisfied with what they had seen there. Within the framework of General Assembly resolutions 1514 (XV) and 1949 (XVIII) and of the recommendations made in the report of the Sub-Committee on Aden (A/5446/Rev.1, chapter V, appendix), it should be possible to solve the problem, if the United Kingdom Government co-operated more closely with the Committee. The suggestions to establish a new sub-committee to keep the situation under constant review was a step in the right direction. He hoped that the administering Power would revise its earlier decision and facilitate the task of such a sub-committee by affording it all assistance, including permission to visit Aden.

132. The representative of Venezuela said that the situation had changed since the preceding year, because the Special Committee had acquired extensive information on Aden and the Protectorates. Although it had been unable to visit the Territory, the Sub-Committee on Aden had heard fifty-six petitioners from all walks of life. In addition, it had received eighty-five written petitions and other documents, one of the petitions having been signed by 9,000 persons living in the Territory. It had also heard various leaders of the people, including the deposed Sultan of Lower Yafei, who had spoken on behalf of six sheikhs and 300,000 citizens. The President and four members of the Municipal Council of Aden had also appeared before the Sub-Committee. The petitioners who had appeared before the Sub-Committee on Aden in 1963 had all agreed on a number of basic points: rejection of the policy of the administering Power, which perpetuated colonial domination in the Territory; refusal to recognize the Federation established on the initiative of the administering Power without prior consultation of the people concerned; desire for the unification of the Territory through consultations of the people; need to end colonial domination and grant the population the right to self-determination; and, lastly, confidence in the United Nations as an instrument of peaceful liberation from the colonial system.

133. The United Kingdom representative had stated at the 236th meeting that the situation in Aden was not a "colonial situation" and that the people of the Territory were not fighting for freedom against an alien oppressor but were striving to consolidate the Federation. In other words, the United Kingdom Government planned to disregard General Assembly resolutions 1514 (XV) and 1949 (XVIII) and grant independence to the Federation in its existing form. The Federation had originated in a declaration made

in 1956 by the then Governor of Aden, Sir William Luce, and was based upon the agreement of various Arab rulers and not upon the consent of the people. The Advisory Treaties linking the Arab rulers and the administering Power had impeded rather than facilitated the unification of the Territory because they had perpetuated differences and antagonisms. It might be wondered what powers were retained by the rulers who had joined the Federation since internal security, foreign relations, defence and finance were all controlled by the administering Power. Aden had not lost its colonial status on entering the Federation. The administering Power retained its sovereignty over the Territory in perpetuity and could at any moment exclude or withdraw from the Federation any area or areas within Aden, if it considered that desirable for the purpose of its defence responsibilities. All laws required the sanction of the High Commissioner, who also controlled the police.

134. There was no indication that the United Kingdom intended to consult the people of South Arabia with regard to their future. Yet it was under an obligation to prepare the people of the Territory for independence and to promote their economic, social and educational advancement. It would therefore be logical to suppose that the bulk of the revenue provided by the Territory itself and by the administering Power would be devoted to that task. However, in the Federation's budget for 1963-1964, about 30 per cent of which was provided by the administering Power, 40 per cent had been allocated to defence. In other words, defence absorbed the entire contribution of the administering Power and part of the revenue from the Territory. General Assembly resolution 1514 (XV) should be applied to Aden and the Protectorates and the best procedure for applying the resolution to them was laid down in General Assembly resolution 1949 (XVIII). The Special Committee should therefore insist that the administering Power implement those two resolutions and co-operate fully with the Special Committee with a view to finding a solution, in conformity with the principles of the Charter, to the problems connected with the accession to independence of Aden and the Protectorates.

135. The representative of the Ivory Coast said that the United Kingdom persisted in keeping Aden and the Protectorates in a state of dependency and thus ignored the provisions of the Declaration on the granting of independence to colonial countries and peoples. Aden and the Protectorates should be allowed to enjoy the benefits of full self-determination. The so-called Federation of South Arabia should be based on the democratic principle of free popular consent. It was essential not only to satisfy the people's legitimate aspiration to independence but also to put an end to certain outside influences. The United Kingdom should abandon its role of guardian angel which made possible the continuance of régimes that were often opposed to progress and exercised their authority against the will of the people. The United Kingdom's support of those régimes, which were opposed by many nationalists in the name of democracy and social progress, not only represented an inadmissible challenge to the economic, social, political and cultural development of the less developed peoples but also constituted a time-bomb which threatened international security.

136. The representative of Chile said that although the unfortunate military events that had recently

occurred along the frontier between Aden and Yemen were of deep concern to the members of the Committee, they should not distract its attention from the fundamental objective of ensuring early self-determination and independence for the people of Aden and the Protectorates. There could be no doubt that Aden and the States under the Protectorates, whether or not they were members of the Federation of South Arabia, together constituted a Non-Self-Governing Territory within the meaning of the Declaration on the granting of independence to colonial countries and peoples. It was important to achieve some sort of national unity, so that, acceding to independence, the people of South Arabia would have a State that was viable in a world in which economic and social factors were making the survival of small countries increasingly difficult.

137. In the light of the statements made by the representatives of the United Kingdom and Yemen and by one of the petitioners, the proper course seemed to be to leave the problem of the political future of the Territory to be decided by the people of South Arabia after independence, when they could freely express their sovereign will. By promoting such a solution, the Special Committee could eliminate a present cause of tension and facilitate rapid progress towards independence. Information supplied by the United Kingdom representative indicated that some progress had been made in implementing the provisions of General Assembly resolution 1949 (XVIII), especially with regard to the release of political prisoners, the cessation of repressive action against the people and the extension of the franchise. However, it would be desirable to draft an electoral law that would permit general elections on a basis of universal adult suffrage. In other matters covered by the resolution, much remained to be done, and his delegation hoped that positive and progressive action would be taken in the coming months. He therefore felt that it would be appropriate for the Special Committee to reaffirm the principles and objectives of resolution 1949 (XVIII).

138. The representative of the United Kingdom in a further statement refuted the contention that the Yemeni campaign against Aden and South Arabia was irrelevant to the issue under discussion. The Committee could not ignore a calculated and systematic campaign by a neighbouring country to interrupt the constitutional advance of a Non-Self-Governing Territory undermining its Government and ultimately annex it. The Yemeni authorities were continually working for the annexation of South Arabia. They had established an Office of the Occupied South Yemen to supervise their efforts in that direction and had set up an organization called the National Front for the Occupied South for the avowed purpose of carrying out subversive activities within the Federation of South Arabia. Political progress could not proceed at a satisfactory rate when constant strife was stirred up in the Territory by infiltrators from Yemen and when constitutional talks were interrupted by a hand-grenade attack. The high level of defence expenditure in the budget of the Federation was necessitated by those terrorist activities of the Yemen authorities and their agents in the Territory; that was added reason why those authorities should be told to cease such activities.

139. Doubts had been expressed about the representative character, authority and very existence of the Federation. The Constitution of the Federation provided for a legislative body called the Federal Council, consisting of representatives of each of the fourteen

federated States. Each State determined the manner in which its representatives on that Council were elected. In some cases, they were elected by the State Councils which were composed of representatives themselves elected by the local people. The normal number of representatives from each State was six; however, because of its special political, economic and social position, Aden had twenty-four representatives and the smaller States such as Aqrabi and Sha'ib had proportionally fewer representatives. There was nothing undemocratic about that arrangement. The executive authority of the Federation was vested in the Supreme Council, which consisted of ministers elected by the Federal Council from among its members. In addition, the ministers could appoint or co-opt up to three additional members if they so desired. The Federal Constitution had been designed to provide unity on the basis of accepted principles and also to respect the individual characteristics of each State. The ministers of the Federal Government were elected by the Federal Council for a period of five years. It was incorrect to say that those ministers were all rulers and held office by virtue of the fact; only five of the fourteen ministers were rulers. It had been suggested that rulers should be excluded from the Federal Council. However, rulership was not hereditary and the rulers were elected by the people.

140. The purpose of the revised Aden franchise was to ensure that only true Adenese voted in Aden State elections. The law followed the normal practice adopted in most countries, whereby nationals of the State could vote but persons owing allegiance to a foreign Power or holding a foreign passport could not. An assurance had been given that a bill would be introduced to enable Protectorate subjects resident in Aden to become Aden citizens with the right to vote. Any suggestion that the vote should be given to immigrant workers, most of whom were in Aden for only a short time and were nationals of and owed allegiance to a foreign State, clearly had no justification. It was significant that neither Iraq nor Syria, and still less Yemen, had elective Governments.

141. The state of emergency had been declared for the entire Federation and not only for Aden State because there had been an increase in arms smuggling and armed attacks in other States. Although the state of emergency still technically existed, daily life in Aden had returned to normal. All persons detained had been released, except for one individual held in connexion with the actual grenade throwing. There was no truth in the charges of torture and violence against those who had been temporarily detained, as the report of the Chief Justice made clear. The trade unions were functioning normally. The Peoples Socialist Party had not been forbidden to have its own newspaper; no application to publish such a newspaper had been made to the Aden State Government since it had taken office in January 1963. The representative of the Peoples Socialist Party who had addressed the Special Committee in 1963 had not been suspended as punishment for his appearance as a petitioner, but for failure to appear in court or to nominate an alternative advocate in two civil cases and in a criminal appeal case. He had since resumed his practice and had been elected Chairman of the General Council of Legal Practitioners in January 1964.

142. The representative of Iran observed that the General Assembly resolution 1949 (XVIII) had called upon the United Kingdom Government to take steps

for the early application to Aden of the Declaration on the granting of independence to colonial countries and peoples. However, the Committee's present examination of the question of Aden indicated that no progress had been made in implementing the Declaration and that the Administering Power had preferred to ignore General Assembly resolution 1949 (XVIII). Since the situation in Aden had not changed substantially, his delegation felt that the measures recommended in that resolution remained the most appropriate means for leading the people of the Territory to self-determination and independence. In the meantime, the proclamation of a state of emergency by the High Commissioner of the Federation of South Arabia had created a particularly tense situation in the Territory. While certain preventive measures might have been justified by the need for maintaining public order after the hand-grenade explosion of 10 December 1963, there was no justification for the length and severity of the state of emergency, the restriction of public and political freedoms and the prolonged imprisonment of political leaders. The United Kingdom Government should therefore put an immediate end to the state of emergency and restore individual and collective freedoms to the people of Aden.

143. As the delegation of Iran had already expressed its views on the question of Aden the year before, he would confine himself to a few comments on particular aspects. First of all, it should be specified that the region comprised by the so-called Federation of South Arabia constituted a Non-Self-Governing Territory within the meaning of Article 73 of the United Nations Charter, for which the United Kingdom—regardless of the decisions that it, or the local authorities sponsored by it, might unilaterally take—was wholly responsible to the United Nations as the administering Power. The treaties concluded by the United Kingdom with various local potentates were invalid in international law and did not affect that responsibility. Moreover, the United Kingdom had not always fulfilled its responsibility adequately, in particular in so far as the administration of justice was concerned, which was not merely inadequate but entirely lacking in some parts of the Territory, as the statements made by the petitioners at the 234th meeting of the Committee showed. Furthermore, the people of the Territory had not been consulted in a normal democratic manner when the Federation had been set up. Its representative character was therefore questionable, and the example of the Federation of Rhodesia and Nyasaland had shown that associations not founded on popular consent were short-lived. In conclusion, his delegation considered that the measures recommended by the Sub-Committee on Aden in 1963 still constituted the most appropriate action that could be taken to guide the Territory towards self-government and independence.

144. The representative of Australia stated that the United Kingdom's interest in Aden was subservient to larger strategic and economic interests. But that fact was not necessarily reprehensible in itself; indeed, the Committee could object to it only if it inhibited the progress of Aden and the Protectorates to self-determination and independence, which the United Kingdom had expressed its desire to promote. Next, there was the complex historical background of the area, which had its roots in the ancient Arab civilization and through the accidents of history had been gradually turned into a tangled maze of sultanates and sheikhdoms.

How much respect was due to those States—some of which were very small, but most of which had already existed before the British had arrived on the scene—as political entities was a very difficult question. During the debate, it had been implied that the Committee should in some way help to sweep away or modernize feudal anachronisms in the Territory; in so doing the Committee or the United Nations would be playing a most dangerous and indeed awesome role, which only the sultans and the people themselves could properly discharge. Under the principle of self-determination, it was for the people concerned to choose the form of government that suited them best, which might not necessarily be that preferred by the members of the Committee. The United Nations was not entitled to compel a people to adopt a given form of government against its will.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE⁷

145. At the 241st meeting, the representative of Iraq introduced a draft resolution (A/AC.109/L.107), sponsored by Cambodia, India, Iraq, Mali, Syria, Tanganyika, Tunisia and Yugoslavia.

146. He explained that while the first three paragraphs were procedural, the fourth preambular paragraph was intended as an indirect reference to the state of emergency and the use of force by the administering Power. In the fifth preambular paragraph the description of the situation as threatening international peace in the area was amply justified by the fact that one aspect of the question had been taken up by the Security Council. The last preambular paragraph and operative paragraph 1 were taken from General Assembly resolution 1949 (XVIII), which the new resolution went on to urge the United Kingdom to implement without delay. Operative paragraph 4, urging the administering Power to take various measures, and operative paragraph 5, reaffirming the desirability of removing the military base in Aden, closely followed similar paragraphs in the earlier resolution. The sub-committee provided for in operative paragraph 6 would be a "*commission de vigilance*" or "watchdog committee", such as the Tunisian representative had proposed for Southern Rhodesia; its duties were defined in operative paragraph 7. Operative paragraph 9 provided that the question of Aden would be kept on the Special Committee's agenda; thus it could be taken up again at any time on the recommendation of the sub-committee. He also wished to make it clear that the sponsors of the draft resolution intended the reference to the "unity of the territory" in the last preambular paragraph to mean the unity of the whole territory, including the islands of Perim, Kuria Muria and Kamaran, which had been detached from Aden since 1963 and placed under a separate administration.

147. Speaking on the joint draft resolution, the representative of the United Kingdom said that responsibility for any increase in tension and any threat to international peace, as referred to in the fourth and fifth preambular paragraphs, must be placed squarely on the shoulders of the Yemeni authorities. Operative paragraph 3 called for the implementation of General Assembly resolution 1949 (XVIII) and paragraph 4 reproduced paragraph 7 of that earlier text. It would be recalled that resolution 1949 (XVIII) had been

based on the conclusions and recommendations of the Sub-Committee on Aden, which had been unacceptable to his Government. The question of the British military base in Aden, which was the subject of paragraph 5, had previously been dealt with by his delegation, when it had explained that the British forces were there with the consent of the Federation. Although he had deliberately refrained from commenting on the frontier incidents now being considered by the Security Council, he must emphasize that the use of that base for the defence of the Federation against attacks from Yemen was fully in accordance with the United Kingdom's treaty obligations and was not prejudicial to peace and security in the area. His delegation saw no need to establish another sub-committee on Aden. If the intention was that the sub-committee should meet in New York, it would simply duplicate the Committee's work; if, on the other hand, it was intended that it should visit Aden, he must make it clear that his Government's oft-repeated objections in principle to the sending of sub-committees or visiting missions to Non-Self-Governing Territories under United Kingdom administration remained unchanged. Finally, the draft resolution omitted any condemnation of the Yemeni campaign of propaganda and subversion against the Federation. For all those reasons, his delegation would vote against it.

148. The representative of Iraq observed that the Committee had met not to discuss rival territorial claims, frontier disputes or Yemeni-United Kingdom relations but to promote the early application of the Declaration on the granting of independence to colonial countries and peoples to all territories which had not yet attained their independence, including Aden and the Protectorates. Moves to divert the Committee's attention to irrelevant matters could only hamper the Committee's efforts to ensure the implementation of the Declaration. The mere fact that the United Kingdom Government had not accepted the resolution on Aden adopted by the General Assembly at its eighteenth session did not mean that it would be justified in refusing to accept a similar resolution now, for as an administering Power and a Member of the United Nations it had assumed certain obligations under the Charter. The draft resolution asked nothing more than that the people of the Territory should be allowed to exercise their right of self-determination under the impartial supervision of the United Nations, and the United Kingdom delegation had not told the Committee why it was opposed to such an expression of the people's views. If, as the United Kingdom claimed, the leaders of the various States were indeed representative of their people, then surely the United Kingdom had nothing to fear from such a consultation. As regards the assertion that the military base in Aden was there to protect the interests of the Federation, the United Kingdom Government itself had declared time and again that the purpose of the base was to protect British economic and financial interests not only in South Arabia and the vicinity of the Persian Gulf, but in Africa and the whole of the Middle East. The people of the region had been unanimous in voicing their objections to the base, which threatened their peace and security, and had called for its early removal.

149. The representative of Bulgaria strongly supported the draft resolution. He himself considered on the contrary that when confronted by such opposition on the part of an administering Power, the Committee

⁷ See also section F for an account of further action taken on the question of Aden at subsequent meetings of the Special Committee.

and other United Nations organs must take very clear-cut decisions. It was high time that the United Kingdom reversed its attitude concerning visits to Territories. The United Nations must needs have a means of acquainting itself with the real situation in colonial Territories without relying on the mere word of the administering Power. The draft resolution should have been more strongly worded and greater emphasis should have been laid on the United Kingdom's responsibilities. Recalling that the petitioners had stated that not only was the population of the Territory being persecuted, but that they themselves had been personally persecuted on returning home, he suggested the inclusion in operative paragraph 4 of a new subparagraph (e), to read approximately as follows: "(e) Guarantee the right of petitioners to complete their mission freely and safeguard them against any persecution." In addition, the text of the draft resolution would be strengthened if the order of operative paragraphs 1 and 2 were interchanged.

150. The representative of Mali stated that the purpose of the sponsors of the draft resolution was intrinsically to express their concern, which had not been dispelled by the United Kingdom representative's latest statement, at the United Kingdom's refusal to meet its responsibilities and at the serious situation in the Territory. The time for hair-splitting was past; the population of the Territory expected their right to self-determination to be respected, in an atmosphere of friendship, not of violence. The draft resolution was simply a new version of preceding resolutions on the same subject, and reflected the nature of the problem as it stood. His delegation had taken due note of the Bulgarian representative's suggestions, which it would discuss with the other sponsors. It hoped that the draft resolution would be adopted unanimously.

151. The representative of Madagascar said he would vote for the draft resolution, which differed little from General Assembly resolution 1949 (XVIII). However, he had reservations with regard to operative paragraph 5, concerning the military base in Aden. It was justifiable to draw the Committee's attention to that base to the extent that it directly affected the process of decolonization, but he felt that in calling for its removal the Committee was usurping a right that belonged to the people of Aden.

152. The representative of the Union of Soviet Socialist Republics stated that he would vote for the draft resolution although it was not sufficiently strong in some respects. In particular, he believed that the role of Aden in the system established by the United Kingdom in the region should be more strongly emphasized in the draft resolution. Operative paragraph 5 should have called the removal of the military base in Aden "necessary", rather than "desirable". A strengthening of the draft resolution would have been proper in the light of the United Kingdom representative's statement, which had actually contradicted nothing that had been said earlier in the Committee and could not serve as an answer to the question posed during the debates: what was being done by the United Kingdom to implement General Assembly resolution 1949 (XVIII)? The United Kingdom representative had said that the draft resolution was unacceptable to his Government; thus, the United Kingdom was refusing to co-operate with the Committee. Clearly, that Government intended to continue its policy in Aden and the Protectorates. He suggested that the draft resolution should contain a

provision guaranteeing the safety of petitioners and their right to appear before the Committee; that was particularly important, since it appeared from the statements of petitioners that they might be subjected to persecution upon returning to the Territory. He also supported the Bulgarian suggestion to reverse the order of operative paragraphs 1 and 2.

153. The representative of Sierra Leone remarked that the core of the problem before the Committee was the decolonization of Aden and the Protectorates; solution of that central aspect would almost inevitably lead to the solution of the problem as a whole. General Assembly resolutions 1514 (XV) and 1949 (XVIII) had stated the problem with great clarity and it was regrettable that the United Kingdom's attitude had necessitated the drafting of still another such resolution (A/AC.109/L.107). He supported that proposal, and laid special emphasis on operative paragraph 1 of the draft resolution. He urged the administering Power to extend to the people of the whole Territory full political rights, including universal adult suffrage, and to grant independence thereafter to the legally constituted Government of the Territory. However, his delegation was unwilling to subscribe to the content of operative paragraph 5. While the presence of military bases anywhere was a potential threat to peace, the question of the removal of the base was for the people of Aden to solve after they had achieved their independence.

154. The representative of Iraq stated that the sponsors of the draft resolution appreciated and largely agreed with the suggestions made by the Bulgarian and USSR representatives; however, at that stage of the discussion and to avoid any new problems, it might be better to leave the draft resolution in its existing form. The Bulgarian representative's proposal was adequately covered in operative paragraph 4, which included protection for the rights of petitioners. Although he shared the USSR representative's view that the military base at Aden should be liquidated completely and without delay, he felt that the present wording of operative paragraph 5 should be retained, since it was taken from General Assembly resolution 1949 (XVIII). He had been gratified to hear the United Kingdom representative's admission that the base in Aden was concerned not only with the security of the Federation of South Arabia but with the protection of the United Kingdom interests in the whole region. Since Iraq was certainly in that region, it should have a voice in deciding whether or not the base was prejudicial to its interests and security. Finally, if the United Kingdom's aims were in fact the same as those of General Assembly resolution 1949 (XVIII)—to have one Government for the whole Territory, constituted with the consent of its people—then the United Kingdom delegation should have no difficulty in supporting the draft resolution.

155. The representative of Bulgaria said that if the sponsors of the draft resolution felt that it would be difficult to adopt his suggestions, he would not press them. The matter was pertinent, however, and could be taken up in later discussions.

156. The representative of Poland said that his delegation would vote in favour of the draft resolution. In addition to reflecting the principles of General Assembly resolution 1949 (XVIII), the text of the draft stressed the deterioration of the situation and the failure to implement the earlier resolution. One aspect of that deterioration was currently under consideration

by the Security Council and was therefore outside the scope of the Committee. The second aspect related to the state of emergency, which did not contribute to the easing of the situation and should be lifted. He suggested that the opening phrase of operative paragraph 4 might be changed to read "Urges further the administering Power to lift the state of emergency".

157. The representative of Iraq at the 243rd meeting announced that the sponsors of the draft resolution had accepted the Polish representative's proposal.

158. The representative of Denmark said that while operative paragraph 7 of the draft resolution represented an improvement over similar resolutions on Aden adopted by the Committee and the General Assembly in 1963, the text as a whole would have been more acceptable if certain other paragraphs had been omitted. With respect to operative paragraph 5, several delegations had expressed the view in 1963 that the presence of the base at Aden was not incompatible with the task of leading the Territory to independence. Operative paragraphs 4 (b) and (c) went too far; he pointed out that on 17 February 1964 the International Federation of Free Trade Unions had issued a *communiqué* welcoming the release of the last Adenese detainees from camp Al Ittihad. Finally, the terms of operative paragraph 2 were inconsistent with the United Kingdom's avowed aim, as stated by its representative on 24 March 1964, to promote the political, economic and social development of the Federation and bring it to independence without delay. In the light of those considerations, his delegation, while agreeing that the people of Aden had a right to self-determination, had decided to abstain from voting on the draft resolution. In conclusion, he recalled that in 1963 his delegation had recommended that the United Nations should abstain from taking any action which might interfere with the current rapid evolution in the Middle East; that recommendation still held good. He hoped that the Security Council would find a solution restoring peace along the border with Yemen, enabling the Territory to progress towards independence in tranquillity.

159. The representative of Italy regretted that no new elements had emerged from the debate which might clarify a situation that had many mysterious facets. His delegation consequently felt that there were no grounds for reappraising the views expressed by it on the question of Aden in 1963; it would therefore abstain from voting on the draft resolution, as it had done in the case of the earlier resolutions. Nevertheless, it was in basic agreement with other speakers regarding the need to recognize the right of the people of Aden and the Protectorates to self-determination and independence, in accordance with General Assembly resolution 1514 (XV) and to give them an early opportunity of deciding their future, and regarding the desirability of the ultimate unification of that people. His delegation supported the idea of setting up a sub-committee with the terms of reference stated in operative paragraph 7, although it had wondered whether the task might not be better fulfilled by a Special Representative appointed by the Secretary-General. In any event, his delegation would be happy to co-operate with the new body in endeavouring to find a new and more constructive approach to the Territory's problems.

160. The representative of Australia did not believe that the fourth and fifth preambular paragraphs accurately expressed the existing situation. It objected to operative paragraph 2 as failing to take cognizance

of political reforms about which details had been given and as suggesting that there had been a blanket refusal by the United Kingdom Government to implement resolutions 1514 (XV) and 1949 (XVIII), which had not been the case. With regard to operative paragraph 4, while his Government was opposed to legal action on political grounds and to political oppression, it could not condone acts of senseless murder involving innocent people, such as the hand-grenade episode. Nor could it gauge how far the emergency powers introduced by the Government were justified by such acts. He would therefore be obliged to abstain in any separate vote on that paragraph. His delegation was also opposed to operative paragraph 5: the maintenance of a military base was reprehensible only if it ran counter to the wishes of the people concerned, and that was clearly a question which that people alone and not the United Nations, could decide.

161. On the other hand, there was much merit in the proposals contained in operative paragraphs 6 and 7. Although he was doubtful of the practical value of a "watchdog" sub-committee, he felt that there would at least be an advantage in the latter entering into consultations with the administering Power. His delegation had no set views on the question of a visiting mission, and while his own country had had beneficial experience of such missions, it considered that the question was one for the administering Power to decide. On the whole, his delegation would therefore be able to support operative paragraph 7, although it had reservations, the nature of which should be self-evident, regarding sub-paragraph (b) of paragraph 7. He would vote against the draft resolution.

162. The Special Committee then voted on the draft resolution (A/AC.109/L.107) at the same meeting.⁸ The fifth preambular paragraph was adopted by 18 votes to 5, with 1 abstention. Operative paragraph 5 was adopted by 13 votes to 5, with 6 abstentions. The draft resolution as a whole, revised, was adopted by 19 votes to 3 with 2 abstentions.

163. The representative of Venezuela, explaining his vote, said that his delegation had supported the draft resolution as a whole, but it had abstained on the fifth preambular paragraph and on operative paragraph 5. Any threat to international peace came within the competence of the Security Council and not of the Committee. Moreover, the fact of the military base was a question to be decided by the people of Aden themselves, when their Territory had become an independent and sovereign State.

164. The representative of the Ivory Coast said that, although his delegation was in agreement with the substance of operative paragraph 5, it had abstained in the vote on that paragraph, for the reason given by the Venezuelan representative.

165. The representative of Ethiopia stated that his delegation had abstained in the vote on operative paragraph 5 for reasons it had explained fully at the Committee's session in 1963.

166. The resolution (A/AC.109/64) on the question of Aden adopted by the Special Committee at its 243rd meeting on 9 April 1964 reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

⁸ The financial implications of this draft resolution appear in A/AC.109/63.

"Having considered the question of Aden and the Aden Protectorates,

"Having heard the statements of the administering Power and the petitioners,

"Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 1949 (XVIII) of 11 December 1963,

"Considering that the policies at present pursued by the administering Power have increased tension in the area,

"Deeply concerned at the continued deterioration of the situation in Aden and the Aden Protectorates which is threatening international peace in the area,

"Considering the strong desire of the population for the unity of the Territory,

"1. *Reaffirms* the right of the people of the Territory to self-determination and independence from colonial rule in accordance with the Declaration on the granting of independence to colonial countries and peoples;

"2. *Deplores* the refusal of the Government of the United Kingdom of Great Britain and Northern Ireland to implement resolutions 1514 (XV) and 1949 (XVIII);

"3. *Urges* the administering Power to implement without delay resolution 1949 (XVIII), particularly paragraphs 6, 8 and 10;

"4. *Urges* further the administering Power to:

"(a) Lift the state of emergency in the Territory;

"(b) Repeal all the laws which restrict public freedoms;

"(c) Release all political prisoners and detainees and those who have been sentenced following actions of political significance;

"(d) Allow the return of those people who have been exiled or forbidden to reside in the Territory because of political activities;

"(e) Cease forthwith all repressive action against the people of the Territory, in particular, military expeditions and the bombing of villages;

"5. *Reaffirms* that the maintenance of the military base in Aden is prejudicial to peace and security in the region and its early removal is, therefore, desirable;

"6. *Decides to establish* a Sub-Committee on Aden composed of five members to be appointed by the Chairman of the Special Committee;

"7. *Requests* the Sub-Committee to:

"(a) Study and keep under constant review the situation in the Territory and to report thereon to the Special Committee;

"(b) Establish contacts with the administering Power at such time and place as may be agreed upon, with a view to implementing resolutions 1514 (XV) and 1949 (XVIII);

"(c) Arrange in consultation with the administering Power, for visits to the Territory;

"(d) Make such other visits as may be deemed necessary;

"8. *Requests* the Secretary-General to transmit the present resolution to the administering Power and to report to the Special Committee on its implementation;

"9. *Decides* to maintain the question of Aden and the Aden Protectorates on its agenda."

167. At the 262nd meeting on 21 May, the Chairman of the Special Committee announced that the Sub-Committee on Aden would be composed of Cambodia, Iraq, Ivory Coast, Venezuela and Yugoslavia.

E. FURTHER CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

168. The Special Committee gave further consideration to the question of Aden at its 253rd, 254th, 256th and 258th meetings between 7 and 15 May 1964.

169. By letter dated 6 May 1964 (A/AC.109/60/Add.1), the Deputy Permanent Representative of Yemen requested to participate in the discussion of the Committee on the question of Aden. The Committee decided, without objection, to grant this request.

Written petitions

170. The Special Committee had before it the following additional written petitions concerning the Territory:

Nine petitions from the Peoples Socialist Party and the Aden Trades Union Congress	A/AC.109/PET.183/ Add.3-6
Petition from Messrs. A. K. Farawi and Ali A. Razaak on behalf of the Executive Council of the Arab Unitarian Party	A/AC.109/PET.191/ Add.1
Petition from Mr. S. A. Alhabshi, Secretary-General, South Arabian League	A/AC.109/PET.195/ Add.1
Petition from the Union Marocaine du Travail and other labour unions	A/AC.109/PET.196
Petition from representatives of Arab students unions and organizations	A/AC.109/PET.197
Petition from the Arab Youth Organization and others	A/AC.109/PET.198
Petition from the Free Adeni Democratic Association	A/AC.109/PET.199
Two petitions from the Umma Party	A/AC.109/PET.200 and Add.1
Petition from Mr. St. Gyurov, President of the Central Council of Bulgarian Trade Unions, Sofia	A/AC.109/PET.280
Petition from the National Liberation Front of Occupied Southern Yemen	A/AC.109/PET.281

General statements of members

171. At the 253rd meeting, the representative of Iraq said that recent events in the region of Aden and the Aden Protectorates, in particular the actions of the United Kingdom Government in sending reinforcements to Aden and in conducting military operations against the people of that Territory, had amply justified the concern which had prompted the adoption of the Committee's resolution of 9 April 1964 (A/AC.109/64). The United Kingdom Ministry of Defence had announced that British troops had killed forty tribesmen in the area, the British Commander-in-Chief had said that he expected a long campaign, and large-scale battles were being fought. It was therefore essential that the Committee should deal urgently with the problem and consider proposals for putting an end to the situation in a manner consistent with the principles of the Declaration on the granting of independence to

colonial countries and peoples. The representatives of the United Kingdom on the Committee and on the Security Council, and the Prime Minister in a recent statement to the House of Commons, had seemed to imply that the real problem in Aden was the demarcation of the frontiers between that Territory and Yemen and had given the impression that once the frontier was delimited the problem would be solved. That was not so. The question was much larger and more serious: it concerned a colonial war being fought against a people for the sole purpose of suppressing their desire for freedom—the type of colonial war referred to specifically in paragraph 4 of the Declaration. Operations were being conducted, not against infiltrators from Yemen, but against tribes living in a part of the Territory under United Kingdom control. By their own admission, the United Kingdom authorities in Aden had said that they were conducting operations against dissident tribesmen in the area itself. In the circumstances, it could hardly be claimed that the situation had arisen because of the lack of a clear demarcation of the frontier or because of Yemeni incursions across the frontier.

172. The representative of the United Kingdom observed that the representative of Iraq, in making his allegations about the situation in the Federation of South Arabia, had been referring to events in Radfan, which he had attempted to present as a new situation requiring urgent action by the Committee. In point of fact, the disturbances in Radfan, which had been inspired by Yemen and the United Arab Republic, had been described by his delegation in its statement to the Committee at its 236th meeting on 26 March 1964. In connexion with the subversive activities carried out on the soil of the Federation of South Arabia by the "National Front for the Liberation of the Occupied Yemeni South" organized by the Yemeni authorities, his delegation had mentioned the case of the Radfani tribesmen from the Dhala Amirate who had been trained and armed in the town of Qataba, in Yemen, in the latter part of 1963, and who had returned and started a number of incidents in Dhala.

173. In was in order to deal with those subversive activities that the Federal Government had, in accordance with its treaty with the United Kingdom Government, requested military assistance in restoring law and order in one of the constituencies of the Federation. That was both its right and its duty and there was no reason whatever for the Special Committee to take up the matter at that time.

174. The representative of Iraq said in reply that the United Kingdom representative's attempt to give the impression that the situation in Aden had not really changed since the Security Council had considered the British attack on the Harib fort in March 1964, was contradicted by the fact that in the past few days the United Kingdom Government had sent a whole battalion of troops as reinforcements to Southern Arabia. According to the United Kingdom Commander-in-Chief, the aim of the British forces was to subdue the tribesmen, to strike at those who had been threatening the roads and to force them to ask the political authorities for terms. By the "political authorities" the Commander-in-Chief had clearly meant the Southern Arabian authorities, whom the United Kingdom Government manipulated. The United Kingdom representative's statement that the Government of the Southern Arabian Federation had requested assistance from the United Kingdom Government, which had immediately

responded with a battalion of troops, was misleading. It was well known that all such "requests" emanated from London and were transmitted to the High Commissioner in Aden, who then instructed the Ministers of the Federation to make them.

F. FURTHER ACTION TAKEN BY THE SPECIAL COMMITTEE

175. At the 254th meeting on 8 May 1964, the representative of Iraq introduced a draft resolution (A/AC.109/L.117) sponsored by the delegations of Cambodia, India, Iraq, Mali, Sierre Leone, Syria, Tanganyika, Tunisia and Yugoslavia which was subsequently co-sponsored by Ethiopia and the Ivory Coast (A/AC.109/L.117 nd Add.1 and 2). He stated that the situation prevailing in Aden had created a serious threat to international peace and security. By launching large-scale military operations and dispatching troop reinforcements to Aden the United Kingdom was waging a colonial war in its most classic form. It was fighting not against infiltrators from outside the Territory but against tribesmen who lived within the Territory and were part of it. The question of frontier demarcation was wholly irrelevant to the Committee's task, which was to help dependent peoples to attain their freedom from colonial rule. The attention of the Security Council should be drawn to the situation because, if it should continue, there was every likelihood of serious international repercussions and dangerous consequences.

176. The representative of Tunisia, speaking as the representative of a co-sponsor of the draft resolution, said that without any valid reason the United Kingdom Government had dispatched troops to a region still under colonial rule. It was clear from the various press reports that the situation was very serious. A spokesman of the British High Command had been quoted as announcing that 100 tribesmen had been killed during the last two weeks. They had been killed for the simple reason that the United Kingdom wished to defend its oil interests in the Middle East and to maintain its military base at Aden. Obviously, it was the Special Committee's duty to stop colonial wars of that kind; and that was why the draft resolution had been introduced. He hoped that it would receive unanimous support.

177. The representative of Yemen said that in the present case the Special Committee was faced with a clear example of a colonial war waged by a colonial Power. The United Kingdom was fighting against the peaceful and defenceless population of occupied South Yemen and was spreading death, destruction and fear among people over whom the United Kingdom had assumed the role of protector for the last 125 years. In its unheroic war against the population of Dhala and Radfan, the United Kingdom was trying to blame the Yemen Arab Republic.

178. Recently, the United Kingdom had stepped up its hostile campaign against the Yemen Arab Republic. That was part of an imperialistic plan whose aim was to prepare for new acts of aggression against the Yemen Arab Republic; to cut off occupied South Yemen officially from the rest of the country; to silence, through brute force of arms, all opposition to the so-called Federation of South Arabia; and to perpetuate United Kingdom occupation of the Territory. For the realization of those imperialistic dreams, the United Kingdom was launching a war of propaganda against

the Yemen Arab Republic, accusing it sometimes of providing arms for the revolutionaries in the south, sometimes of occupying United Kingdom territories and sometimes of beheading British soldiers. However, those imperialistic schemes would not work. They might increase the suffering of the Yemeni people but they would certainly strengthen the freedom-fighters who held the United Nations in very high esteem and deeply believed in its principles. The only solution was the implementation of the draft resolution and the departure for good of the British from the land of Yemen.

179. The representative of Mali, also speaking as the representative of a co-sponsor of the draft resolution, said recent events showed that the situation in Aden constituted a serious threat to peace and security. The Committee should therefore recommend to the administering Power new measures to bring peace to Aden and to satisfy the legitimate aspirations of the people of the Territory. Since the administering Power had ignored past appeals and since the situation was so serious, it ought to be brought to the attention of the Security Council. He hoped that the draft resolution would be adopted without opposition.

180. The representative of India explained why his delegation was a co-sponsor of the draft resolution. The situation in the Aden area had become progressively worse since the Special Committee had adopted its last resolution on Aden on 9 April 1964. If the administering Power had heeded the earlier resolutions of the Special Committee and of the General Assembly, the worsening of the situation could have been averted. Its latest decision to send more troops to Aden was reprehensible and was bound to increase tension. Such gestures of force were rightly resented by the people of the African-Asian world. They feared that, if moderation and restraint were not displayed by the administering Power, there might be a real danger of a full-fledged colonial war erupting in the area.

181. The representative of the Ivory Coast said that the presence of the United Kingdom in Aden had always been a source of friction. The failure of the United Kingdom to implement recent United Nations resolutions had led to a further deterioration in the situation. The attack by United Kingdom forces on the people of the so-called Federation of South Arabia was difficult to accept. For that reason, his delegation fully associated itself with the statements that had already been made and intended to vote in favour of the draft resolution, in the hope that the United Kingdom authorities would do everything possible to spare the population of South Arabia further suffering.

182. The representative of the Union of Soviet Socialist Republics also supported the draft resolution. The military operation being carried out by United Kingdom troops in the Radfan region was a typical example of a colonial war. The United Kingdom representative had claimed that the present attack had been launched because of subversive activities by the Yemen Arab Republic and the United Arab Republic. But everybody knew that the United Kingdom colonial forces had been waging a war against Aden and the Protectorates long before the Yemen Arab Republic came into existence. The real aim was to maintain colonial domination. Press reports showed that military operations had now been stepped up with considerable casualties on both sides. The rightist Press in the United Kingdom had openly called on the United States for support. The obstinacy with which the United

Kingdom was continuing the war against the Arabs was directly connected with the Aden military base. Newspapers such as *The Times* of London and *The Daily Telegraph* had frankly admitted that the aim of the United Kingdom was to defend its position in the Middle East. The Committee must condemn the illegal acts of the colonialists, and must demand that the administering Power take urgent measures to implement paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples.

183. The representative of Syria said that, as a co-sponsor, his delegation fully supported the draft resolution and the statements made by the previous speakers. Since the administering Power was clearly determined not to implement previous resolutions and since the situation in the Territory had now become much more serious, the co-sponsors of the draft resolution felt that the situation called for action by the Special Committee. The draft resolution was couched in moderate and reasonable terms. It should receive unanimous support.

184. The representative of Sierra Leone said that the United Kingdom authorities, in flagrant disregard of the resolutions adopted by the General Assembly and the Special Committee and in defiance of the wishes of the vast majority of world opinion, had now taken positive action to suppress the inhabitants of the Territory by military force. Military action of such a kind, designed to promote colonialist ends, was unpardonable. His delegation added its voice to the chorus of disapproval which the United Kingdom action had evoked and invited the attention of the United Kingdom Government particularly to operative paragraph 2 of the draft resolution.

185. The representative of Yugoslavia recalled that the Committee had tried to impress upon the administering Power the need for urgent measures to apply the provisions of the Declaration on the granting of independence to Aden and the Aden Protectorates. It had done so in the firm belief that the peoples of that colonial Territory, after exhausting all the peaceful means at their disposal, would in the last resort take up arms to secure their freedom and independence. The resolutions adopted by the Committee on the subject had fallen on deaf ears and the situation was deteriorating. The United Kingdom claimed that there were no new developments, that the situation was normal and did not require the attention of the Committee. On the other hand, the Yemen Arab Republic had again been accused of causing disturbances in the area. It could be seen from recent press reports that such accusations were unfounded. The United Kingdom had flown military reinforcements to Aden after a clash between its troops and local tribesmen and there were United Kingdom officers in the Federal battalions. More than a hundred tribesmen had been killed or wounded in two clashes with United Kingdom and Federal troops on 2 May 1964. The United Kingdom forces in Aden were reported to be preparing a rigorous punitive expedition against guerrilla forces. About 3,000 troops were currently engaged in large-scale military operations in the area; powerful bombs had been dropped on tribesmen, with the permission of the United Kingdom Defence Ministry, and had killed a number of persons. When military punitive expeditions were sent against people fighting for independence and many scores of people were being killed or wounded, the situation was very far from being normal. In fact, a classic colonial war was being waged in Aden and the Protectorates. The

colonial domination of the area was untenable and contrary to the interests and wishes of the people and to the resolutions of the United Nations. In the circumstances, the Committee could not remain silent. His delegation hoped that the draft resolution would receive the full support of the members of the Special Committee.

186. The representative of Uruguay said that, although the only information available was provided by newspapers, there could be no doubt that military operations leading to loss of life had occurred in the Territory. The appeals of the General Assembly and of the Committee had not been heeded. The Committee was therefore empowered to make recommendations on the subject, especially as paragraph 4 of the Declaration in General Assembly resolution 1514 (XV) condemned all armed action and repressive measures directed against dependent peoples. His delegation supported the draft resolution which was a moderate text and contained no elements that had not figured in General Assembly resolution 1949 (XVIII) and in the resolution adopted by the Committee on 9 April 1964 (A/AC.109/64). Like those texts, the draft resolution urged the administering Power to cease its measures against the people of the Territory and expressed the belief that the situation was endangering international peace and security. In its recent resolution 188 (1964), the Security Council had deplored not only a particular incident in the territory of a sovereign State but also all attacks and incidents which had occurred in the area. The area contained Territories for which the Committee bore a special responsibility. The only new feature of the draft resolution was that the last operative paragraph drew the attention of the Security Council to the dangerous situation prevailing in the area. However, the Security Council had already considered that situation and, since the paragraph did not actually request a meeting of the Council, it could not be regarded as unwarranted by the circumstances.

187. The representative of Venezuela expressed support for the draft resolution as a whole, because it contained ideas which his delegation had already endorsed in other resolutions. However, his delegation asked for a separate vote on the third preambular paragraph, in which it would abstain. It maintained its position that, while the Committee was authorized to "apprise" the Security Council of developments which might threaten international peace and security, only the Council was entitled to make an appraisal of such developments, and it was not the task of the Committee to deal with matters affecting international peace and security.

188. It would have been preferable if the wording of operative paragraph 3 of the draft resolution had been more in line with the mandate of the Committee. However, his delegation would vote in favour of that paragraph because various resolutions of the General Assembly, in particular resolutions 1810 (XVII) and 1956 (XVIII), had invited the Committee to apprise the Security Council of any developments in any Territory examined by it which might threaten international peace and security.

189. The representative of Bulgaria expressed his delegation's support of the draft resolution. In spite of the assertions of the United Kingdom delegation that the situation in Aden was normal, the fact was that troops had been sent there to suppress a revolt against colonial domination. The administering Power claimed that it had acted at the request of the legitimate Gov-

ernment of the Federation and was defending the interests of the population and the Federation and not its own interests. Those claims had been refuted by the facts known to the Committee and even by recent articles published in newspapers which were generally favourable to the United Kingdom and which therefore could not be accused of misrepresentation in the present instance. Both *Le Monde* of 7 May 1964 and *The New York Times* of 8 May 1964 had printed articles saying that the aim of the United Kingdom was not only to preserve one of its possessions but also to defend a naval base which was a vital link in its sea route to the Far East, was necessary to protect its oil interests in the Persian Gulf and could be used as a staging post when trouble flared in the Middle East, Africa or the Far East. Although *The New York Times* had added that the troops at Aden were needed to meet the obligations of the United Kingdom to the Arab States it had undertaken by treaty to protect, it was clear that the United Kingdom was protecting only those who defended the interests described.

190. The administering Power claimed that the liberation movement in Aden had been instigated from the Yemen Arab Republic. However, according to the article in *Le Monde*, in autumn 1962 the people of Aden had already expressed sympathy with the Yemeni anti-royalists. Their political and trade union representatives had expressed the hope that London would recognize the new Republic in Yemen. However, a die-hard clique in the Colonial Office had succeeded in gaining support for the ousted royalists. The same article had said that the United Kingdom, through the small State of Beihan, was supplying arms for use against Yemen with a view to influencing events in that country.

191. In accordance with General Assembly resolution 1514 (XV), the people of Aden should be allowed freely to decide their fate. The United Kingdom had sent forces to the area in order to impose a solution on the people while what the United Nations and the whole world called for was self-determination. The United Kingdom representative had claimed (see paras. 66 to 74 above) that there was no colonial situation and that the people of the Territory were striving to establish firmly their newly formed Federation. However, as even the pro-British Press admitted, the Federation was wanted not by the people but by the United Kingdom, in order to preserve its own colonialist interests. Its military operations were designed to pave the way to neo-colonialism. The United Kingdom should be called upon to implement the resolutions of the United Nations, to withdraw its troops immediately and to allow the people of Aden to exercise their right to self-determination.

192. The representative of Denmark said that the Danish delegation had not been convinced of the need to reopen the debate on Aden. The question whether the situation in the area constituted a threat to international peace and security was not within the competence of the Committee. The Security Council, which bore primary responsibility for the maintenance of international peace and security, had recently adopted a resolution (188 (1964)) on the subject, which had not had time to produce results. At the 253rd meeting of the Committee, the representative of Iraq had asked that the debate should be reopened and had said that the United Kingdom was conducting military operations against the people of the Territory. The draft resolution before the Committee also mentioned military

action against the people of the Territory. On the other hand, the United Kingdom delegation had stated that the action in question had been taken at the request of the Federal Government of South Arabia in order to restore law and order in one of the Federal States. If that was so, in the view of the Danish delegation the United Kingdom had acted in accordance with the rules of international law and, consequently, there could be no violation of General Assembly resolution 1514 (XV). His Government fully supported that resolution but thought it should be interpreted in accordance with the recognized principles of international law, one of which was that any Government had the right to suppress subversive activities within its territory by itself or, if it desired, with outside assistance. For those reasons, his delegation would abstain from the vote on the draft resolution.

193. The representative of Iran said that his delegation would vote for the draft resolution, which was fully justified by events in Aden. The use of armed forces by an administering Power to suppress the people of a dependent Territory was incompatible with the provisions of the Charter and of resolution 1514 (XV). It was to be hoped that the United Kingdom would take immediate measures to implement that resolution, so that the people of Aden could freely express their views concerning their future and obtain their independence.

194. The representative of Mali pointed out in connexion with the statement of the Venezuelan representative that the co-sponsors of the draft resolution had been fully conscious of the Committee's terms of reference and had borne them in mind in laying stress on the fact that the unilateral action taken by the United Kingdom had endangered peace and security in the area.

195. The representative of Poland emphasized his delegation's concern, already expressed on previous occasions, over the aggravation of the situation in Aden. At the eighteenth session of the General Assembly, the United Kingdom representative had claimed that force was being resorted to solely for police purposes, but it was clear that the action against dissident tribesmen had now blossomed into a full-scale military operation involving the use of high explosive bombs and the dispatch of reinforcements. His delegation emphatically denounced such acts of brutality perpetrated by the administering Power in complete disregard of United Nations resolutions; they provided further proof that the South Arabian Federation was being forced on the people of Aden and that the military base there was being used for purposes of repression. His delegation would therefore vote in favour of the draft resolution.

196. The representative of the United Kingdom said that the reference in the draft resolution to British military actions against the people of the Territory, implying that his Government had decided deliberately to attack peaceful tribesmen, was a complete travesty of the true situation. The fact was that the Yemen Republic and the United Arab Republic authorities in Yemen were continuing their widespread campaign of subversion against the South Arabian Federation. Arms and military equipment were being smuggled from Yemen to the rebellious tribesmen in increasing quantities, and the Government of the Federation was under daily propaganda attack by radio stations in Yemen and the United Arab Republic, whose President, while on a recent visit to Yemen, had made speeches strongly hostile to the Federation. The tribes-

men were being used by foreign Powers as tools in a deliberate campaign to overthrow the constitutional Government of the Federation. No Government had ever asserted that the use of troops to maintain order was never justified in any circumstances, and the Government of the South Arabian Federation, which had appealed for British military assistance, was entirely justified in using its armed forces to protect the inhabitants and maintain law and order in Dhala. Any resolution that arbitrarily censured the military action undertaken there without any reference to the reasons for it was completely unrealistic and unacceptable to his delegation. Nevertheless, the United Kingdom Government and the Government of the Federation, being anxious to see peaceful conditions restored in the border area between the Federation and Yemen, were ready to co-operate with the Secretary-General in measures to settle outstanding problems pursuant to operative paragraph 5 of Security Council resolution 188 (1964) of 9 April 1964.

197. The representative of Iraq pointed out, in connexion with the Danish representative's remarks, that the customary rules of international law did not apply to the situation in Aden, which must be considered as a Non-Self-Governing Territory for which the United Kingdom Government, as the administering Power, and not the so-called Government of the South Arabian Federation, was fully responsible, and to which the provisions of the Declaration on the granting of independence to colonial countries and peoples, especially of paragraph 4, consequently applied. The fighting in the Radfan area was taking place because the people of the Territory were unable to exercise their right of self-determination, laid down in the Declaration and many other United Nations resolutions, and further incidents could be expected as long as that right was not recognized. The reservations expressed by the Venezuelan representative with regard to the final paragraphs of both the preamble and the operative part of the draft resolution were not well taken, for General Assembly resolutions 1810 (XVII) and 1956 (XVIII) both specifically invited the Special Committee to apprise the Security Council of developments that might threaten international peace and security, and in order to be able to do so it was necessary for the Committee first to determine whether such developments had occurred in a Territory.

198. The United Kingdom representative had repeated the time-worn allegation, so often resorted to by colonial Powers to justify the use of force against national liberation movements, that the struggle of the latter was not spontaneous but was being instigated from outside. The matter at issue was not the relations between the United Kingdom and Yemen, which were the concern of the Security Council, but a colonial situation in which indigenous inhabitants struggling for independence were opposed by the forces of the administering Power. The argument that the South Arabian Federation had requested the United Kingdom's assistance could not be seriously entertained for—apart from the fact that the Federation's subservience to the United Kingdom was well known—the acceptance of such an agreement would seriously weaken paragraph 4 of the Declaration in General Assembly resolution 1514 (XV) by leaving the way wide open to administering Powers to set up puppet governments in dependent Territories and then keep them in power by force against the consent of the governed. And it had been abundantly shown that the Government of the South Arabian

Federation lacked that consent. The root of the evil lay in the United Kingdom's refusal to rectify the unrepresentative character of that Government and otherwise implement United Nations resolutions on the question of Aden. It was idle to pretend that there were no new developments in the situation. Why was the British Parliament devoting so much time to it, and why were British troops being sent to a particularly difficult area to fight what would finally prove to be a hopeless war, since history had shown that, regardless of the means employed, such attempts to suppress national movements by force were doomed to failure? His delegation deeply regretted that the United Kingdom Government should be pursuing so insane a policy—which seemed to be inspired by the same mentality as the Suez adventure—and should even have tried to arouse public opinion by spreading false stories about the beheading of two British soldiers, subsequently denied by the United States Embassy in Taiz. Nevertheless, he hoped that, as at the time of Suez, a more level-headed atmosphere would prevail, and that the United Kingdom Government would recognize that sooner or later it would have to relinquish Aden. Relations between the United Kingdom and the Arab world could prove mutually beneficial only when based on mutual respect and understanding and not on subjugation and exploitation.

199. The representative of Denmark stated that he and the representative of Iraq appeared to be in agreement on the principles of international law involved; moreover, his Government fully supported paragraph 4 of the Declaration in General Assembly resolution 1514 (XV). However, on the basis of the instructions he had received from his Government he could say that his Government did not believe that the United Kingdom Government had endangered international peace and security by its actions in the area, and if a separate vote was taken on the relevant preambular paragraph of the draft resolution, he would vote against it, while abstaining from any separate vote on operative paragraphs 1 and 3. On the other hand, he supported operative paragraph 2, since his Government could never sanction military measures against the people of a Territory.

200. The third preambular paragraph of the draft resolution was adopted by 17 votes to 4, with 2 abstentions. The draft resolution as a whole (A/AC.109/L.117 and Add.1 and 2) was adopted by a roll-call vote of 18 to 3, with 2 abstentions. The voting was as follows:

In favour: Bulgaria, Cambodia, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Mali, Poland, Sierra Leone, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: Australia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Denmark, Italy.

201. The representative of Italy, in explanation of his vote, stated that the Committee's debate had been based more than ever before on Press reports, a trend which, if continued, would not enhance the seriousness of its activities. The only first-hand information, which had been provided by petitioners, was that the opinions of the population were divided. It was not clear whether the fighting reflected those divisions, much less whether the British forces were actually fighting against the people of the Territory, or whether the Federation's

forces, with United Kingdom assistance, were really engaged in repelling infiltration. A third and more likely possibility was that the rights and wrongs of the case were distributed between both sides. In the circumstances, and since the Secretary-General was still entrusted with a certain task in connexion with which diplomatic negotiations were under way, his delegation had felt that the Special Committee should have awaited the outcome of those negotiations before adopting a draft resolution, and he had therefore abstained.

202. The text of the resolution thus adopted (A/AC.109/74) reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling General Assembly resolution 1949 (XVIII) of 11 December 1963 and the resolution of the Special Committee adopted on 9 April 1964 on the Question of Aden and the Aden Protectorates (A/AC.109/64),

"Considering that the armed action undertaken recently by the United Kingdom Government against the people of the Territory is inconsistent with the Declaration on the granting of independence to colonial countries and peoples.

"Believing that recent British military actions and measures in the area have endangered international peace and security,

"1. Deprecates the military action undertaken by the British authorities in Aden against the people of the Territory;

"2. Urges the United Kingdom Government to cease forthwith all military measures against the people of the Territory in conformity with paragraph 4 of the Declaration on the granting of independence to colonial countries and peoples;

"3. Calls the attention of the Security Council to the dangerous situation prevailing in the area as a result of recent British military actions against the people of the Territory."

203. The text of this resolution was transmitted to the President of the Security Council on 12 May 1964 (S/5693).

G. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF THE SUB-COMMITTEE ON ADEN

204. At the 303rd meeting of the Special Committee, on 6 November 1964, the representative of Cambodia, speaking as Chairman of the Sub-Committee on Aden, introduced the report of the Sub-Committee (A/AC.109/L.159 and Corr.1), which is appended to this chapter. The Sub-Committee's report was considered by the Special Committee at its 312th and 314th meetings on 13 and 17 November 1964.

205. The representative of Cambodia, in introducing the report, stated that the Sub-Committee, acting in a way as a *comité de vigilance*, had adhered in all respects to its terms of reference, laid down in the Special Committee's resolution of 9 April 1964 (A/AC.109/64). While keeping under constant review the situation in the Territory, it had requested, on the one hand, a visit to Aden and, on the other, talks with the United Kingdom Government. Neither of those

requests. It had been met, however, and it had deemed it necessary to go to Cairo where, during a comparatively brief stay, it had heard 103 petitioners and had received many written communications.

206. The report of the Sub-Committee on Aden included, in addition to the introduction, five sections dealing respectively with action taken by the Sub-Committee to carry out its mandate, views of the petitioners, evolution of the situation in the Territory, and conclusions and recommendations of the Sub-Committee. It had been adopted by the five members of the Sub-Committee on 27 October 1964.

207. He drew attention to the fact that the Sub-Committee had continued to receive a large number of petitions from Aden, even after the adoption of the resolutions of 9 April and 11 May 1964 (A/AC.109/64 and A/AC.109/74). He thought that the Special Committee might, within the scope of the Sub-Committee's final recommendation (see annex, para. 125), bear in mind the fact that talks with the administering Power were always useful and that they could take place at any time.

208. At the 312th meeting, on 13 November 1964, the representative of Iraq introduced a draft resolution (A/AC.109/L.167) jointly sponsored by Cambodia, Ethiopia, India, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, the United Republic of Tanzania and Yugoslavia. Venezuela subsequently joined as a co-sponsor (A/AC.109/L.167/Rev.1).

209. The representative of Iraq, in introducing the draft resolution, reminded the Committee that, since it had discussed the question in May 1963, two important events had taken place in Aden. The first was the Constitutional Conference convened in London in June, the second was the October elections. Although the Sub-Committee on Aden had insisted that the Constitutional Conference should be fully representative, the opposition parties had not been invited and, as the Special Committee was aware, the petitioners who had appeared before the Sub-Committee in Cairo were unanimous in their rejection of the decisions taken in London, demanding that the problem be solved in accordance with the resolutions adopted by the General Assembly and the Special Committee.

210. The report of the Sub-Committee also mentioned the refusal of the administering Power to co-operate with the Sub-Committee or to allow it to go to Aden Territory or hold talks with the responsible United Kingdom ministers. The conclusions and recommendations reaffirmed the resolutions of the General Assembly and the Special Committee, and asked the administering Power not to give effect to the decisions of the London Conference, because they did not accord with the wishes of the population or with the provisions of General Assembly resolution 1949 (XVIII) of 11 December 1963.

211. Regarding the October elections, the Sub-Committee had indicated in its report that they were held under a very restrictive franchise. Out of a population of more than 250,000, only 8,000 had the right to vote and many of those had not voted.

212. The draft resolution reaffirmed the previous resolutions of the General Assembly and the Special Committee, regretted the refusal of the administering Power to co-operate, and endorsed the conclusions and recommendations of the Sub-Committee regarding the implementation of the General Assembly's resolutions. In its operative paragraph 4 it recommended that the

Sub-Committee be maintained, since the situation at Aden was a continuously developing one.

213. The representative of the United Kingdom thought it was regrettable that the report of the Sub-Committee took so little account of the political and constitutional situation in the Federation of South Arabia. It did not give a coherent or objective picture of the contrasts in the situation. On the one hand there was a very busy and modern commercial port; on the other hand a hinterland consisting of relatively underdeveloped tribal and agricultural Protectorates. On the one hand, again, there was the modern political life in Aden; on the other hand an Arab tribal life only loosely governed, if governed at all. Though there was a colonial régime in Aden, there was none in the interior, where Protectorate treaties gave more or less complete liberty to the traditional rulers. There was friction and violence on the border, and everywhere a clash between tradition and the new forces of Arab nationalism, which was as tough as the old methods but subtler. Nor did the Sub-Committee's report mention the problems of Aden itself, with its huge immigrant communities, especially of Yemeni workers attracted by Aden labour conditions and wages. It made no mention of the efforts of numerous leaders in both Aden and the Federation to forge unity out of the diversity of centuries and bring together the people of Aden and the Protectorate in spite of all their differences of wealth, development, political systems and ways of life.

214. Clearly, such an ambitious task could not succeed without encountering numerous problems on the way. Those problems inevitably generated bitterness, intrigue, and all too often violence. The leaders responsible for protecting the lives and security of the inhabitants were faced with infiltration on the border, while the political structure was being undermined from within. It was not therefore surprising that emergency measures had to be applied and some political liberties curtailed in order to achieve the aim of creating a new and independent nation capable of guarding its freedom against attack from within or from without.

215. The Sub-Committee's report criticized the London Conference of July 1964 on the ground that the opposition parties had not been represented at it. That Conference, however, had been intended as a conference not of political parties but of Governments. The British Government had agreed to the delegates' request that it should convene a conference as soon as practicable to fix a date for independence not later than 1968. The Conference had also agreed on a series of measures designed to make the institutions of the Federation at the centre and in the States more representative and democratic. In the light of the achievements of the London Conference and of their obvious relevance to the aims of the Charter and of resolutions 1514 (XV) and 1949 (XVIII), it was unreasonable that the report should refer in its conclusions to the views of individuals and organizations which had "rejected" the Conference and then proceed to express "regret" that the Conference had been held at all.

216. The report suggested that the elections recently held in Aden had been meaningless because only 4 per cent of the population had voted. The use of that figure, however, was completely misleading. The population of Aden included over 100,000 aliens, most of whom were immigrant workers and nationals of other countries. It was hardly surprising that they should not have a vote, or that women, who accounted for about

half of the total Adeni Arab population, should be excluded from voting in accordance with local religious and social conventions. It had also to be borne in mind that three quarters of the 50,000 male Adeni Arabs were under twenty-one. Over 8,000 voters had registered and 6,377, or 76 per cent, had voted. The qualifications for voting were simple: any male person over twenty-one years of age who had been born, or whose father had been born, in Aden or who was a naturalized Adeni, and who could speak and understand Arabic, was entitled to vote. It could hardly be claimed that such qualifications were restrictive or undemocratic.

217. It had also been claimed that the result of the elections was questionable because there was a state of emergency in Aden. The British Government, like the Aden and Federal Governments would of course have been only too happy to see the Conference and the election take place against a background of peace and tranquillity. But who had been responsible for the sporadic acts of violence and the attacks by armed, masked men, on the eve of the election, on two printing presses—attacks which organizations outside Aden had openly claimed to have arranged? Who had been responsible for the constant incidents on the border with the Yemen? It was difficult to understand why the Sub-Committee's report, in its conclusions and recommendations, should condemn the state of emergency and the military operations without a single reference to the acts of armed aggression, subversion and sabotage which had obliged the Federation, with openly requested and openly given British help, to resort to those measures of self-defence. What was more, despite the emergency measures and the acts of violence which had made them necessary, the elections had been democratically conducted. The Peoples Socialist Party had chosen to boycott them, but several sympathizers of that party had been elected, and one candidate, Mr. Khalifa Abdulla Hasson Khalifa, who had been detained under the emergency regulations, had been promptly released on his election to the Legislative Council.

218. Moreover, the report ignored the steady advances which had taken place, despite all the obstructions, towards democracy, unity and independence. It ignored the wish of the mass of the people in Aden and the Federation to move to early independence along the paths mapped out at the London Conference, by way of more representative and democratic self-government. Instead of doing that, it simply repeated the propaganda of the opponents of the Federation. In the United Kingdom Government's view, the Sub-Committee's conclusions and recommendations were out of touch with the facts, and the United Kingdom Government was thus left with no alternative but to reserve its freedom of action.

219. Fortunately, the outlook was not nearly so discouraging as the Sub-Committee's report or the magnitude of the problems facing the Federation might seem to suggest. The achievements of the London Conference were very considerable and constituted a good foundation on which to build. The Aden elections had shown that, despite the threats and boycotts, the citizens of Aden were quite capable of choosing the representatives who were to help to govern them. It had been announced in the past few days that the new British Colonial Secretary, Mr. Greenwood, proposed to visit Aden to assess the situation on the spot for himself before the forthcoming talks on the future status of Aden within the Federation. Recent events affecting the Yemen gave cause for hope that a settlement might

be in sight in that turbulent and unhappy country. Such a settlement might facilitate a relaxation of tensions in Southern Arabia, which would in turn help the orderly progress of all the Territories of that area towards democracy and true independence. If those opportunities were grasped, the future might well be bright; but in order to grasp them the Federation and the other countries of the area would need the restraint, the sympathy and the understanding of their neighbours and of the other countries of the world, both at the United Nations and outside it.

220. The representative of Iraq stated in reply that in 1963 the Sub-Committee had prepared a very detailed study of conditions in the Territory. That year the Sub-Committee's task had been not so much to gather information as to keep developments in the Territory under review and report thereon to the Special Committee within the context of the resolutions adopted by the General Assembly and by the Special Committee. That was why a good part of the report dealt with the Constitutional Conference in London, and with the elections held in Aden during October 1964.

221. The United Kingdom representative had said that his Government had been endeavouring to create unity out of diversity in the Territory. But unity could not be created by trying to impose it on the people under conditions that were not acceptable to the majority. He regretted that the United Kingdom representative had tried to justify the maintenance of the state of emergency in the Territory in spite of the hardships it inflicted on the people, and that he had given no indication that the state of emergency would be lifted soon. That was a very grave matter, and the Special Committee must insist that the state of emergency, declared in December 1963, should be terminated without delay. A resolution on the subject had been adopted by the General Assembly at its eighteenth session, and two resolutions had been passed by the Special Committee (A/AC.109/64 and A/AC.109/74).

222. The United Kingdom representative had criticized the Sub-Committee for the position it had taken on the Constitutional Conference, and, in particular, for stating that no representatives of the opposition parties or of the nationalist parties had been invited to participate in the Conference. The United Kingdom representative had said that it had been a Conference of Governments and not of parties. But, the representative character of these Governments was open to serious question. None of the members of the Governments of the various States of the Federation had been elected by the people; they were British appointees and as such could not negotiate on a basis of equality with the United Kingdom Government. As for the Ministers of the Aden Government, they had come to office as a result of the elections of 1959, which had been held under a most restricted and undemocratic franchise. Lastly, a constitutional conference of that kind, to decide the future of a Territory, could not be composed exclusively of members of Governments. In the case of other United Kingdom Territories, the leaders of the majority and representatives of the Opposition had always been invited to the constitutional conferences. In the case of Aden, the United Kingdom Government had seriously departed from the precedents it had set for previous conferences.

223. The United Kingdom representative had also criticized the Sub-Committee for ignoring what he had called some of the positive aspects of the Constitutional Conference. But paragraph 31 of the Conference Report

stated that the delegates had requested that British sovereignty over Aden should be renounced as soon as practicable, subject to the continued exercise of such powers as might be necessary for the defence of the Federation and the fulfilment of Britain's world-wide responsibilities; and paragraph 38 stated that the delegates had requested the conclusion of a defence agreement under which Britain would retain, for those purposes, its military base in Aden. Thus the maintenance of the base in Aden had been decided well in advance of any conference or negotiations likely to take place between the parties concerned. The Territory's independence would therefore be handicapped by the existence of the base. That by itself would make the decisions of the Conference unacceptable to the majority of the population of Aden. The Sub-Committee could not therefore accept an arrangement whereby the United Kingdom would maintain its military base in Aden.

224. In conclusion, he expressed the hope that the visit of the new British Secretary of State for the Colonies to the Territory, and the declared policies of the new Government, would lead to a complete review of United Kingdom policy in that part of the Arab world, taking into account the wishes of the people as expressed to the representatives of the Special Committee in 1963 and 1964 at Cairo. His delegation could not accept the continuation of a situation based on the maintenance of a state of emergency and a continuance of military operations against the population of the Territory, and it hoped that the new British Government would take heed of the many warnings addressed to the United Kingdom and of the decisions of the General Assembly and the Special Committee.

225. The representative of Syria said that the question of Aden was most urgent in view of the deteriorating conditions which had caused the Territory untold suffering, bloodshed and loss of life. It had been to remedy that state of affairs that the Special Committee had adopted resolution A/AC.109/64 and had decided to establish a Sub-Committee on Aden. The administering Power had declined to co-operate with the Sub-Committee and persisted in its refusal to allow the Sub-Committee to visit the Territory, or even London. Despite the obstructions the Sub-Committee had presented a clear and unambiguous report on developments in the Territory. It had not been requested to submit information, as the United Kingdom representative had contended.

226. Not only had the administering Power not co-operated with the Sub-Committee, but it had waged a colonial war of repression in several regions of the Territory. According to one of the petitioners heard by the Sub-Committee, the Sultan of Fadhi, the military operations in Radfan had not been requested at all by the Government of the so-called Federation. According to another petitioner, a former Minister for Finance in the so-called Federation, British forces in the Territory numbered over 40,000 troops. One could hardly believe that they had been brought in at the request of the Government of the Federation to kill their brothers. On the pretext of the state of emergency declared in December 1963, many nationalists had been arbitrarily arrested, detained or exiled, for no reason other than their struggle to liberate themselves from the colonial system.

227. He asked why the United Kingdom was persisting in Aden in a policy of repression which it had itself abandoned in many of its former Territories.

Was it because of oil, the military base, the strategic importance of Aden, was it to maintain a stepping-stone on the line of communications in order to be able to help one Asian Power against another, or was it to maintain leaders in power against the wishes of the people? In order to reply to those questions without risking being accused of bias, he quoted an article by the historian Arnold Toynbee entitled "Britain and the Arabs: the need for a new start" in the October 1964 issue of the review *International Affairs*. According to Mr. Toynbee, the United Kingdom's nostalgic imperialist policy in Southern Arabia arose from its desire to believe that it was still a great Power in the traditional, brutal meaning of the term. It was apparently unable to bring itself to part with the last shreds of its empire, and it searched about for rational pretexts to justify itself. But the justifications given by the United Kingdom for holding on to South Arabia were not in its real interests. That was not the way to ensure that it could continue indefinitely to buy the oil it required from the Arabs; nor could it, by maintaining a military base at Aden against the Arabs' wishes, fulfil its obligations towards this or that ally in South-East Asia. It would have much more to gain by giving up that Territory as it had given up so many others, thereby keeping their friendship. As for giving the Territory a nominal independence but continuing to keep increasingly unpopular rulers in power by force of arms as the people grew progressively more modern-minded, that would be sheer imposture. The United Kingdom should give its Arab subjects genuine independence. It should ask the States represented in the Arab League to go into conference with it to arrange the procedure for such a step. It should propose a United Nations inquiry into the real wishes of the South Arabian peoples including those of the Hadhramaut, Qatar, Oman and Bahrein. In that way it would show its sincerity and could evacuate Arabia, peacefully and honourably.

228. With regard to the Constitutional Conference, which had been held in London in June and July 1964 despite the Sub-Committee's request to the administering Power to wait for the restoration of order and peace in the Territory, he said that it had been attended not by the real representatives of the people but the spokesmen of the colonial administration. The fifty-two point plan produced by that Conference merely served colonial interests and perpetuated the *status quo*, in utter disregard of the wishes of the people. That was why the Sultan of Fadhi had been forced to withdraw from the Conference. Moreover, it was strange that between 9 June and 4 July 1964, a period of twenty-six days, the Conference had only held two meetings. The Sub-Committee had been unable to find out anything about what had happened in the informal discussions. It had rightly arrived at the conclusion that the results of the Conference should be considered worthless because they were not in keeping with the provisions of General Assembly resolution 1949 (XVIII) and the recommendation of the Popular Congress of National Organizations adopted in Cairo on 5 July 1964, and because only the true representatives of the people had the right to discuss with the United Kingdom the transfer of powers and the details of self-determination leading to full independence.

229. As to the elections which had taken place in Aden in October, the total number of registered voters had not exceeded 8,000, or 4 per cent of the total population of Aden. The main political parties had boycotted those elections, which in the long run had

served only to perpetuate the violence and suffering of the people.

230. However, his delegation was willing to forget the past. It hoped that the new United Kingdom Government would be willing to listen to the voice of reason and that of the rightful representatives of the people of Aden and the Protectorates, and that under its auspices an era of fruitful and sincere collaboration with the United Nations on the Aden question would begin. The United Kingdom could demonstrate its good intentions by inviting the Sub-Committee to visit not only London, but also Aden and the Aden Protectorates. Meanwhile, the United Nations Secretary-General might be requested to have himself represented at the forthcoming Constitutional Conference by an observer, and to report to the General Assembly on the results of the Conference. He might also carry out consultations with the administering Power to establish the presence of the United Nations in Aden, as recommended in paragraph 125 of the Sub-Committee's report.

231. He recalled that the second Conference of Heads of State or Government of Non-Aligned Countries held in Cairo in October 1964 had urged the immediate application of the resolutions of the United Nations on the Aden question, which were based on the expressed wishes of the people of the Territories. That was the voice of more than 1,000 million human beings asking to be heard and, in particular, by the United Kingdom Government.

232. He considered that the Committee should call on the United Kingdom to evacuate its troops from the Territory before the granting of independence, because peace could not reign there so long as United Kingdom rifles, guns and aircraft remained there. It should also urge the administering Power to advance the date of independence, which had been fixed for 1968 by the Constitutional Conference.

233. The representative of Cambodia, speaking as the Chairman of the Sub-Committee on Aden, in reply to the statement made by the United Kingdom representative, recalled that the Sub-Committee on Aden had asked to go to the Territory in order to learn the views of all sections of the population, and to have talks with the United Kingdom authorities. Those requests had not been granted. As to the statements by the United Kingdom representative, they were well known to the Special Committee and appeared in its draft report to the Assembly (A/AC.109/L.141).

234. The Committee's resolution of 9 April 1964 (A/AC.109/64) had not only set up the Sub-Committee on Aden; it contained the Special Committee's judgement on the question. The fact that the statements made by the United Kingdom were known did not prevent other delegations, in the Sub-Committee, the Special Committee and the General Assembly, from having their own views on the question.

235. As in the previous year, the Sub-Committee on Aden was ready to take into account the opinions of all concerned. In 1963, it had been unable to hold talks with the United Kingdom authorities and no advocate of the United Kingdom position had appeared before it to explain his views. The reproach of the United Kingdom representative was therefore totally unjustified.

236. The representative of the Union of Soviet Socialist Republics said that the Sub-Committee on Aden had acted in accordance with its terms of refer-

ence under the resolution adopted by the Committee on 9 April 1964 (A/AC.109/64). The Sub-Committee's report showed that, unfortunately, the administering Power had not only given it no assistance but had placed obstacles of every kind in its path. The United Kingdom had refused altogether to negotiate with the Sub-Committee and had not permitted it to visit the Territory of Aden.

237. The report also showed that the situation in Aden and the Protectorates had become worse since the Committee's last debate on the question. The state of emergency was still in force, as were the laws and ordinances restricting the rights and freedoms of the inhabitants. The repression of those fighting for independence and the military operations against the population still continued. The situation had become critical to the point of constituting a threat to peace.

238. Furthermore, the colonial Power had taken steps in the Territory which were contrary to the decisions of the General Assembly and the Special Committee. One such step had been the London Conference. The participants in that Conference had been very carefully chosen by the administering Power. The advocates of genuine independence for the Territory had not been invited. In the unanimous opinion of the petitioners who had addressed the Sub-Committee on Aden, the Conference had been a colonialist scheme aimed at continuing British domination by preparing the country for false independence and ensuring the protection of the British military base and other British interests and privileges. It was stated in the reports of the Conference that the Colonial Secretary had convened a conference for the purposes of fixing a date for independence not later than 1968, and of concluding a Defence Agreement under which the United Kingdom would retain its military base in Aden (annex, para. 78). Thus, the sole intention of the administering Power was to consolidate its rule over Aden and the Protectorates. It was clear that the decisions of the London Conference were contrary to the provisions of resolution 1949 (XVIII) and the decisions taken by the Committee during the current year. The proof was to be seen in the so-called elections to the Legislative Council which had taken place in Aden on 16 October 1964. Despite all his efforts, the United Kingdom representative could never prove that it was normal that, out of a population of 250,000 only 6,000 should have voted. As the newspaper *The Observer* had written in its issue of 18 October 1964, the elections had been a farce for a number of reasons.

239. The recent events had only confirmed the validity of the conclusions of the Sub-Committee on Aden. The Soviet delegation considered that the report before the Committee correctly reflected the situation which had arisen in the Territory; it therefore supported the conclusions and recommendations set forth in the report and would vote in favour of the thirteen-Power draft resolution.

240. The Special Committee then adopted the draft resolution (A/AC.109/L.167/Rev.1) by 18 votes to none, with 5 abstentions.

241. The representative of the United Kingdom said that his delegation had abstained because it wished to reserve its Government's position with regard to operative paragraphs 1 and 3 of the resolution, especially as the United Kingdom Government was called upon to comply with three resolutions which his delegation had voted against.

242. With regard to operative paragraph 3, he recalled that he had already told the Committee on 13 November 1964 (para. 217 above) that in his Government's view the Sub-Committee's conclusions and recommendations did not take the real facts into consideration and that the United Kingdom Government therefore had no alternative but to reserve its freedom of action. There was no evidence that the views expressed by some petitioners who wished the base to be removed from Aden represented the majority view of the Aden people. On the contrary, there were many people in Aden who were well aware of the vital importance of the military base to the workers of Aden. Moreover, there were many—in both Aden and the Federation—who welcomed the existence of the base as a symbol of British responsibility for the defence of the Federation.

243. As he had said previously, the Secretary of State for the Colonies would be visiting Aden. Mr. Greenwood was due to leave on 26 November 1964 for a ten-day visit in the course of which he would have talks with the leaders of all political parties with a view to determining the future policy of the United Kingdom Government. That was one more reason for his Government to reserve its freedom of action at the present time.

244. The representative of the United States of America explained why her delegation had abstained on the resolution concerning Aden. The United States Government understood the desire of the sponsors of the resolution to facilitate and speed up the progress of the peoples of Southern Arabia towards independence. It had consistently favoured steps in that direction by the population in that area and by the administering Power. However, it did not share the view expressed by members of the Committee that the existence of the United Kingdom base in Aden had impeded, or must necessarily impede, Southern Arabia's evolution towards independence. On the contrary, it had noted that political evolution had been most rapid precisely in places which had enjoyed economic advantages deriving from the base.

245. The resolution which had just been adopted and the report of the Sub-Committee on Aden did not give sufficient consideration to the political evolution already in progress or to the questions of defence and economic development in the area. They were not therefore ideally designed for the purposes of the Committee.

246. The representative of Denmark said that his delegation appreciated the efforts made to restrict the scope of the resolution which had just been adopted. His delegation had abstained because the resolution reaffirmed three resolutions on all of which Denmark had abstained, because it could not support all the conclusions and recommendations in the Sub-Committee's report, and because it deemed it proper to give the new Government in London reasonable time to consider the matter and to arrive at its own conclusions.

247. The representative of Chile said that his delegation, which had supported General Assembly resolution 1949 (XVIII) and the two resolutions adopted by the Committee the previous spring, and which had supported the report of the Sub-Committee on Aden, had voted for the draft resolution because in its view it represented a further effort by the United Nations to enable a Territory to exercise without restriction its right to self-determination and independence. His delegation hoped that the new United Kingdom Government

would endeavour to ensure progress towards the goals of the United Nations in that Territory.

248. The representative of Madagascar said that his delegation was a co-sponsor of the draft resolution and that if it had been present during the vote, it would have voted for the draft resolution.

249. The resolution (A/AC.109/108) adopted by the Special Committee at its 314th meeting, on 17 November 1964, reads as follows:

"The Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the report of the Sub-Committee on Aden (A/AC.109/L.159 and Corr.1),

"1. Reaffirms General Assembly resolution 1949 (XVIII) of 11 December 1963 and the resolutions adopted by the Special Committee on 9 April and 11 May 1964⁹ and calls upon the administering Power to implement them without delay;

"2. Regrets the refusal of the administering Power to co-operate with the Sub-Committee;

"3. Endorses the conclusions and recommendations of the Sub-Committee;

"4. Decides to maintain the Sub-Committee on Aden with the same terms of reference contained in operative paragraph 7 of the resolution adopted by the Special Committee on 9 April 1964 (A/AC.109/64)."

ANNEX

Report of the Sub-Committee on Aden*

CONTENTS

	<i>Paragraphs</i>
Introduction	1- 17
I. Action taken by the Sub-Committee to carry out its mandate	18- 29
II. Views of the petitioners	30- 70
III. Evolution of the situation in the Territory	71-108
IV. Conclusions of the Sub-Committee	109-124
V. Recommendations of the Sub-Committee	125-127

Appendices

	<i>Page</i>
I. Exchange of letters with the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.....	222
II. Exchange of letters with the Permanent Representative of the United Arab Republic to the United Nations and announcement of the visit of the Sub-Committee to Cairo.....	223
III. Statements by the Sub-Committee.....	223
IV. Letter from the Sultan of Fadhli received by the Sub-Committee on Aden on 10 July 1964.....	225
V. Copy of a photostat of a letter dated 18 June 1964 from the Aden police addressed to Mr. A. M. Basendwah, Member of the Peoples Socialist Party	225

INTRODUCTION

1. The Special Committee considered the question of Aden at its meetings in 1963. On 3 May 1963, it established a Sub-Committee "to ascertain the views of the population especially those of the representatives and leaders of the

⁹ A/AC.109/64 and A/AC.109/74.

* Previously issued under the symbol A/AC.109/L.159.

various political parties and hold talks with the administering Power". The Sub-Committee made a request to visit Aden, but its request was not acceded to by the United Kingdom. It also tried to hold talks with the administering Power but that opportunity was also declined by the United Kingdom. The Sub-Committee therefore visited countries^a neighbouring Aden and the Aden Protectorates, where it interviewed petitioners from the Territory and submitted a report containing its conclusions and recommendations (A/5446/Rev.1, chapter V, appendix).

2. The Special Committee considered the report of the Sub-Committee and, at its 197th meeting on 19 July 1963, adopted its second resolution on the question. Resolution 1949 (XVIII) was adopted by the General Assembly on 11 December 1963, following its consideration of the report of the Special Committee (A/5446/Rev.1, chapter V). On 16 December 1963, the General Assembly adopted resolution 1972 (XVIII) in connexion with the state of emergency in the Territory.

3. At its 234th to 243rd meetings, between 25 March and 9 April 1964, the Special Committee again considered the question of Aden. It heard two petitioners, Mr. Shaikhan A. Alhabshi, Secretary-General of the South Arabians League, and Mr. Mohamed Salam Basendwah, representing the Peoples Socialist Party and the Aden Trades Union Congress.

4. In the course of the debate, several delegations expressed the feeling that an investigation of conditions on the spot was needed. In view of the deteriorating situation, the need to visit the Territory was more imperative than ever. It was suggested that the Special Committee should establish a sub-committee which would be entrusted with the task of directly acquainting itself with and obtaining first-hand information on the situation in Aden and the Aden Protectorates. At the same time, it was suggested that the proposed sub-committee would act as a *comité de vigilance* responsible for reporting to the Special Committee on any new developments and with authority to establish contacts with the administering Power.

5. At its 243rd meeting on 9 April 1964 the Special Committee adopted the following resolution (A/AC.109/64) by a vote of 19 to 3 with 2 abstentions:

[For the text of the resolution, see chapter VI, para. 166]

6. The question of Aden was re-examined by the Special Committee from 7 to 15 May 1964 because of the deterioration in the situation in the Territory and the military actions and measures taken by the United Kingdom in the region. At its 256th meeting on 11 May 1964, the Special Committee adopted a resolution (see chapter VI, para. 202) by which it: (a) deprecated the military action undertaken by the British authorities in Aden against the people of the Territory; (b) urged the United Kingdom Government to cease forthwith all military measures against the people of the Territory in conformity with paragraph 4 of the Declaration on the granting of independence to colonial countries and peoples; and (c) called the attention of the Security Council to the dangerous situation prevailing in the area as a result of recent British military actions against the people of the Territory.

7. At the 262nd meeting on 21 May 1964, the Chairman of the Special Committee announced that he had nominated the following as members of the Sub-Committee on Aden: Cambodia, Iraq, Ivory Coast, Venezuela and Yugoslavia.

8. The Sub-Committee was constituted as follows: Mr. Voeunsai Sonn (Cambodia), Chairman; Mr. Adnan Pachachi (Iraq); Mr. Julien Kacou^b (Ivory Coast); Mr. Leonardo Díaz González (Venezuela); Mr. Milos Melovski (Yugoslavia).

9. The Sub-Committee was assisted by a secretariat consisting of Mr. H. Rifai, Secretary of the Sub-Committee, Mr. T. Tanaka, Political Affairs Officer, and Miss C. E. Charpentier, Secretary. Mr. C. Mertvagos, Interpreter, accompanied the Sub-Committee during its visit to Cairo.

10. Under operative paragraph 7 (a) of the Special Committee's resolution of 9 April 1964 (A/AC.109/64), the Sub-Committee was asked "to study and keep under constant review the situation in the Territory". At its first meeting, the Sub-Committee reviewed the general situation in the Territory; aside from the alarming events taking place in Aden and the Protectorates on the military side, and the emergency rule established in the "Federation of South Arabia", news reached the Sub-Committee that the United Kingdom Government had decided to convene a Constitutional Conference in London which would be attended only by "Ministers of the Federal Cabinet, Ministers of Aden State and delegates of other State Governments which are not represented in this way" in order to discuss the constitutional progress of the Federation towards independence and other related matters. The Sub-Committee undertook certain steps with the Permanent Representative of the United Kingdom aiming at allowing the representatives of political parties and organizations and other parties concerned to participate in the Conference, or at postponing the Conference. As those steps did not prove fruitful, the Sub-Committee issued a statement embodying its views on this question (see paras. 19 to 21 below).

11. The Sub-Committee conveyed to the administering Power its desire to visit the Territory and to hold talks with it on the situation there, in accordance with operative paragraph 7 (b) and (c) of the resolution of the Special Committee. Unfortunately the steps taken towards these two aims also did not prove fruitful (see paras. 20 to 24 below).

12. Under these circumstances, and due to the refusal of the United Kingdom to allow it to visit Aden, the Sub-Committee deemed it necessary, in pursuance of its task, to go to a neighbouring country in the area, where it could meet as many representatives of the people as possible. From 4 to 11 July 1964, therefore, it visited the United Arab Republic where a great number of petitioners had assembled to meet it. The Sub-Committee wishes here to register its gratitude to all those who, despite various obstacles and personal hardship, were able to come to Cairo to present their cases to it.

13. The Sub-Committee wishes to express its gratitude and appreciation to the Government of the United Arab Republic for its valuable assistance and generous hospitality, particularly at a time when other important meetings and conferences were on the point of being held in Cairo.

14. The Sub-Committee also wishes to express its appreciation for the valuable assistance and co-operation it received from the Director and Staff of the United Nations Information Centre in Cairo.

15. The Sub-Committee wishes to record its deep appreciation of the work of the Secretariat, its devotion to duty and its efficiency. It thanks the Secretariat for the valuable help it gave the Sub-Committee in the accomplishment of its task.

16. After its visit to Cairo, the Sub-Committee continued to study closely the situation in the Territory. The present report covers the development of that situation up to 20 October 1964.

17. The present report was adopted by the Sub-Committee on 27 October 1964.

I. ACTION TAKEN BY THE SUB-COMMITTEE TO CARRY OUT ITS MANDATE

Constant review of the situation in the Territory

18. From 26 May to 20 October 1964, the Sub-Committee followed the main developments in the Territory. It considered closely the information it received. The statements of the petitioners who were heard by the Sub-Committee are set forth in section II of the present report. Section III of the report sets forth the events and facts referred to by the petitioners, as well as the developments which took place after the visit of the Sub-Committee to Cairo. The Sub-Committee is grateful to the Secretariat for its efforts in keeping it constantly informed of events in spite of the difficulties in obtaining detailed information from local sources.

^a The United Arab Republic, Yemen, Saudi Arabia and Iraq.

^b Mr. Kacou replaced Mr. Moise Aka who had originally been appointed to the Sub-Committee but had to leave for other duties.

Contacts with the administering Power

19. Under the terms of the resolution of the Special Committee, the Sub-Committee was requested to establish contacts with the administering Power with a view to implementing General Assembly resolutions 1514 (XV) and 1949 (XVIII), and to arrange, in consultation with the administering Power, for visits to the Territory. At its first meeting on 26 May 1964 the Sub-Committee decided to enter into contact immediately with the Permanent Representative of the United Kingdom in order to carry out its mandate. The Sub-Committee noted, moreover, that the United Kingdom Government had decided to convene a Constitutional Conference in London on 9 June 1964 which would be attended only by Ministers and State delegates from the Territory. In view of the importance of such a development for the future of the people of the Territory, the Sub-Committee felt that it should convey to the administering Power without delay its views on this question and, to this end, it decided to request a meeting with the Permanent Representative of the United Kingdom (appendix I. A).

20. On 2 June 1964, the Chairman of the Sub-Committee met with the Permanent Representative of the United Kingdom and informed him that the Sub-Committee wished, in compliance with its terms of reference, to undertake a visit to the Territory and to hold talks with the competent authorities of the United Kingdom in London, and hoped the administering Power would co-operate in achieving these aims. The Permanent Representative promised to convey these requests to his Government. The Chairman next stated the position of the Sub-Committee regarding the Constitutional Conference to be convened in London, namely that the representatives of political parties and organizations of the Territory, as well as of all sections of public opinion should be invited to the Conference and, if necessary, the opening date of the Conference should be postponed. The representative of the United Kingdom stated that, as the Conference had been scheduled for some six months already, it would not be possible to alter the composition of the participants or to postpone the Conference until a later date.

21. The opinion of the Sub-Committee regarding the London Conference was embodied in a statement which was officially transmitted to the representative of the United Kingdom on 4 June 1964 and published as a press release from the United Nations Office of Public Information (appendix III. A). In particular, the Sub-Committee expressed its regret that discussions concerning the constitutional progress of the Territory towards independence should be conducted without the participation of all political parties and organizations and of all sections of opinion in Aden and the Protectorates. It also expressed its conviction that it should in due course ascertain the views of the political parties, organizations and personalities of the Territory on the various constitutional problems that arise, particularly the modalities of the attainment of independence of the Territory in accordance with the provisions of the Declaration on the granting of independence to colonial countries and peoples.

22. Following several unofficial contacts with the United Kingdom representative, the Sub-Committee was informed on 24 June 1964 that for reasons already explained before, the United Kingdom could not agree to a visit to Aden by the Sub-Committee. As to the request to hold talks with the administering Power, it would not be possible to reply to it until after the end of the Constitutional Conference being held in London. Since the date of the closure of the Conference had not been made known, the Sub-Committee decided to address another letter to the Permanent Representative of the United Kingdom expressing the hope that the proposed talks would take place before 17 July and requesting a reply by 30 June 1964 (appendix I. B). The Chairman of the Sub-Committee was informed, however, that a final reply would be dispatched to the Sub-Committee after the Conference being held in London had concluded its work.

23. By a letter dated 17 July 1964 (appendix I. C), the Permanent Representative of the United Kingdom stated that he had been instructed to draw the attention of the Sub-Committee to the Constitutional Conference on Aden which had recently been concluded in London, the results of which

had been published in a White Paper and notified to the British Parliament. Her Majesty's Government had nothing to add to the report of the Conference or to the expositions of their policy in Aden already given to the Special Committee. Her Majesty's Government did not therefore consider that any useful purpose would be served by a visit to London of the Sub-Committee on Aden.

24. The Sub-Committee regrets that the opportunity for it to carry out effectively two specific tasks entrusted to it by the Special Committee has been curtailed. The United Kingdom has seen fit to ignore the requests of the Special Committee contained in operative paragraph 7 of resolution A/AC.109/64, as well as the provisions of the resolutions 1949 (XVIII) and 1972 (XVIII) adopted by the General Assembly at its eighteenth session.

Visit of the Sub-Committee to Cairo

25. The Sub-Committee was aware from the outset of the necessity of obtaining first-hand information on the situation in the Territory, particularly in the light of the very serious events which had been taking place in certain regions and the continuance of the state of emergency throughout the "Federation of South Arabia". As has already been stated, the Sub-Committee was also convinced of the urgent necessity of ascertaining the views of the political parties and organizations and of as many representatives of the people as possible concerning the constitutional progress of the country in view of the Conference held in London. With these considerations in mind, the Sub-Committee studied the possibility of going to a country in the area neighbouring Aden which would be readily accessible to those who might wish to meet it. Moreover, should the participants in the London Conference wish to make statements before the Sub-Committee, they would be in a position to do so on their way back to the Territory. It was therefore decided that, pending a favourable reply from the Government of the United Arab Republic, the Sub-Committee would go to Cairo without delay in order to carry on its work.

26. When it became clear that the Sub-Committee would not be able to visit Aden a letter was addressed by the Chairman to the Permanent Representative of the United Arab Republic, informing him of the desire of the Sub-Committee to visit his country in pursuance of its task (appendix II. A). By a letter dated 29 June 1964 (appendix II. B), the Sub-Committee was informed that the Government of the United Arab Republic would welcome the presence of the Sub-Committee in Cairo and would accord it the necessary facilities for accomplishing its task.

27. Despite the limited time at its disposal, the Sub-Committee was anxious that its proposed visit be publicized and that information media in the area of Aden and the Aden Protectorates should receive advance notice of its arrival. On 30 June 1964, therefore, the Sub-Committee drew up a *communiqué* (appendix II. C) announcing its decision to visit Cairo on 4 July 1964 in order to be at the disposal of all representatives of the population of the Territory. The *communiqué* was issued as a press release by the Office of Public Information at Headquarters and was sent by cable to the Information Centres of the United Nations in London, Cairo and Baghdad. The Sub-Committee is gratified by the promptness with which the Office of Public Information performed these tasks.

28. During its stay in Cairo, the Sub-Committee held eight public meetings and heard three petitioners in a closed meeting at their own request. It also held private meetings to consider requests for hearings and written petitions, as well as the various documents placed at its disposal.

29. After the conclusion of its meetings in Cairo, the Sub-Committee embodied its preliminary observations in a statement published by the United Nations Information Centre on 10 July 1964. The statement was also published by the Office of Public Information in New York (appendix III. B). Those observations relate in particular to the London Conference, the withdrawal of the State of Fadhli from the "Federation of South Arabia", the Popular Congress of National Organizations held in Cairo, the continuance of the state of emergency and of the military operations, the necessity of providing inter-

national assistance to the civilian population which had suffered from these operations, and the implementation of General Assembly resolutions concerning Aden.

II. VIEWS OF THE PETITIONERS

30. In Cairo the Sub-Committee heard thirty-three petitioners. It also received a great number of written petitions, telegrams, pamphlets, photographs and other documentary evidence which it took into consideration in the drafting of its report. The Sub-Committee also received telegrams and heard oral statements requesting it to visit Saudi Arabia and Yemen in order to meet petitioners in those two countries. Due to the limited time at its disposal, the Sub-Committee regrets that it could not accede to those requests. The persons who addressed the Sub-Committee were leaders of political parties and organizations, sultans, members of the Aden Legislative Council, representatives of various clubs and associations, members of tribes, students, etc. These are listed, in the order of their appearance, in the following paragraphs, with a brief personal note on each, based on the information provided by each petitioner:

(1) Mr. Mohamed bin Abubaker bin Farid, Deputy Sheikh of Upper Aulaqi.

(2) Mr. Ali Abdulkarim, deposed Sultan of Lahej. Since his deposition as Sultan of Lahej by Order-in-Council dated 11 July 1958, he had been forbidden to return to his country.

(3) Mr. Omar Salem Ba-Abbed, President, Peoples Conference of Hadhramaut. His organization encompassed two States, Qu'aiti and Kathiri, in the Eastern Protectorate.

(4) Mr. Mohamed Abdulhadi H. 'Ugil, President of the National Salvation Movement, Aden.

(5) Mr. Ahmed A. Al-Fadhli, deposed Sultan of Fadhli. He attended the Constitutional Conference in London as the head of the Federal delegation. He announced the withdrawal of his State from the "Federation" at the end of the Conference.

(6) Mr. Omar A. Shihab, Member of the Group of Independent Politicians in the Legislative Council, Aden. For the period 1962-1963 he had been Minister of Finance in the Federal Supreme Council. In 1963 he was requested by the British High Commissioner to appear before the Committee of Twenty-Four in New York, but he declined. He left Aden immediately after the bomb incident on 10 December 1963 and resigned from his post.

(7) Mr. Omar A. Bamahsoun, President, South Arabian Students Organization. His organization had branches in other areas such as in Saudi Arabia and in Aden. The membership in Cairo was 180.

(8) Mr. Hussein O. Bin Sahl, South Arabian Youth Organization. At the time of the Sub-Committee's visit, there were 500 members in his organization. Its secret headquarters were located in Aden.

(9) Miss Radhiyyah Ihsan, President, Arab Women Association. Although her organization was founded in 1951, it had not yet received permission to establish a headquarters or to install its different offices in a permanent building.

(10) Mr. Abdulla Barahma, Wahidi Youth Club. The members of his organization numbered 300; some of whom were in Cairo, and others in Saudi Arabia, Yemen and the Arabian South.

(11) Mr. Ahmed O. Haid, Member of Student Committee of Southern Occupied Yemen in Cairo.

(12) Mr. Mohamed Ali Algifri, President of the South Arabians League, formerly President of the Legislative Council and President of the Supreme Court in the Sultanate of Lahej. He was expelled from Lahej in 1956, and he had been subject to arrest by the British authorities since 1958. He was at present living in exile in Cairo.

(13) and (14) Mr. Abdulgawee H. Mackawee and Mr. Ali Alwan Mulhi, Members of the Group of Independent Politicians five of whom are members of the Aden Legislative Council. They stated that the Group believed in freedom of political convictions and followed the lines of all nationalist-minded people in the Territory. Its aims were identical to those held by all free nationalist parties in Aden. They went to London

on 22 June 1964 in order to express publicly their strong opposition to the Constitutional Conference.

(15) Mr. Mohamed A. Nisf-al-Lail, Beihaan Free Association.

(16) Mr. Nasser A. Kayed, Arab Youth Organization in Southern Occupied Yemen. His organization was composed of approximately 500 members, established in regular form in 1961. Prior to that date, the organization had been a collection of small groups concerned with cultural and social activities for the welfare of the people.

(17) Sheikh Muobel Ba'azeb, Tribe Leader of Lower Aulaqi, with 30,000 inhabitants.

18. Sheikh Mohamed Salen Al-Musli, Tribal Leader of Upper Yafei. He said he was speaking in the name of the freedom fighters of Yafei and of all fighters in the Occupied South Yemen. He was representing Upper Yafei, with a population of 300,000 people, in the absence of Sultan Mohamed Aidaroos.

(19) Mr. Abdullah Musa'eid, Tribal Leader of Beihaan, with 28,000 inhabitants.

(20) Mr. Abdullah Al-Asnag, President of the Peoples Socialist Party and General Secretary of the Aden Trades Union Congress. He had been in London in order to oppose publicly the Constitutional Conference.

(21) Mr. Mohamed Al-Abboudi Ahmed, Farmers' Association in Southern Occupied Yemen.

(22) Mr. Awad A. Al-Arashani, Vice-Chairman of Yemeni Students Club, Cairo. He was accompanied by the Secretary of the Club and a member of the Cultural Committee of the Club. There were some 600 members in his organization.

(23) Mrs. Raqiyah Omar Aqili, member of "Women of the South".

(24) Mr. Idris Ahmed Hambala, President of the Sports Union, Aden. In 1963 he had been arrested at the time of his departure from the Territory in order to meet the Sub-Committee on Aden. The Sports Union had been established in 1952 and consisted of twenty-two sporting clubs in Aden.

(25) Mr. Fadhle Salim 'Umer, President of the Dathina Youth Organization who submitted his statement in writing.

(26) Mr. Abdul Ellah Baggash Ali, President of the Socialist Scouts Movements. His organization was established in April 1964, and had 135 members in the Occupied South Yemen.

(27) Mr. Ahmed Dalei, President of the Dhala Youth Organization. He and twenty-five members of his organization had been imprisoned in Rehab.

(28) Mr. Ali A. Mohamed, Committee of Support for the National Front for the Liberation of the Southern Occupied Yemen in Kuwait. The Committee consisted of approximately 6,000 members and was affiliated with the National Front for the Liberation of Southern Occupied Yemen.

(29) Mr. Ahmed F. Balgaad, Hadhramaut Youth. The youth of his State had organized the Educated League Club in Mukalla to promote educational development. It had held a popular congress for this purpose. However, the United Kingdom Government had ordered it closed and confiscated its property.

(30) Mr. Kahtan Mohamed El-Shaaby, National Liberation Front for Southern Occupied Yemen. He had just arrived from the fighting line in Southern Occupied Yemen to be heard by the Sub-Committee as the representative of the resistance fighters. His organization had previously consisted of several organizations which had all merged. They were: (a) The Nas-serite Front of the South; (b) The Revolutionary Organization in Occupied Southern Yemen; (c) The National Front; (d) The Movement of Arab Nationalists; (e) The Group of Free Officers and Soldiers; and (f) The Front for the Reform of Yafei. Most of these organizations were secret. Members of his Organization included people from all sectors of the population: intellectual revolutionaries, workers and farmers from all tribal sectors, students, etc. The Organization was determined to drive the British from the country by armed resistance.

(31) Mr. Abdulhadi A. Ba-Awdha, from Wahidi, who submitted his statement in writing.

(32) Mr. Arsalan M. Hassan, who spoke in connexion with the detention of Mr. K. Khalifa.

(33) Mr. Ahmad M. Qashbat, who had been imprisoned for a period of three months following the bombing incident on 10 December 1963. The only reason given for his arrest was that he had happened to be working at the airport at the time. He had been tortured, beaten and deprived of food. After his release from prison, he was threatened with detention if he had any contacts with the members of the Peoples Socialist Party. Thereafter he escaped from the Territory and was now living in Cairo.

31. The general conditions in the Territory were exposed at length by the petitioners. Particular emphasis was laid, however, on the specific issues which were deemed to be of immediate importance to the people and to the future of the Territory. Petitioners were unanimous in their description of the present situation in the Territory as critical and dangerous, pointing to events such as the British military operations in certain regions, the state of emergency, and a worsening of the economic situation.

32. In the following sections, the Sub-Committee has attempted to summarize the views of all the petitioners. Where it has quoted the statements of a particular person or group, it has done so because they seemed best to illustrate what the views of the petitioners were as a whole.

General conditions

33. The petitioners pointed out that the Territory was ruled by the British High Commissioner. The British had never introduced any real system of democracy. The colonial administration had on many occasions transferred complete tribes from one state to another as a punitive measure and murdered those who opposed its policy. Those imprisoned were treated inhumanely and held in primitive jails without adequate provisions.

34. The British policy was aimed at the fragmentation of the Territory. Speaking on this point, the President of the South Arabian League remarked that Britain had decided to form a loosely connected Federation in order to impede the unity of the Territory. The Arab South was divided into many sheikhdoms, emirates and sultanates. Britain had introduced dissent among them; it introduced conflicts over borders. There was now a conflict over sovereignty over Aden, a conflict over the rental of the military base, and a conflict over the oilfields of Hadhramaut as to whom they should belong. There were several groups of States also, namely Aden, the Western Protectorates and the Eastern Protectorates. Britain had created a weak Federation in order to make the people feel that they needed British help to prevent the Federation from collapsing. So far Hadhramaut had not joined the Federation. The British said that the people of Hadhramaut had refused to join. In fact, the people of Hadhramaut were helpless; the British wanted to keep Hadhramaut out to serve their own interests.

35. The Sultan of Fadhlī maintained that he had originally supported the setting up of the "Federation of South Arabia" hoping that the United Kingdom Government would keep its promise to provide social and economic assistance to the people of the "Federation". The promise, however, had never been realized. Instead, the British were conspiring in the name of the "Federation" by supplying arms and money across the border and by encouraging the enemies of the country. Contrary to the statement made by the United Kingdom that the sultanates and emirates were self-governing, the majority had been created by the British and did not reflect the wishes of the population. Leaders who were true representatives of the people had been banned and deported. One example was Sultan Mohamed Aidaroos from Yafei who had refused to carry out British colonial policies and as a consequence had been deported and remained in exile. The administering Power had replaced him by his half-brother, who was six years of age, proclaiming that the people had

elected the new sultan. Under colonial rule, traitors and conspirators such as the Sherif of Beihan survived and thrived, while the imprisonment of true nationalists continued. This was the basic policy of the United Kingdom Government: setting up Arabs against Arabs. In his mind, the appointment or deposition of sultans was the direct concern of the population in the Territory—not that of the United Kingdom Government.

36. Petitioners spoke of the need for reform and development in the fields of economic development, education and health. It was pointed out that the United Kingdom had neither provided the Territory with experts to advise on its economic development nor allowed it to seek needed assistance from elsewhere. It had neither supplied adequate financial aid nor had it allowed the Territory to seek financial assistance elsewhere. As examples of inefficient and uneconomic operation the establishment of the Abyan Board and the Port Trust by the administering Power were given: the Abyan Board, which had purportedly been organized for the marketing of cotton overseas on behalf of local farmers, had been expending over three quarters of the value of the cotton it handled to compensate the expatriate staff of the Board. A similar situation was found in the operation of the Port Trust. An award for constructing certain port facilities had been made by the Trust to a company at a cost which the Port Commission of Inquiry later found to be overcharged by nearly 200 per cent.

37. Petitioners complained that many of the States in the Protectorates had no hospitals and as a consequence the rate of mortality was one of the highest in the world. There was only one hospital in Aden, namely the Queen Elizabeth Hospital. This hospital was supposed to accept patients without charge and was restricted to the poor; yet the facilities there were not sufficient to meet the bare necessities of the people in Aden alone. There were a few dispensaries in the Protectorates which were extremely primitive in facilities and inaccessible to most of the population. The shortage of doctors and trained specialists was conspicuous.

38. Several petitioners were particularly concerned about the complete lack of improvement in the field of education. The policy of the United Kingdom, it was stated, was to impede indigenous education and to lower its standard. Resentment felt by the population had resulted in public demonstrations. A great number of students had been arrested and many student clubs dissolved from time to time under the pretext of maintaining peace and security. One petitioner categorically refuted the validity of educational statistics presented by an officer of the Aden Colony, contained in documentary evidence submitted by the petitioner. Even in this fictitious presentation, the petitioner asserted, it was easy to detect that the pupil-teacher ratio was in extreme imbalance. Furthermore, it was obvious that the students of the foreign communities formed more than one third of all the primary school pupils. The prevalence of teachers without proper qualification had adversely affected the development of education in the Territory. Scholarships abroad were awarded annually to four to ten students by the Adeni Missions Department, a department within the Ministry of Education headed by an expatriate officer. Most of the students were sent to universities in Britain, irrespective of their preference for universities or other higher educational institutions in neighbouring Arab nations.

39. In one of the documents submitted to the Sub-Committee, the general situation in the Territory was summarized as follows:

"Not less than £100,000 is spent daily by the British Government on the fighting armies, bringing disaster to tribesmen and their families. This money could have been usefully utilized by the British Government for building roads, schools, hospitals and carrying out revenue-earning projects which are so desperately needed in the whole area. In Aden alone, several hundreds of students leave the intermediate schools right to the streets of Aden, simply because the British Government has failed to provide the

necessary adequate educational facilities after 130 years of colonization!"

Military operations in Radfan and other areas; appeals for help to refugees

40. The military operations carried out by the United Kingdom in Radfan and other areas were emphasized by many petitioners. It was stated that instead of listening to the demands of the people, the United Kingdom had resorted to brutal armed force and inhuman treatment: "indiscriminately bombing villages, killing women and children, destroying livestock and burning crops and plantations. As a result, the population had been reduced to starvation with innumerable death tolls. The defenceless women and children who had sought to escape the atrocities committed by the British forces were prevented from entering other regions. Leaflets were being dropped by the British Command warning that anyone who might render any assistance to the refugees would be punished severely. Relief and supplies were urgently needed by the distressed tribes. Appeals for international assistance were repeatedly made by the petitioners.

41. The petitioners held that British military repression had spread to many areas of the Protectorates, including Dathina, Dhala, Aulaqi, Haushabi, and, more recently, to the Sobeiha country in the State of Lahej.

42. The Sultan of Fadhli stated that the United Kingdom had claimed that the military operations in the Radfan region had been requested by the Government of the "Federation" in order to maintain law and order. The Federal Supreme Council had never made any such request. Another petitioner who had been Minister of Finance in the "Federation of South Arabia", Mr. O. Shihab, estimated that British forces in the Territory numbered over 40,000 troops.

43. In the statement made by Mr. Qahtan M. Al-Shaabi, on behalf of the National Front for the Liberation of Southern Occupied Yemen, the situation in Radfan, Dathina and the neighbouring area was described in this way:

"Since the middle of October 1963, the British land and air forces have been attacking the people of Radfan night and day. Airplanes have bombarded peaceful villages, killing many men, women, children and old people. Airplanes, heavy artillery and 'Centurion' tanks have demolished nearly 85 per cent of the villages in Radfan, some of which have been completely razed. These are the villages of the following tribes and areas: Labuzah, Ghazali, Da'iri, Muhlai, Abdali, Bakri, Dhanbari, Halimi, Wadi Thaym, Wadi-thee-Radam, Dibsah, Thanbah and Rabwah. All the crops and all stocked grains kept by the people were burned. Economic war was declared on Radfan. All commercial roads leading to it were closed. A war of starvation was declared against the people, leading to a painful state of famine, sickness and misery. The people were forced to flee to remote mountains in other areas such as Yahar in Lower Yafei and Muflahi in Upper Yafei and to Northern Yemen. Nearly 45,000 people are now refugees in need of shelter, food and clothing.

"The British have attempted to conceal their barbaric acts and to prevent the spreading of news on the situation. But the fierce battles are still going on and British aircraft are still dropping thousand-pound bombs on the area. A great number of troops have been concentrated to carry out this genocide war. They were brought to Aden from bases in Kenya, Cyprus, etc. Prior to the attack on Radfan, the British had carried out a similar assault on Haushabi in the South and used the same methods of repression.

"Through its official statements and *communiqués*, Britain declared a war of annihilation on our people. We used force only after the British colonialists had sent their forces in order to crush our people. They had refused to implement the resolutions of the United Nations. In self-defence the nationalist organizations which have joined to form the National Front for the Liberation of the South have therefore decided to carry on the armed struggle against colonialism,

supported by all sections of the population, after all other forces and successive revolts had failed to bring about liberation by peaceful means. The fight for liberation is now going on on two fronts: the Radfan Front and the Central Front (Dathina and the neighbouring areas). In Aden itself the Front has begun several operations against the colonialists. Explosions have taken place at Al-Ittihad, the centre of colonial conspiracy. The battles will spread to all areas of the South. The National Front will continue to fight until the basic demands of the people for complete liberation and the liquidation of the Aden military base are achieved.

"The revolution in our country is a spontaneous one, emanating from the will of the people. The United Kingdom has accused the Yemen Arab Republic and the United Arab Republic of interfering in our revolution. This is completely untrue. Between the Yemen Arab Republic and Radfan there is a whole emirate, Dhala, which is under the complete control of the British military base there.

"The National Front requests the Sub-Committee on Aden to visit the area of hostilities in Radfan and in the Central Front so that it can see the tens of thousands of hungry and homeless families and hear the opinions of the revolutionaries on the Front.

"The Radfan refugees are in dire need of help. We submit an urgent appeal to the United Nations and other international relief agencies such as the International Red Cross to provide assistance to the victims of the colonial war in our country."

44. The Peoples Socialist Party informed the Sub-Committee that the administering Power had refused to grant the necessary clearance for a representative of the International Red Cross to visit the area of hostilities in Radfan. The Party had requested permission to collect public donations for the refugees from the area. By a letter dated 18 June 1964 (appendix V), the Aden Police had refused to grant such permission and had stated that the Government was making sufficient provision for the care and welfare of the distressed families.

State of emergency; curtailment of human rights and public freedoms

45. Petitioners said that the state of emergency declared in December 1963 had not been lifted. Accounts were given of the conditions which had prevailed in the Territory in the last few months as a result of the measures decreed in December. Petitioners gave details of the arrest and detention of nationalists and of the raids effected by the police into their homes and the premises of their organizations. Since then, thousands of innocent Yemeni citizens in Aden had been subjected to arbitrary arrest, torture and deportation. No charges of breach of law or order had been raised against them. Police authorities had been given wide powers to arrest anyone arbitrarily. Sections of Aden were frequently cordoned off and searched and people interrogated. Aircraft leaving Aden airport were searched by the secret police. Freedom of assembly was denied; trade unions, clubs and other organizations were prevented from conducting their normal activities.

46. The petitioners from the Group of Independent Politicians in Aden maintained that gatherings of more than five persons were forbidden and that "even the passive, speechless expression of opinion by the hoisting of flags or placards is forbidden". They referred to the case of Mr. Khalifa Abdulla Hasson Khalifa^a who had been in continual detention since December 1963 "in complete defiance of the Court's verdict of acquittal". The detention of Mr. Khalifa was also discussed by several other petitioners. The Peoples Socialist Party stated that on 6 April 1964 the Court of the Chief Justice in Aden had set Mr. Khalifa free, but that the police had re-arrested him the moment he had stepped

^a Mr. Khalifa had been accused of throwing the bomb at Aden airport.

outside the courtroom. "The police had acted in accordance with the extraordinary powers provided to them under the emergency law. Although legally there was nothing outstanding against Mr. Khalifa, politically the British High Commissioner and his advisers were determined to hold him in detention". Another petitioner held that he had been offered bribes by the police in order to make a false testimony against Mr. Khalifa.

47. The petitioners pointed out that the provisions of resolution 1949 (XVIII) concerning the repeal of all laws restricting public freedoms, the release of all political prisoners and detainees and the return of exiles, had not been implemented by the authorities of the Territory. On the contrary, there had been increasingly restrictive and arbitrary measures curtailing public freedoms, particularly against nationalist movements and Yemeni residents in the Territory.

48. Even before the introduction of the State of Emergency laws, it was stated, legislation such as the Police Regulations, the Industrial Relations Ordinance, the Sedition Law of 1963, etc. had drastically curtailed human rights and public freedoms. Arrests of nationalist leaders, workers, students, were still going on, both in Aden and in the Protectorates. The detainees were kept either in the Aden prison or in prisons situated in remote parts of the Protectorates.

49. In this connexion, Mr. A. H. Mackawee, speaking on behalf of the Group of Independent Politicians, referred to "the reserved and extraordinary powers exercised by the representatives of the British Government and misused to the extent that the people are living under the constant fear of being arbitrarily detained, deported or economically sanctioned at any moment without any notice". He pointed out that under the guise of "security measures" large amounts of public funds were being spent on spying and fabricating evidence aimed at suppressing nationalists and deporting Yemenis. A wave of deportations was being carried out among the Yemenis, whether they were traders, businessmen or workers. Thousands of workers had been transported in trucks to the border and many had been forced to leave behind their families who happened to be born in Aden. Traders and businessmen were from time to time confronted without notice by visits to their homes of certain British Principal Advisers who threatened to deport them if they did not openly support the "Federation of South Arabia" and British general policy.

50. The same petitioners pointed out that although goods were allowed to move between Aden and Yemen, Yemenis were banned from entering Aden, regardless of the adverse effects on the traditional trade links between the two sides and on the economic situation in Aden itself. The economy of the Territory had further suffered from the departure of the Yemeni labourers on whom the building industry in Aden depends.

51. Many petitioners concurred in their charges concerning the curtailment of the freedom of the Press and of information and the banning of all publications not favourable to the colonialists. The two petitioners from the Aden Legislative Council cited the existence of a British-controlled Arab News Agency which was the only source of information for radio news bulletins and which constantly issued false statements against the nationalist movements in the area and against neighbouring countries. As an illustration of recent interference, they stated that prior to the London Constitutional Conference, the Principal Adviser to the High Commissioner had contacted all distributors of newspapers in Aden and had warned them that they would be deported or detained if they sold any Egyptian newspapers during the period of the Conference.

52. The Sub-Committee was informed that the Aden Administration had again refused to grant a licence to the Peoples Socialist Party to publish a newspaper, in spite of the fact that the issue had been raised with the Secretary of State for Colonial Affairs during his last visit to the Territory.

53. The President of the Arab Woman Association drew attention to the harsh measures taken against her movement since 1963. Three members of the Association had been

imprisoned, Mrs. Zainab Humeidan, Mrs. Na'mat Salam and Mrs. Khorsheed Mahmud, following a peaceful demonstration on 30 May 1963. She herself had been imprisoned following a meeting held to protest the detention of nationalist leaders and the deportation of hundreds of citizens. Women had organized sit-ins in a mosque and in the Federal Government Building; some of them had gone on hunger strikes. The treatment of the authorities had been most harsh and humiliating. On 15 December 1963, the homes of several members had been searched by the police who seized all the files and records of the Association. Members of the Association were constantly watched by spies and informers.

London Constitutional Conference

54. From the many statements made before it and replies given to its questions, the Sub-Committee has been amply informed as to the views of petitioners on the Conference held in London from 9 June to 4 July 1964. The Sub-Committee has attempted in the following paragraphs to provide a general and global picture of these views, inasmuch as they were unanimous in their criticism and their rejection of the validity of the Conference. Whenever it has cited the statements of a particular person, party or organization, it has done so because they seemed best to illustrate what the petitioners said as a whole.

(a) It was pointed out that, for any Conference to be held on the future of the country, an atmosphere of peace, freedom and justice should prevail. Yet the country was living under a state of emergency and, in certain regions, there was war; free political life was non-existent and many leaders were out of the country.

(b) The Conference was not held within the context of, or with a view to implementing, the resolutions of the United Nations; it was rather an attempt by the United Kingdom to sidetrack those resolutions, to avoid their implementation and to mislead world public opinion.

(c) The Conference was a colonialist scheme aimed at continuing British domination by preparing the country for false independence and ensuring the protection of the British military base and other British interests and privileges.

(d) The British wanted to set up a new constitution which would allow their agents to remain in power. It was stated by the President of the South Arabian League that the British were working out a plan under which some of their present agents would become President and Prime Minister under the new Constitution.

(e) The participants in the Conference did not represent the people, but had been nominated by the British Government to attend the Conference. A number of petitioners asserted that the State rulers or deputy rulers had been imposed by the colonial administration. The Peoples Socialist Party pointed out that the delegation of the "Federation" and the Protectorates to the Conference had been composed of feudal sultans, sheikhs and emirs whose very existence depended on the British High Commissioner. None of them had ever been elected in a direct general election. As to the Aden delegation, it had been composed of the Chief Minister and Finance Minister who had been nominated to the Legislative Council by the High Commissioner, and of two other Ministers: one had been elected under the 1958-1959 restricted franchise in elections boycotted by 76 per cent of the registered voters, the other had been elected unopposed in a by-election boycotted by the voters.

(f) The Heads of States and rulers taking part in the Conference felt bound by their Advisory Treaties with the British and could not turn down any advice offered by the British administration. The Conference could not therefore be considered as a meeting of equals. It was restricted to one side, the British Government side.

(g) The Conference did not include the main political parties or any Opposition parties. The petitioners representing the Independent Group of Politicians referred to this point in these terms: "The history of constitutional conferences in London showed that these have invariably embraced both

the Government and the Opposition. Take the example of Malta, Kenya, Nyasaland, Northern Rhodesia, etc. Even in the case of Southern Rhodesia, Mr. Duncan Sandys himself admitted in a statement made by him some time ago that he could not arrange for the holding of a Constitutional Conference because of his failure to have the main parties agree to participate in that Conference. In peculiar circumstances such as those ruling in our area, no constitutional conference can be expected to meet with any measure of success without the participation of the main political parties."

Statement by the Sultan of Fadhli State on the Constitutional Conference

55. Sultan Ahmed Abdullah Al-Fadhli stated that he had gone to London as Head of the Delegation of the "Federation of South Arabia" to the Conference, hoping that their demands for freedom and independence would be granted. However, the Conference had soon reached a deadlock. The delegates were faced with a British plan containing fifty-two points, which was supposed to be their own plan and to embody their own proposals. According to that plan, the "Federation of South Arabia" would be granted false independence and would be tied to the United Kingdom with tyrannical agreements which would make it a spring-board for aggression against neighbouring Arab and other countries. The plan had a deceptive democratic appearance but aimed in reality at maintaining the agents of the British in their positions. It was the same plan which had been finally adopted by the Conference.^d

56. The petitioner stated that threats had prevailed at the Conference; that was the usual way employed by the British to create trouble and difficulties for the rulers who disagreed with them. Most of the delegates had been British civil servants and received salaries from the British Government. Thus Sheikh Mohamed Farid was Assistant Adviser in the Office of the High Commissioner; Mr. Hussein Mansour, who represented Dathina State at the Conference, was also Assistant Adviser; Mr. Nasher Saghlady, who had been appointed to represent the State of Shu'aib, was an officer in the Government guard; the State of Yafei, which had a population of nearly 200,000, was represented by Mr. Ali Atif Kalady, who was not from the State at all; as to the Aden delegation, it had been appointed to the Conference by the High Commissioner himself.

57. The petitioner said that he had proposed to the Federal delegation to concentrate on three demands: (i) a date of independence for the country; (ii) a new constitution, to be drawn up for an independent "Federation" and a census of the population of all the States so that the States would be represented in proportion to their number; (iii) elections to be held in the "Federation".

58. The Colonial Secretary had held talks with the delegates separately, trying to convince them to agree to his proposals. When the Sultan had discovered that he could not reconcile the situation, he had decided to withdraw from the Conference and from the "Federation".

Electoral system

59. Petitioners who had been informed of the conclusions of the London Constitutional Conference expressed strong objections to the proposed methods of election envisaged by the Conference (see para. 84 below). They asserted that the United Kingdom Government intended to avoid direct elections in the Territory, and had consequently referred to difficulties in introducing direct elections in some States owing to the tribal basis of society in those States. However, the real object was to falsify the will of the people and to keep the present stooges in power. Elections under universal suffrage throughout the Territory could have been introduced a long time ago had the United Kingdom had the intention to do so. They foresaw no difficulty in introducing democratic methods

in the rural areas and reiterated their belief that, during the transitional period pending independence, general elections in the entire country could and must be held.

60. Views were also expressed by a number of petitioners concerning the elections which were to be held in Aden in October 1964. They pointed out that under the state of emergency and in view of the vast restrictions and repressions prevailing in the Territory, no elections could be conducted. The new electoral law introduced in January 1963 was extremely restrictive. Only people born in Aden were qualified to vote; thousands of persons who had made their home in Aden had been disenfranchised. The Sub-Committee was informed that out of a total population of nearly 300,000, only 9,700 persons had registered as voters for the next election.

61. The petitioners from the Group of Independent Politicians in Aden complained that the Chief Minister of Aden had promised in the Legislative Council that a Citizenship Bill would be enacted in March 1964, but nothing had been done so far. The purpose of the bill was to allow other Arabs residing in Aden to vote in the next election.

Implementation of United Nations resolutions

62. All those who spoke before the Sub-Committee or addressed communications to it were vocal in their demand for the implementation of the United Nations resolutions on Aden, particularly resolution 1949 (XVIII). As stated in paragraph 97 below, the Popular Congress of National Organizations held in Cairo on 5 July 1964 also agreed to abide by those resolutions.

63. Some of the petitioners, including the main political parties and organizations, stated that they had already expressed to the United Kingdom Government their adherence to resolution 1949 (XVIII) and had demanded its implementation. While he was Minister in the Federal Government, the Sultan of Fadhli had telegraphed the Secretary of State for the Colonies in London in order to ask for the implementation of resolution 1949 (XVIII). He had received no reply. The Secretary of State for the Colonies had, however, indicated at the London Constitutional Conference that he had no desire to discuss the resolutions of the United Nations.

64. Petitioners maintained that free elections under United Nations control would bring a representative legislative body and a legal government to the country: that was the only practicable solution to the problems of the area. A number of petitioners, including representatives of the South Arabian League, had demanded that a date be fixed for ending British sovereignty in the area and for granting independence to the country. They stated that a transitional period should be allowed during which the Territory would be placed under the administration of the United Nations. They felt that the United Kingdom could not and would not carry out properly the tasks of transition and of preparing the people for genuine independence.

65. The view was held that, should the United Kingdom persist in its refusal to implement the resolutions of the General Assembly, the matter should be brought before the Security Council since it was a danger to peace and security. Some petitioners believed that measures, including economic pressure and boycott, should be brought to bear against the United Kingdom to force it to implement resolution 1949 (XVIII) and to cease its colonial war against the people.

66. A number of petitioners considered that the United Nations should guarantee the integrity of the Territory and prevent the United Kingdom from prolonging its fragmentation into small entities. Particular reference was made in this connexion to Hadhramaut and to the islands of Kuria Maria, Kamaran, Socotra and Perim.

67. The Peoples Socialist Party and other petitioners who supported it referred to a memorandum which had been submitted by the Party to the Secretary of State for Colonial Affairs on 8 June 1964. In that memorandum a plan had been drawn up for the implementation of resolution 1949 (XVIII) of the General Assembly. The full text of the plan follows:

^d A copy of the plan in Arabic was submitted to the Sub-Committee by the petitioner.

"1. The necessity of the presence in the area—and at least a year prior to the date of the general elections in Aden and the Protectorates—of an international body consisting of representatives from selected countries and sent by the United Nations to bring about a free and favourable climate for the political organizations to exercise their activities and propagate their causes without undue influence and restrictions.

"2. Each state of the many states in our Occupied South shall elect representatives to the Central Legislative Assembly in proportion to the population of each such state on condition that the total members of the Central Legislative Assembly shall represent the citizens of the whole South by one to a definite number of citizens.

"3. Each state shall have a governor and a governing council appointed by the central government provided that the governor and the governing council shall be resident citizens of each state and all are responsible to the provisional central government.

"4. Each state shall have one or more municipal councils depending on the area and population of each state with wide powers in municipal affairs, provided that in states where tribalism prevails representatives from each tribe shall be elected.

"5. The central legislative council shall nominate from its members a provisional central government to exercise *inter alia* the following powers:

"(a) To take over the administrative powers from the British administration in the area under the supervision of the United Nations;

"(b) To fix a date for independence in consultation with Her Majesty's Government provided such date shall be within two years from the date of election;

"(c) Self-determination on whether to join the Yemen Arab Republic (North) or not, shall be conducted immediately on the day of independence by a popular referendum under the supervision of the United Nations."

68. Petitioners from the Group of Independent Politicians in Aden felt that a delegation of the United Nations could ensure that, within one year, true democratic principles and universal adult suffrage were introduced throughout the area. Foremost, they said, was the need to repeal all laws restricting public freedoms, to release all political prisoners and detainees, to allow the return of exiles and to cease repressive military action.

69. Petitioners pointed out that the United Kingdom was trying to impose on the Territory the future presence of its troops and the continuation of its military base and had convened the London Conference mainly for that purpose. It had bargained with Ministers of the Aden Government in order to keep the base in exchange for granting autonomy to Aden. Petitioners considered that the evacuation of British troops was one of their basic aims and demands.

70. A number of petitioners emphasized their belief that the Territory was a natural part of Yemen. They asserted that the basic demands of the people were the complete liberation from colonialism, the liquidation of the military base in Aden and the unity of the "Occupied South" with "Northern Yemen".

III. EVOLUTION OF THE SITUATION IN THE TERRITORY

71. A number of important events and developments in the Territory have already been referred to in the preceding sections. The Sub-Committee has endeavoured to be constantly informed about the situation in Aden and the Protectorates, and has reviewed that situation before the adoption of its conclusions and recommendations. In this section it has summarized some of the main events and developments which have been reported during the period from May till September 1964.

London Constitutional Conference

72. The United Kingdom Secretary of State for the Colonies, Mr. Duncan Sandys, visited Aden from 11 to 14 May 1964 and

had discussions with Ministers of the Aden Government and of the "Federation of South Arabia". During this visit, the Secretary of State announced that a constitutional conference would be held in London to which representatives of the Federated and non-Federated States would be invited. The Conference would discuss the constitutional progress of the "Federation" towards independence and other related matters.

73. The Parliamentary Under-Secretary of State for Commonwealth Relations and the Colonies, Mr. Nigel Fisher, visited Aden later in May. It was stated that the purpose of his visit was to provide all sections of political opinion with the opportunity to express their views on the special constitutional problems affecting the position of Aden State and its relations with the "Federation".

74. The Constitutional Conference opened on 9 June 1964. The participants from the Territory were the following:

Sultan Ahmed Abdulla Al-Fadhli (Head of Fadhli State and Chairman of the Supreme Council of the Federation)

Amir Salih bin Husain al Habili (Head of Beihan State)

Sultan Salih bin Husain al 'Audhali (Head of 'Audhali State and Minister of Internal Security)

Amir Sha'fal bin 'Ali Shaif (Head of Dhala State)

Shaikh Muhammad Farid al 'Aulaqi (Minister of External Affairs)

Shaikh 'Ali 'Atif al Kaladi (Minister of Health)

His Highness Sultan Fadhl bin 'Ali al Abdali (Head of Lahej State and Minister of Defence)

Shaikh Mahmud bin Muhammad al 'Aqrabi (Head of Aqrabi State)

Sultan Nasir bin 'Aidrus al 'Aulaqi (Head of Lower Aulaqi State and Minister of Supreme Council Affairs)

Shaikh Husain bin Mansur (Head of Administration of Dathina State)

Shaikh Alkhadir Hasan Saidi (President of the Dathina State Council)

Sultan Nasir bin 'Adbullah al Wahidi (Head of the Wahidi State and Minister of Agriculture and Fisheries)

Mr. Z. A. Baharoon (Chief Minister, Aden State)

Mr. H. A. Bayoomi (Minister of State, Aden State)

Mr. A. Ghanem (Minister of Finance, Aden State)

Mr. Mustafa (Minister for Local Government, Aden State)

Sultan Faisal bin Sarur al Haushabi (Head of Haushabi State and Minister of Posts and Telecommunications)

Shaikh Nashir bin 'Abdullah al Saqladi (Head of Administration of Shaib State).

75. According to the Report submitted by the Secretary of State for the Colonies to the British Government on the Conference, a number of proposals were put forward during the Conference by the delegates from Aden: some were agreed in whole or in part, while the rest could be further considered at a subsequent meeting to be convened by the British Government. The proposals of the Aden delegates included the following:

(a) A code of human rights should be introduced into the Federal Constitution.

(b) The ultimate object should be that the Federation of South Arabia should become a Unitary State and that a target date should be fixed for this. At that stage the sovereignty of each State in the Federation should be ceded to the Central Government.

(c) No Head of State or Minister of the State Government should be eligible to be a Federal Minister unless he constitutionally abdicates or resigns from his State Ministry.

(d) A declaration of a state of emergency in any State should only be made by the Federal Government at the request of or after full consultation and agreement with the State Government concerned, or where there is the need to place the Federation as a whole on an immediate emergency footing. In the last case, consultation with any State Government affected should be undertaken at the earliest possible subsequent moment and action thereafter should be executed

through the State Government, except in the case of armed rebellion.

(e) The power to deport should be a State subject. The Federation may recommend deportations to the Government of the State concerned.

(f) The power contained in the present Federal Constitution to enact laws by provisional order should be abolished.

(g) Mineral wealth should become an exclusive federal matter.

(h) Emigration should be a State subject, but the Federation should have power to recommend to any State the admission or exclusion of any particular class of persons.

(i) Aden should have greater representation than at present in the National Assembly. However, it is prepared to examine the present position on two conditions: first, a State should have the right of secession from the Federation; secondly, two thirds of the members representing Aden in the National Assembly should have a right to veto legislation in so far as such legislation may affect Aden.

(j) The National Assembly should be required to meet on a request of two thirds of the members representing Aden.

(k) The question of independence for the Federation should be determined by the newly elected Federal Government not later than 1967 in negotiation with Her Majesty's Government.

(l) The Government of any State in which land or defence facilities are provided must be fully consulted and any payment direct or indirect in respect of such land or facilities must be made to the State Government concerned.

76. The final meeting of the London Conference was held on 4 July 1964. The Report of the Conference embodied conclusions which were agreed upon and signed by the participants, with the exception of the Fadhli Sultan who had already withdrawn from the Conference. They relate to the constitutional development of the "Federation of South Arabia" "which should reshape its Constitution on democratic lines with a view to proceeding to early independence".

77. It appears, therefore, that the Conference held only two meetings and that the rest of the period between 9 June and 4 July 1964 was devoted to private contacts between the Secretary of State and his colleagues, on the one hand, and the delegates to the Conference, on the other. Nothing was published about these discussions and, unfortunately, the Sub-Committee was not informed by the administering Power of their progress. However, some of the petitioners who addressed the Sub-Committee and who were in London during the Conference mentioned the conditions in which the Conference had taken place. In particular, one of the main participants of the Conference, Sultan Ahmed A. Al-Fadhli stated (see paras. 55 to 58 above) that he had presented certain demands to the Federal delegation regarding, *inter alia*, the fixing of a date for the independence of the country, the establishment of a new constitution, the organization of a population census of all the States so that they would be represented in the "Federation" in proportion to the number of their inhabitants, and the holding of elections. The Sultan explained to the Sub-Committee the reasons why he had to withdraw from the Conference and from the "Federation of South Arabia" (see para. 94 below). Without prejudice to its own observations regarding the measures contemplated therein, the Sub-Committee has, in the following paragraphs, summarized the main conclusions of the report published by the British Government on the Conference.

(i) Independence

78. A conference is to be convened by the Secretary of State for the purposes of fixing a date for independence not later than 1968, and of concluding a Defence Agreement under which the United Kingdom would retain its military base in Aden for the defence of the Federation and the fulfilment of its world-wide responsibilities.

(ii) Federation of South Arabia

79. Three more States are to join the Federation of South Arabia: Muflahi, Upper Aulaqi (Nisab) and Alawi.

(iii) Status of Aden

80. British sovereignty over Aden is to be renounced as soon as practicable subject to the continued exercise by the United Kingdom Government of such powers as may be necessary for the defence of the Federation and the fulfilment of its world-wide responsibilities. Arrangements for the transfer of sovereignty and other constitutional matters relating to Aden are to be discussed at a meeting of representatives of Aden and the other States of the Federation which will be convened after the forthcoming elections in Aden.

(iv) Head of State

81. There will be a President of the Federation elected for five years by both Chambers of the Legislature in joint session. The President's powers will be defined in the Constitution; he will normally act on the advice of the Prime Minister.

(v) Legislature

(a) National Assembly

82. Members of the National Assembly are to be elected each in the State in which he was born or in which he has resided for five years out of the last seven years. The life of the National Assembly will be four years.

(b) Council of States

83. The Council of States is to be composed of one representative from each State who would be selected according to the law of the State. Among the powers of the Council of States will be the ratification of treaties and the power to delay legislation or to refer it back to the National Assembly with amendments.

(vi) Electoral system

84. Members of the National Assembly are to be elected by a system of direct elections whenever this is practicable. Any State which does not consider that a system of direct election would be immediately practicable, by reason of the existence of a tribal basis of society in that State, will be permitted to elect its members by a system of indirect election through an Electoral College. An independent Commission, to be appointed by the Federal Government with the approval of the National Assembly should, as soon as possible, report to the Legislature upon the practicability of introducing a system of direct elections in those States which have not already adopted it.

85. A census of the population of each State of the Federation is to be carried out by an independent Commission to be appointed by the Federal Government with the approval of the National Assembly.

(vii) Federal Government

86. The Federal Government is to be composed of a Prime Minister appointed by the President, and such other Ministers as the Prime Minister may recommend. They should all be members of the legislature. The President should appoint as Prime Minister a person who, in his opinion, is able to command a majority in the National Assembly.

(viii) State Governments

87. The Government of any State will have the right to make representations to the Federal Government on any matter affecting that State. Such representations should be considered by the Federal Government before any executive action is taken, except in regard to internal security and defence.

(ix) Internal security and state of emergency

88. The operational control of the Second Federal Guard or of the Aden Armed Police or of the Aden or Lahej Civil

Police should not be withdrawn from a State, except with the concurrence of a two-thirds majority of the National Assembly and a majority of the Council of States. A declaration of a state of emergency in any part of the Federation should be made by the Federal Government only with the agreement of the Government of the State concerned, except when the state of emergency is applied to more than one State; and even then the Federal Government should, as far as practicable, act in agreement with the Governments of the States concerned.

Withdrawal of the Fadhli Sultanate from the "Federation of South Arabia"

89. The Sultanate of Fadhli was originally a member of the "Federation of Arab Amirates of the South" which was formed in 1959 of the following States: the Amirate of Beihan, the Audhali Sultanate, the Fadhli Sultanate, the Amirate of Dhala, the Sheikdom of Upper Aulaqi and the Sultanate of Lower Yafei. With the accession of other States, the Federation was renamed the "Federation of South Arabia" in 1962. Fadhli was represented on the Federal Council by six members chosen by the State Legislative Council. Sultan Ahmed Abdullah Al-Fadhli was a member of the Federal Council (the Legislature) as well as of the Supreme Council of the "Federation" (the Executive).

90. Upon its arrival in Cairo, the Sub-Committee was informed of the withdrawal of the Sultan of Fadhli from the London Conference where he had been the leader of the delegation of Federal Ministers. The Sultan had also announced that his State was seceding from the "Federation of South Arabia". News reached the Sub-Committee of a special meeting of the Fadhli State Legislative Council on 4 July 1964, following which the Council was reported to have decided to send a delegation to Cairo to meet with the Sultan. However, the proposed visit did not materialize. In a letter dated 7 July 1964 addressed to the Sub-Committee, the Sultan drew the attention of the Sub-Committee to "British intervention in the internal affairs of his State". The main part of his letter read as follows:

"...According to reports, Mr. Robin Young, Deputy High Commissioner, and senior officials of British Colonial administration are making tremendous efforts and exerting great pressure on the Fadhli tribal heads to give their allegiance to any of my sons, the eldest 13 years old, and or one of my relatives who would subjugate to the responsibilities of a Sultan of the Fadhli State and declare me, although illegally, as deposed. I would like to stress to the Committee that my withdrawal from the London Conference and secession from the South Arabian Federation had the unanimous support and endorsement of the Fadhli Executive and Legislative Council in an extraordinary session on or about 5 July 1964.

"This unwarranted and unconstitutional intervention in the internal affairs of Fadhli administration is bound to stir serious repercussions and violate the peace in the Fadhli State; I hold the British Government responsible for all the grievous consequence. ..."

91. On 9 July 1964 the Sub-Committee learned with regret that the local authorities in the Territory had prohibited the return of the Sultan to his country. The position was further complicated by the decision of the United Kingdom Government to withdraw its recognition of Sultan Ahmed as Sultan of the Fadhli State, and by the announcement made by the Federal Government that the Fadhli Legislative Council had approved the election of Mr. Nasser bin Abdullah as the new Sultan.

92. According to news reports, demonstrations in support of the deposed Sultan took place at Zingibar, capital of the Fadhli State and the road leading from Aden to that town was temporarily closed by the authorities.

93. In a further letter (see appendix IV) addressed to the Sub-Committee before its departure from Cairo, the Sultan stated, "I have documentary evidence from the Fadhli State Legislature, in an extraordinary session on 5 July, unanimously and fully endorsing my undertakings in protest against the

London Conference and secession from the South Arabian Federation. They added that they will stand firm by the Sultan till death and will owe allegiance to no one but Sultan Ahmed Fadhli, in spite of heavy British pressure for the past seven days, and constant British attempts to deceive world opinion and distorted reports of the affirming resolutions of the Fadhli Council to Sultan Ahmed Fadhli ...".

94. The Sultan explained the reasons which had led him to declare the withdrawal of Fadhli from the "Federation of South Arabia":

(a) He had supported the formation of the "Federation" because the British had promised that they would grant the people independence and self-determination and that economic and social conditions would improve. Six years later, those promises had not yet been fulfilled, and conditions in the country had deteriorated. Thus before the establishment of the "Federation", two or three new schools were being opened in Fadhli every year; now it was impossible even to build a new road. An atmosphere of conspiracy, intrigue and disturbances now prevailed;

(b) The British Government was carrying out attacks against villages, burning farms, etc. in the name of the Government of the "Federation of South Arabia". In fact, that was done without the consent of the Federal Government whose members had often heard about these acts from the radio;

(c) The British Government was conspiring with neighbouring Arab countries and enemies by smuggling arms and money across the Federation borders. This was done in the name of the "Federation" although the consent of the Government of the "Federation" had never been obtained;

(d) The British Government had brought into the "Federation" some "States" whose populations ranged from 150 to 8,000 people; those States were granted the same representation as regions with 150,000 and 300,000 people. The British thus tried to increase the number of their puppets in the various councils of the "Federation";

(e) British officers and civil servants interfered in every aspect of the life of the "Federation", the States and the Sultanates; the rulers found themselves to be no more than mere figure-heads covering the actions and activities of the British. Nationalists were imprisoned without the consent of the rulers who were made to appear as the enemies of nationalist forces. The allegation that the States were self-governing was quite false.

95. The Sultan stated that in April 1964 he had cabled the Secretary of State for the Colonies in order to ask, on behalf of all the Fadhli elders and sheikhs for the implementation of the General Assembly resolution 1949 (XVIII). He had received no reply.

96. The position of the Sultan regarding the constitutional aspect of secession of his State from the "Federation of South Arabia" was made clear to the Sub-Committee in the letter which it received from him shortly before its departure from Cairo (appendix IV). The part thereof relating to this question read as follows:

"I, Head of Fadhli State, have every legal power to secede from the Federation of South Arabia. As it is entirely for the Head of every State of the Federation to sign the Agreement for the entry of his State into the Federation. Thus it is also for him to withdraw his State if he so wishes. I challenge the British Colonial Secretary to point to any section or provision in the Federal Constitution which prohibits a Head of State from withdrawing his State. I, therefore, maintain the following:

"1. As Head of Fadhli State, I have every legal power to withdraw my State from the Federation.

"2. In the exercise of my power, I have withdrawn my State from the Federation.

"3. The British Colonial Secretary's statements with regard to my secession are absolutely invalid, unconstitutional and not supported by any provision in the Federal Constitution.

"Thus, the resolution of the British controlled Federal Council which forbids the Sultan from returning to Fadhli

State and any member State of the Federation is undoubtedly *ultra vires* and considered to be an aggressive act. I, therefore, beseech the Committee in the name of justice, freedom, democracy and human rights to consider the urgent necessity of raising the issue to Secretary-General U Thant for immediate presentation to the Security Council as well as the United Nations General Assembly to put an end to this unwarranted, unconstitutional and provocative intervention in the internal affairs of Fadhli State, and hold the British responsible for the atrocities committed in South Arabia. I have every confidence that the Committee will take instantaneous action to preserve the Peace in South Arabia and thus fulfil its sacred mission."

Popular Congress of National Organisations

97. The Popular Congress of National Organizations was held at the League of Arab States Headquarters in Cairo on 5 July 1964. Prior to this public meeting, the leaders of approximately twelve national organizations from the Territory as well as the Sultans of Fadhli and Lahej had met in order to draw up recommendations for a unified front and a common plan of action with regard to the liberation of their country from colonialism. These recommendations were submitted to the Popular Congress in which nearly 300 people from the Territory participated, most of them members of political parties, organizations, associations, clubs or tribal groupings. The resolutions adopted at this rally were embodied in a joint statement expressing "the will of the people of Aden and the Eastern and Western Regions". After reviewing "the present grave situation in the Occupied South" and the attempt by the British colonial authorities at the London Conference "to establish a counterfeit system which did not differ at all from the present system", the national organizations resolved the following:

"1. To stand as one against the aggressive acts and deceptive manoeuvres of British colonialism, and to carry on a sacred struggle until the final eradication of all traces of colonialism;

"2. To condemn the decisions of the unconstitutional London Conference and to reject any agreement not signed between the British authorities and the legitimate representatives of the country;

"3. To stand by the resolutions of the United Nations and the basic principles contained in them;

"4. To demand unanimously the withdrawal of all British troops from the Occupied South, the elimination of the British military base and the liquidation of all aspects of colonial presence;

"5. To ensure the right of self-determination to the people in an atmosphere of complete freedom under the supervision of the United Nations. This should apply both to the system of government as well as to the unity desired by the people within the Arab framework."

98. The following is a list of some of the participants in the popular Congress:

Mr. Ahmed A. Al-Fadhli, Sultan of the State of Fadhli
 Mr. Ali Abdulkarim, Sultan of the State of Lahej
 Mr. Mohamed Al-Gifri, President of the South Arabian League
 Mr. Shaikh Alhabshi, Secretary-General of the South Arabian League
 Mr. Ahmed G. Bafaqih, Public Information Director, South Arabian League
 Sheikh Mohamed Abu-Bakr bin Farid, Deputy Sheikh of Upper Aulaqi
 Mr. Omar Salem Ba-abbad, President of the People's Conference in Hadhramaut
 Mr. Ali A. Al-Gifri, from Aulaqi
 Mr. Abdulhadi Ba'awdha, Wahidi Youth Organization
 Mr. Zaid A. Bafaqih, South Arabian Students League
 Mr. Ali Z. El-Saqqaf, South Arabian Youth Organization
 Mr. Abdullah H. El-Saqqaf, South Arabian Youth Organization

Mr. Ahmed F. Balga'ad, Hadhramaut Youth
 Mr. Abdulhadi Barahmah, Wahidi Youth Club
 Mr. Omar A. Bamahsoun, President, South Arabian Students League
 Mr. Abdullah Al-Asnag, President, People's Socialist Party
 Mr. Mohamed Salem Ali, Member, People's Socialist Party
 Sheikh Mohamed Saleh El-Musli, from Upper Yafei
 Sheikh Abdul-ilah Baggash, from Aden
 Mr. Idris Hambala, Sports Union, Aden
 Mrs. Radhia Ihsan, Arab Women Association, Aden
 Mrs. Leila El-Gabli, Arab Women Association, Aden
 Mr. Muqbil Ba'azeb, Lower Aulaqi
 Sheikh Abdullah Musa'ed, from Beihan
 Mr. Said El-Hakim, Workers' Congress, Sanaa
 Mr. Ahmad El-Dhali, from Dhala and Radfan
 Mr. Mohamed El-Abboudi Ahmad, Farmers Union, Aden
 Mr. Fadhli Salem Ali, Dathina Youth Organization
 Mr. Ahmed Omar, Southern Occupied Yemen Students Organization
 Mr. Abdullah Ali M. Saad, Southern Occupied Yemen Students Organization
 Mr. Abdulhamid Al-Asnag, Southern Occupied Yemen Students Organization
 Mr. Abubakr Hamed Khalifa, Arab Youth Organization, Aden
 Mr. Ali Badeeb, People's Democratic Union
 Mr. Abdulhadi Ogail, President, National Salvation Organization, Aden
 Mrs. Raqia Omar Aqili, Organization of Young Women of the South
 Mr. Omar A. Shihab, Member of Aden Legislative Council
 Mr. Abdulqawee Makkawi, Member of Aden Legislative Council
 Mr. Ali A. Mulhi, Member of Aden Legislative Council.

Military action in the area

99. Violence and fighting in the regions of Beihan, Dhala and Radfan were widely reported in the World Press between March and June 1964. Tension near the border with Yemen increased towards the middle of March with accusations of repeated incursions of air space from both sides. On 28 March 1964, the incident at Harib, inside Yemeni territory, took place.

100. On 1 April 1964, it was reported that British Royal Marines and the Royal Air Force had begun a week of deployment exercises along Aden's coastal area. A number of incidents were reported in the Dhala and Radfan areas within the "Federation of South Arabia", as well as harassment by "rebel tribesmen" of the road connecting Aden in the south with Dhala in the north and with Qa'taba in the Yemen Arab Republic. Several mine explosions were reported. It was stated that hundreds of tribesmen (the Red Wolves) had rebelled in Radfan and that these men were equipped with automatic weapons and radios. Various accounts were given concerning the number of people killed or wounded.

101. On 2 May 1964 the United Kingdom Government announced that the "South Arabian Federal" Government had requested an increase in military assistance to maintain law and order in areas bordering the Yemen. Reinforcements were flown to Aden. Military operations in and around the village of Thumair were widely reported, and on 6 May 1964 the British Middle East Command stated that the immediate aim of the operations had been achieved. According to an announcement by the British Defence Ministry on 20 May 1964, an additional battalion of British troops was sent to Aden to reinforce units fighting in the Radfan area. More than 700 officers and men were reported to have been involved in that airlift. It was reported that a new airstrip was constructed in Wadi Taym, north-east of Thumair and that helicopters had joined the military operations.

102. On 21 July 1964, it was announced that the battalion of British troops which was sent to Aden in May would return to the United Kingdom by the end of July.

103. These events were mentioned and described on several occasions in statements before the Sub-Committee (see paras. 4^r to 44 above). The Sub-Committee also received documents and publications containing details of military operations. According to reports published in the Press since that period, operations of a military nature and various incidents have been taking place between the joint British and "Federal" forces and the revolutionaries. The areas most frequently mentioned are Radfan, Dathina, Fadhli, Audhali, Dhala, Beihan and Lahej. Various statements were reportedly made by the Federal authorities concerning action taken against "the dissidents". The National Front for the Liberation of Occupied South Yemen has continued to issue *communiqués* on the fighting, armed clashes, air raids, mine explosions, bomb incidents, etc. Several defections from the "Federation" army were also reported.

104. The situation of the refugees who left Radfan for other areas has been referred to in a preceding section (paras. 40 to 44 above).

Elections in Aden

105. On 25 July 1964, the High Commissioner proclaimed the dissolution of the Aden Legislative Council. It will be recalled that the life of the Council was extended for one year at the end of 1962, and that on 20 January 1964, a further extension for six months was decreed by Order in Council. The elections for the Legislative Council had taken place in 1958 under the previous and somewhat restricted franchise: nearly 73 per cent of the electorate had boycotted the elections.

106. Since the enactment of the new electoral law in March 1964 (A/AC.109/L.141, para. 10), new registers of voters have been compiled. The Sub-Committee was informed that the number of registered voters did not exceed 8,000 or only about 4 per cent of the total population of Aden. There were sixteen seats to be filled, the other members of the Legislative Council being appointed by the High Commissioner.

107. According to the very scarce information which the Sub-Committee has been able to gather since its return from Cairo, forty-eight candidates, none of whom belongs to a political party, stood for election. The main political parties announced that they would boycott the elections. They declared that the United Kingdom was trying to distort the desires of the people through fraudulent elections confined exclusively to Aden, and that any body constituted on the basis of those elections would be illegal; moreover, the large majority of the Arab population of Aden did not have the right to vote. The state of emergency remained in effect. The parties asked that elections in conformity with the General Assembly resolutions should be held throughout the territory.

108. The elections were held on 16 October 1964. It has been learned from non-official sources that the number of persons voting was about 6,000 and that virtually all the former members of the Council were re-elected.

IV. CONCLUSIONS OF THE SUB-COMMITTEE

109. In accordance with its terms of reference, the Sub-Committee gave close study and attention to the situation in the Territory of Aden and the Aden Protectorates. In particular, it took account of the views expressed by all the petitioners.

110. The situation in the Territory has increasingly become a cause for concern: on the one hand, the state of emergency is being kept in effect, and the military operations are continuing there; on the other hand, not all sections of the population of the Territory were represented at the London Conference, and the people of the Territory therefore strongly objected to that Conference.

111. Contrary to the Special Committee's resolution of 9 April 1964 (chapter VI, para. 166) and the General Assembly's recommendations, the state of emergency proclaimed in the "Federation of South Arabia" in December 1963 has continued. The laws and measures restricting public freedoms are still in

effect. The petitioners protested against such arbitrary measures, which only serve to aggravate a situation that is already very tense. It must be noted that this situation is particularly prejudicial to the holding of free elections and the introduction of a democratic system of government in the Territory.

112. The continuation of military operations in several regions of the Territory is a matter of grave concern to the Sub-Committee. The fact that the civilian population has suffered from the military operations and from repressive action has been confirmed by official sources. Far from improving, the situation has become critical and explosive. Such a situation is contrary to the provisions of the Declaration on the granting of independence to colonial countries and peoples and of General Assembly, Security Council and Special Committee resolutions.

113. The Sub-Committee has taken note of the statement made by Sultan Ahmed A. Al-Fadhli on the withdrawal of his State from the "Federation of South Arabia". It learned with regret the decision to prohibit the return of the Sultan to the Territory in view of the position he had taken. The Sub-Committee considers the measures taken against the Sultan of Fadhli all the more unfortunate as the Special Committee and General Assembly have repeatedly urged in their resolutions the return of those who have been exiled and of all who have been forbidden to reside in the Territory because of their political activities. The banishment of the Sultan of Fadhli and the decision of the United Kingdom Government no longer to recognize him as Sultan appear to bear out the charges made by the petitioners concerning the arbitrary use of summary deportation and repressive measures against leaders opposed to colonialism.

114. The Sub-Committee expressed its opinion on the London Constitutional Conference in its statement of 5 June 1964. In its view, discussions concerning the constitutional progress of the Territory toward independence should not be held without the participation of all parties and political organizations and of all sectors of political opinion in Aden and in the Protectorates.

115. All the petitioners heard by the Sub-Committee challenged the validity of the London Conference and stated their opposition to its conclusions. The Popular Congress of National Organizations categorically rejected the decisions of the Conference. The Sub-Committee expresses its regret that the United Kingdom Government called the Conference in circumstances and conditions that raise serious doubts as to the conformity of its conclusions and recommendations with the genuine aspirations of the people of the Territory.

116. One of the principal participants in the London Conference, Sultan Ahmed A. Al-Fadhli, protested against the way in which the Conference was conducted and refused to accept its conclusions, a stand which led to his banishment and removal from office.

117. The measures recommended by the London Conference are not in keeping with the provisions of resolution 1949 (XVII). The elections held in Aden in October 1964 have been very strongly criticized because, on the one hand, the electoral law is restrictive in the extreme and, on the other hand, the state of emergency and the restrictions placed on fundamental freedoms remain in effect in the Territory. Those elections were also not in keeping with resolution 1949 (XVIII), which recommends a consultation of the whole population, to be held as soon as possible on the basis of universal adult suffrage. It also recommends that general elections, to be held on the basis of universal suffrage and with full respect for fundamental human rights and freedoms, should be followed by the establishment of a representative organ in the Territory and the setting-up of a single government, with which the administering Power should open conversations for the purpose of fixing the date for the granting of independence and arrangements for the transfer of power.

118. The petitioners unanimously requested the removal of the military base in Aden and the withdrawal of the United Kingdom troops. It should be pointed out that, in resolution 1949 (XVIII), the General Assembly considered that "the maintenance of the military base in Aden is prejudicial to the

security of the region and that its early removal is therefore desirable”.

119. The Sub-Committee noted that in their statements the petitioners unanimously supported the provisions of General Assembly resolution 1949 (XVIII). The national organizations of the Territory expressed complete support for the United Nations resolutions. The numerous cables and communications received by the Sub-Committee also call for the immediate implementation of those resolutions by the United Kingdom.

120. The Sub-Committee is aware of the concern felt throughout the world regarding the situation in Aden and draws the Special Committee's attention to the conclusions of the Conference of Heads of State or Government of non-aligned countries, recently held at Cairo. That Conference condemned the continued refusal of the United Kingdom Government to implement the United Nations resolutions on Aden and the Protectorates and urged the immediate implementation of those resolutions. It asked for the free exercise by the peoples of the Territory of their right to self-determination and called for the elimination of the military base in Aden and the withdrawal of United Kingdom troops from the Territory.

121. Some of the important political organizations foresee a transitional period before independence during which the United Nations would help more or less directly to prepare the country for the responsibilities of independence and to restore a favourable and normal atmosphere. The Cairo Popular Congress also favoured self-determination under United Nations supervision. It would therefore appear that an effective United Nations presence, as referred to in paragraph 9 of resolution 1949 (XVIII), would be desirable in order to spare the country the numerous dangers that now threaten it in its development towards independence.

122. The Sub-Committee again expresses regret at not being allowed to enter the Territory. By this refusal, the United Kingdom has failed to comply with the resolution adopted by the Special Committee on 9 April 1964 or to follow the recommendations in resolution 1956 (XVIII), which renews the appeal for full co-operation by the administering Powers in order to facilitate the task of the sub-committees and visiting groups. The objections which the United Kingdom has put forward in this regard have already been rejected by the overwhelming majority of the Members of the United Nations.

123. Although the Sub-Committee could not visit Aden, its task was greatly facilitated by the presence at Cairo of numerous representatives of the people of the Territory. A great many political figures and representatives of national organizations, including sultans, tribal representatives, members of the Legislative Council of Aden, party leaders and representatives of various associations, furnished the Sub-Committee with detailed information on recent developments in the situation in the region and on the demands of the people with regard to their political future. The Sub-Committee has also taken note of the joint declaration of the national organizations of the Territory, convened in a Popular Congress at Cairo on 5 July 1964.

124. The Sub-Committee also regrets that the United Kingdom did not consent to receive it in London. In expressing its wish to have talks with the responsible authorities in London, the Sub-Committee hoped to be able to carry out its mandate in a spirit of co-operation and understanding so that together with the administering Power it might determine the most practical means of implementing resolution 1514 (XV). The United Kingdom's lack of co-operation has prevented it from carrying out this important aspect of its mission.

V. RECOMMENDATIONS OF THE SUB-COMMITTEE

125. As a result of its observations and conclusions, the Sub-Committee wishes to formulate the following recommendations:

(i) The people of Aden and the Aden Protectorates must be consulted about the future of the Territory. The Declaration in resolution 1514 (XV) recommends that steps should be taken in accordance with the freely expressed will and desire of the Territories which have not yet attained independence, without any distinction as to race, creed or colour.

(ii) The right of self-determination should be exercised by means of a consultation of the whole population of Aden and the Aden Protectorates, to be held as soon as possible, on the basis of universal adult suffrage and with full respect for fundamental human rights and freedoms.

(iii) According to the view unanimously expressed by all petitioners, the administering Power should carry out the resolutions adopted by the United Nations General Assembly, and in particular resolution 1949 (XVIII).

(iv) A United Nations presence in the Territory is required both before and during the general elections. It must be determined by the General Assembly after consultation with the United Kingdom Government and the Secretary-General of the United Nations.

(v) It is necessary to emphasize that the state of emergency must be terminated, that military operations must cease, that the political rights and freedoms of all the inhabitants of the Territory must be restored and that the coercion of the nationalist leaders of the Territory must stop.

(vi) The administering Power is invited to co-operate fully with the Special Committee in its efforts. In particular, it should be asked not to give effect to the conclusions of the London Conference and, with respect to the military base of Aden, it should be asked to comply with the wishes of the people and the recommendations in resolution 1949 (XVIII).

(vii) If the present situation, which has become critical and explosive, should continue, it should again be drawn to the attention of the Security Council.

(viii) International relief organizations, such as the International Red Cross, should be invited to send representatives to the Territory to assist the civilian population which has suffered from military operations.

(ix) As the question of Aden and the Aden Protectorates is still on the agenda of the Special Committee, it would be advisable for this Committee to establish a body that would examine and study constantly the situation in the Territory and carry out any other tasks that the Special Committee may entrust to it. All detailed information concerning the evolution of the political and economic situation in the Territory must be furnished to it in due course.

126. In making these recommendations, the Sub-Committee has borne in mind the views expressed by the majority of Member States of the United Nations, the developments in the Territory, the requests made by the petitioners who appeared before it, and written communications.

127. The Sub-Committee wishes to emphasize also that the settlement of this question is in the interest, not only of the prompt application in the Territory of the Declaration on the granting of independence to colonial countries and peoples, but also of the resolution of a dangerous situation which might be a threat to international peace and security owing to continued military actions.

Appendix I

EXCHANGE OF LETTERS WITH THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS

A. Letter dated 27 May 1964 from the Chairman of the Sub-Committee on Aden to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations

I have the honour to refer to the resolution on the question of Aden adopted on 9 April 1964 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Under the terms of this resolution the Special Committee decided, *inter alia*, to establish a Sub-Committee on Aden which was requested to:

(a) Study and keep under constant review the situation in the Territory and to report thereon to the Special Committee;

(b) Establish contacts with the administering Power at such time and place as may be agreed upon with a view to implementing resolutions 1514 (XV) and 1949 (XVIII);

(c) Arrange in consultation with the administering Power for visits to the Territory;

(d) Make such other visits as may be deemed necessary.

The Sub-Committee thus established by the Special Committee is composed as follows: Mr. Voeunsai Sonn (Cambodia) Chairman, Mr. Moise Aka (Ivory Coast), Mr. Adnan Pachachi (Iraq), Mr. Leonardo Díaz González (Venezuela) and Mr. Milos Melovski (Yugoslavia).

On behalf of the Sub-Committee I would like to express the wish of its members to exchange points of view with Your Excellency concerning the situation in the Territory. I would be grateful therefore if you would kindly inform me whether it would be possible for you to set an early date for a meeting between Your Excellency and the members of the Sub-Committee. I would also like to add that the Sub-Committee has charged me at the same time to be its spokesman and to represent it in case a meeting between both of us proved to be more practicable.

B. Letter dated 24 June 1964 from the Chairman of the Sub-Committee on Aden to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations

In further reference to my letters of 27 May and 4 June 1964, and to our conversation of 2 June concerning the implementation of the resolution adopted by the Special Committee on the question of Aden on 9 April, I have the honour to state the following:

The Sub-Committee on Aden has already informed Your Excellency of its wish to go to London in order to establish contacts with the administering Power in accordance with its mandate. It appears that Her Majesty's Government wishes to reply to the suggestion of the Sub-Committee after the end of the Constitutional Conference on the Territory which is currently being held in London. However, the Special Committee will soon suspend its meetings; in view of the little time available, the Sub-Committee would like, as of now, to have a reply from Her Majesty's Government on this question. It hopes that the proposed visit will take place before 17 July next. It would therefore be grateful if the Government of the United Kingdom could send its reply by 30 June.

C. Letter dated 17 July 1964 from the Permanent Representative of the United Kingdom to the United Nations to the Chairman of the Sub-Committee on Aden

I have the honour to refer to your letters of 27 May and 4 and 24 June 1964 about the possibility of a visit by the Sub-Committee on Aden to London for discussions with Her Majesty's Government in the United Kingdom.

I much regret that, for reasons which were explained to you by Mr. King, it was not possible at the time to send you a definite reply to your letters. I have now been instructed to draw your attention to the Constitutional Conference on Aden which was recently concluded in London, the results of which have been published in a White Paper and notified to the British Parliament by Her Majesty's Secretary of State for Commonwealth Relations and the Colonies. Her Majesty's Government have nothing to add to the report of the Conference or to the expositions of their policy in Aden given to the Special Committee by the Representative of the United Kingdom earlier this year.

Her Majesty's Government do not, therefore, consider that any useful purpose would be served by a visit to London of the Sub-Committee on Aden.

Appendix II

EXCHANGE OF LETTERS WITH THE PERMANENT REPRESENTATIVE OF THE UNITED ARAB REPUBLIC TO THE UNITED NATIONS AND ANNOUNCEMENT OF THE VISIT OF THE SUB-COMMITTEE TO CAIRO

A. Letter dated 25 June 1964 addressed to the Permanent Representative of the United Arab Republic to the United Nations from the Chairman of the Sub-Committee on Aden

On behalf of the Sub-Committee on Aden, I have the honour to refer to the resolution adopted by the Special Committee on

the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, a copy of which is enclosed. The Sub-Committee is composed of the representative of Cambodia as Chairman and of representatives of Iraq, Ivory Coast, Venezuela and Yugoslavia.

The Sub-Committee has decided to ascertain the views of the representatives of the population of Aden and the Aden Protectorates concerning the application to the Territory of the provisions of the Declaration on the granting of independence to colonial countries and peoples, particularly in the light of the latest events and constitutional developments there. Being unable to go to the Territory, the Sub-Committee has expressed a desire to visit the United Arab Republic in pursuance of its task. I should therefore be grateful if you would let me know whether your Government would be in a position to facilitate such a visit by the Sub-Committee.

B. Letter dated 29 June 1964 from the Permanent Representative of the United Arab Republic to the United Nations to the Chairman of the Sub-Committee on Aden

With reference to your letter dated 25 June 1964 with regard to the desire of the Sub-Committee on Aden to visit the United Arab Republic. I have the honour to inform you that the United Arab Republic Government is pleased to welcome the presence of the Sub-Committee in Cairo and would accord the Sub-Committee the necessary facilities for accomplishing its task.

C. Communiqué dated 30 June 1964

The Sub-Committee on Aden, established by a resolution of the Special Committee on decolonization of 9 April 1964, has been pursuing its work in New York since 26 May 1964. The Sub-Committee is composed of representatives of Cambodia (Chairman), Iraq, Ivory Coast, Venezuela and Yugoslavia.

In accordance with its terms of reference, the Sub-Committee approached the Permanent Representative of the United Kingdom in order to arrange for talks with the administering Power and a visit to the Territory.

In a statement dated 4 June 1964, the Sub-Committee also expressed its opinion that the Constitutional Conference, now being held in London and to which the representatives of political parties and organizations in the Territory have not been invited, could not be considered as a valid consultation of the population concerning the future of the Territory.

The Sub-Committee considers it to be its duty to ascertain the points of view of all parties concerned in order to report to the Special Committee and to recommend measures leading to the implementation of the Declaration on the granting of independence to colonial countries and peoples.

Since the request to visit the Territory has not been granted by the United Kingdom, the Sub-Committee has decided to visit a neighbouring country to carry out this task. It will go to Cairo on 4 July 1964, and will be at the disposal of all representatives of the population of the Territory who wish to state their views on the future of their country.

Appendix III

STATEMENTS BY THE SUB-COMMITTEE

A. Statement published 5 June 1964 regarding the Constitutional Conference in London

1. At its 3rd meeting, held on 4 June 1964, the Sub-Committee on Aden formally approved the following statement for publication and distribution as a press release:

"Within the framework of the mandate entrusted to it by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Sub-Committee on Aden has directed its attention to the development of the situation in the Territory and has noted that an event of primary importance affecting the future of the people of Aden and the Aden Protectorates is about to take place.

"According to recent information, the United Kingdom Government has decided to convene a Constitutional Conference in London, on 9 June, which will be attended by 'Ministers of the Federal Cabinet, Ministers of Aden State and delegates of other State Governments which are not represented in this way', in order to discuss the constitutional progress of the Federation towards independence and other related matters.

"Thus, it appears that representatives of political parties and organizations and of other parties concerned representing views which are different from those of the administering Power will not be able to participate in the Conference.

"The Sub-Committee has, through its Chairman, urgently drawn the attention of the administering Power to the fact that such a procedure could in no way be considered as a valid consultation of the population or as a dialogue between the various sections of opinion in the Territory and the administering Power, and that it would be contrary to the principles set forth in various resolutions of the General Assembly and the Special Committee. The Sub-Committee has therefore expressed the hope that the various political parties and organizations of the Territory, as well as all sections of public opinion, would be invited to that Conference and that, if necessary, the opening date of the Conference should be postponed. The reply of the representative of the United Kingdom to these suggestions has unfortunately been negative.

"The Sub-Committee on Aden is anxious to see as soon as possible the application to Aden and the Aden Protectorates of the principles set forth in General Assembly resolution 1514 (XV), as well as in other resolutions of the General Assembly and of the Special Committee. In particular, the Special Committee had, in its resolution of 3 May 1963, recommended 'that the people of these territories should be given an early opportunity to decide their future under free and genuinely democratic conditions'. It is therefore regrettable that discussions concerning the constitutional progress of the Territory towards independence should be conducted without the participation of all political parties and organizations and of all sections of opinion in Aden and the Protectorates. The Sub-Committee wishes to express its deep concern at the decision taken by the United Kingdom, especially when certain important organizations and personalities in Aden have already expressed their opposition to any decision which might be taken by the Conference without their participation. The Sub-Committee considers that it should in due course ascertain the views of the political parties, organizations and personalities of the Territory on the various constitutional problems that arise, particularly the modalities of the attainment of independence of the Territory in accordance with the provisions of the Declaration on the granting of independence to colonial countries and peoples.

"Taking into account these observations and on this basis, the Sub-Committee has decided to issue the present statement and to transmit its contents to the Government of the United Kingdom."

2. The Chairman of the Sub-Committee has also informed the representative of the United Kingdom of the wish of the Sub-Committee to hold talks with the administering Power and to visit the Territory.

B. Statement dated 10 July 1964 regarding the work of the Sub-Committee on Aden in Cairo^a

Statement on the Work of the Sub-Committee on Aden in Cairo

The Sub-Committee on Aden, established by resolution of the Special Committee on the ending of colonialism on 9 April 1964, arrived in Cairo on 4 July 1964.

In view of the prolonged state of emergency and hostilities in the Territory, and also in view of the meeting of the

London Conference the Sub-Committee had deemed it necessary to visit the Territory without delay.

Following the refusal of the United Kingdom Government to allow such a visit, the Sub-Committee deemed it necessary to go to Cairo in order to carry out its tasks.

The Sub-Committee heard petitioners at eight meetings held from Monday, 6 July, to Friday, 10 July 1964.

The Sub-Committee heard a number of petitioners, in particular the Sultan of the State of Fadhli, the deposed Sultan of Lahej, three members of the State Legislative Council of Aden belonging to the independent group, tribal leaders, representatives of women's associations, and students, youth leaders and farmers.

The Sub-Committee also received a number of documents, including memoranda from various groups stating their positions on the constitutional proposals to be dealt with at the London Conference.

The Sub-Committee was also informed of the decisions taken by a Peoples' Congress held in Cairo on 5 July 1964, in which several national organizations, political parties, and prominent citizens of the Territory took part.

The Sub-Committee had informed the representative of the United Kingdom to the United Nations of its wish to have talks with the administering Power, in conformity with its terms of reference. It stated that it would be willing to go to London, if need be. This request was made on 2 June and was reiterated in another letter dated 24 June 1964. The Sub-Committee has not yet received an answer.

Pending the preparation of the report that it will submit to the Special Committee on the ending of colonialism at its resumed session next September, the Sub-Committee feels duty-bound to state its preliminary observations.

The Sub-Committee thanks the Government of the United Arab Republic for its hospitality and the arrangements it made to facilitate the Sub-Committee's task. It also thanks the Director and the staff of the United Nations Information Centre for their full co-operation.

Preliminary Observation of the Sub-Committee

1. The Sub-Committee once again expresses regret at not being allowed to enter the Territory. By this refusal the United Kingdom is not complying with the resolution adopted by the Special Committee on the ending of colonialism on 9 April 1964, nor with resolution 1956 (XVIII) of the General Assembly, which renews the appeal for co-operation by the administering Power with the work of sub-committees and visiting missions.

2. By going to Cairo, the Sub-Committee was able to meet a great number of political figures and representatives of national organizations of the Territory, including Sultans, tribal representatives, members of the Legislative Council of Aden, party leaders and representatives of various associations.

3. The Sub-Committee, recalling its declaration of 5 June 1964 recommending the postponement of the constitutional conference or the participation in it of representatives of all political parties and organizations of the Territory, expresses its regret that the United Kingdom Government has called the conference in circumstances and conditions that raise serious doubts as to its validity and the conformity of its conclusions and recommendations with the genuine aspirations of the people of the Territory.

4. All the petitioners who were heard by the Sub-Committee have challenged the validity of the London Conference and have stated their opposition to the conclusions of that Conference.

5. The Sub-Committee takes note of the statement made by the Sultan of Fadhli on the withdrawal of his State from the Federation of South Arabia and of his refusal to accept the conclusions of the London Conference on the future of the Territory. The Sub-Committee learned with regret of the decision of the local authorities to prohibit the return of the Sultan to the Territory, in view of the position he has taken.

^a This statement was also issued as a United Nations press release (GA/COL/212).

6. The Sub-Committee also takes note of the joint declaration of the national organizations of the Territory, convened in a Peoples' Congress in Cairo on 5 July 1964, in which they rejected the conclusions of the London Conference and stated their complete support of United Nations resolutions and of their basic principles, and unanimously requested the removal of the military base of Aden and the withdrawal of British troops.

7. The Sub-Committee notes that, in their statements, the petitioners supported the provisions of General Assembly resolution 1949 (XVIII) of 11 December 1963.

8. The continuation of the state of emergency and military operations in the regions of Radfan and Dathina are a matter of great concern to the Sub-Committee. Such a situation is contrary to the provisions of the Declaration on the granting of independence to colonial countries and peoples, and to General Assembly and Special Committee resolutions, and constitutes a threat to peace and security in the region.

9. The Sub-Committee endorses the appeals of several petitioners that international relief organizations, such as the International Red Cross and others, come to the help of the civilian population who are victims of the military operations.

10. In conformity with its terms of reference, the Sub-Committee is studying and keeping under constant review the situation in the Territory.

Appendix IV

LETTER FROM THE SULTAN OF FADHLI RECEIVED BY THE SUB-COMMITTEE ON ADEN ON 10 JULY 1964

Further to my statements before your Committee and reasons laid for the secession of Fadhli State from the South Arabian Federation, I would like to draw your attention to aggressive British intervention and provocation in the Fadhli State. The British High Commissioner, Kennedy Trevaskis, and Robin Young are making tremendous efforts and exerting great pressure and threats to subjugate my brother, Nasser Fadhli, to the responsibilities of Sultan of Fadhli after an attempt to convince my son, thirteen years old, had failed. I have documentary evidence from the Fadhli State Legislature, in an extraordinary session on 5 July 1964, unanimously and fully endorsing my undertakings in protest against the London Conference and secession from the South Arabian Federation. They added that they will stand firm by the Sultan till death and will owe allegiance to no one but Sultan Ahmed Fadhli, in spite of heavy British pressure for the past seven days, and constant British attempt to deceive world opinion and

distorted reports of the affirming resolutions of the Fadhli Council to Sultan Ahmed Fadhli.

I, Head of Fadhli State, have every legal power to secede from the Federation of South Arabia. As it is entirely for the Head of every State of the Federation to sign the agreement for the entry of his State into the Federation, thus it is also for him to withdraw his State if he so wishes. I challenge the British Colonial Secretary to point to any section or provision in the Federal Constitution which prohibits a Head of State from withdrawing his State. I, therefore, maintain the following:

1. As Head of Fadhli State, I have every legal power to withdraw my State from the Federation.
2. In the exercise of my power, I have withdrawn my State from the Federation.
3. The British Colonial Secretary's statements with regards my secession are absolutely invalid, unconstitutional and not supported by any provision in the Federal Constitution.

Thus, the resolution of the British-controlled Federal Council which forbids the Sultan from returning to Fadhli State and any member State of the Federation is undoubtedly *ultra vires* and considered to be an aggressive act. I, therefore, beseech the Committee in the name of justice, freedom, democracy and human rights to consider the urgent necessity of raising the issue to Secretary-General U Thant for immediate presentation to the Security Council as well as the United Nations General Assembly to put an end to this unwarranted, unconstitutional and provocative intervention in the internal affairs of Fadhli State, and hold the British responsible for the atrocities committed in South Arabia. I have every confidence that the Committee will take instantaneous action to preserve the peace in South Arabia and thus fulfil its sacred mission.

Appendix V

COPY OF A PHOTOSTAT OF A LETTER DATED 18 JUNE 1964 FROM THE ADEN POLICE ADDRESSED TO MR. A.M. BASENDWAH, MEMBER OF THE PEOPLES SOCIALIST PARTY

In reply to your letter dated 26 May 1964, I am to inform you that permission will not be granted for you to make house-to-house or street collections, on behalf of the Arab families who have been moved out of the Radfan area.

It is possible that you are not aware of the fact that the Government is making sufficient provision for the care and welfare of these distressed families, and it is unnecessary, therefore, for other sources to supply further need.

CHAPTER VII

BRITISH GUIANA

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963 AND BY THE GENERAL ASSEMBLY AT ITS EIGHTEENTH SESSION

1. Following its consideration in 1962, the Special Committee again considered the question of British Guiana at its meetings in 1963.

2. At the 183rd meeting of the Special Committee on 28 June 1963, the Chairman stated the consensus of the Special Committee as reflected in the general debate on British Guiana in the following terms:

"In examining the situation in British Guiana with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples, the Special Committee heard the representative of the administering Power and petitioners

representing various political parties and trade unions in the Territory.

"The Committee is deeply concerned about the situation in British Guiana, which, particularly of late, has been deteriorating rather disturbingly. The Committee firmly believes that every effort should be made to ensure that the country accedes to independence immediately, without any preliminary conditions, in accordance with the provisions of paragraph 5 of General Assembly resolution 1514 (XV).

"Viewing the problem within that context, at the present state of the debate, the Committee considers it necessary, as an interim measure and without prejudice to any decision which it may take in the future, to appoint a Sub-Committee to seek, together with the interested parties, the most suitable ways

and means of enabling the country to accede to independence without delay.

"The Sub-Committee, whose function is fundamentally one of good offices and fact-finding, will begin its work in New York and may proceed to any other place it considers appropriate for the successful performance of the task entrusted to it.

"The establishment of the Sub-Committee having been suggested by both the Government of British Guiana and the principal Opposition party, the Committee appeals to the Administering Power and to all parties concerned for their co-operation in ensuring the success of its efforts.

"The Sub-Committee, the composition of which is left to the Chairman of the Special Committee to decide, will be required to report to the Committee as soon as possible, and in any case during its present session." (A/5446/Rev.1, chap. X, para. 163.)

3. The statement of the consensus made by the Chairman was accepted by the Special Committee, without objection, as expressing its interim decision on the question of British Guiana.

4. The Sub-Committee established as a result of this decision was composed of the representatives of Mali (Chairman), Syria (Rapporteur), Chile, Iran and Sierra Leone.

5. In its report (A/5446/Rev.1, chap. X, appendix), which was introduced in the Special Committee on 8 October 1963, the Sub-Committee stated that after its efforts to proceed to British Guiana had proved unsuccessful because of the refusal of the United Kingdom to agree to such a visit, the Sub-Committee had invited the Premier of British Guiana, Dr. Cheddi Jagan, and the Leader of the Opposition, Mr. L.F.S. Burnham, to come to New York, where discussions had taken place. Although British Guiana's two political leaders had not been able to agree on the formation of a coalition government, they had decided to pursue their negotiations further and, as an interim measure, they had asked the Sub-Committee to make a number of recommendations to the Special Committee. By one of these recommendations, the Secretary-General would be requested to appoint a team of constitutional experts to study conditions on the spot and to help the parties concerned to arrive at a constitution acceptable to them.

6. During the consideration of this report, the representative of the United Kingdom informed the Special Committee that the Secretary of State for the Colonies had announced on 4 October 1963 that he had invited the Premier of British Guiana and the two Opposition leaders to a conference in London on 22 October 1963, which, it was hoped, would lead to solutions to the problems responsible for the breakdown of the 1962 Conference. Accordingly, he expressed the view that the recommendations concerning the appointment of a team of constitutional experts should be delayed pending the outcome of the proposed Constitutional Conference referred to above.

7. Following its consideration of the Sub-Committee's report, the Special Committee at its 216th meeting on 8 October 1963, having noted the observations of the representative of the United Kingdom, unanimously approved the report of the Sub-Committee on British Guiana.

8. The General Assembly at its eighteenth session, on 11 December 1963, adopted resolution 1955 (XVIII)

on the question of British Guiana. In part, this resolution reads as follows:

"The General Assembly,

"...

"Noting paragraph 65 of the report of the Sub-Committee on British Guiana, which was approved by the Special Committee and which invited the Government of the United Kingdom to do its utmost so that British Guiana might achieve independence as soon as possible without any conditions or reservations, in accordance with paragraph 5 of resolution 1514 (XV),

"Regretting that at the recent constitutional conference on British Guiana¹ no date for independence was set,

"1. Reaffirms the inalienable right of the people of British Guiana to independence;

"2. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland to fix without delay the date for the independence of British Guiana in accordance with the wishes of the people of the Territory."

B. INFORMATION ON THE TERRITORY

Introduction

9. Information on the Territory is contained in the report of the Special Committee to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. X, paras. 4-22). Supplementary information, mainly on constitutional and political development, is set out below.

General

10. The estimated population of British Guiana at 31 December 1962 was 600,000. This compares with the estimated population at the end of 1961 which was 590,140, made up as follows:

East Indians	289,790
African descent	192,660
Mixed	68,420
Amerindians	23,600
Europeans	12,150
Chinese	3,520

Political and constitutional developments

Constitutional Conference, October 1963

11. On 22 October 1963, the British Guiana Independence Conference resumed in London at Lancaster House under the chairmanship of the Secretary of State for the Colonies, Mr. Duncan Sandys, for the purpose of settling the form of an independence constitution and of fixing a date for independence. It was attended by delegates from the three political parties represented in the Legislative Assembly: the Peoples Progressive Party (PPP) led by Dr. Cheddi Jagan, the Premier; the Peoples National Congress (PNC) led by Mr. L. F. S. Burnham; and the United Force (UF) led by Mr. Peter d' Aguiar.

12. In the White Paper issued by the United Kingdom Government on the Conference, it was stated that Mr. Sandys opened the Conference by inquiring whether the parties had made any progress towards reaching agreement. The leaders of the three delegations

¹ Held in London from 22 to 31 October 1963, Cmnd. 2203.

admitted that despite a number of meetings held, the talks had proved fruitless and that in the circumstances the three leaders decided to ask the Secretary of State to settle the outstanding issues on the authority of the British Government. This request was embodied in a letter to him, dated 25 October 1963, in the following terms:

"At your request we have made further efforts to resolve the differences between us on the constitutional issues which require to be settled before British Guiana secures independence, in particular, the electoral system, the voting age, and the question whether fresh elections should be held before independence.

"We regret to have to report to you that we have not succeeded in reaching agreement; and we have reluctantly come to the conclusion that there is no prospect of an agreed solution. Another adjournment of the Conference for further discussions between ourselves would therefore serve no useful purpose and would result only in further delaying British Guiana's independence and in continued uncertainty in the country.

"In these circumstances we are agreed to ask the British Government to settle on their authority all outstanding constitutional issues, and we undertake to accept their decisions."

13. The Secretary of State announced his decision at a final plenary session on 31 October 1963. In his statement, Mr. Sandys said that he was satisfied that the root cause of British Guiana's troubles was the development of party politics along racial lines. He had therefore decided that the system of proportional representation should be introduced, and that preparations for elections under this system would be put in hand without delay, after which the British Government would convene a conference to fix a date for independence.

14. In his statement, Mr. Sandys, in referring to the state of general distrust and its demoralizing effect throughout British Guiana, stated that: "It has not only undermined political stability, but gravely threatens economic progress. It has led to financial difficulties that the Government is unable, despite severe economies, to balance its budget, and will be obliged to seek outside assistance".

15. Following the announcement, the leaders of both major political parties, Dr. Jagan and Mr. Burnham, are reported to have expressed regret that the date for independence had not been fixed. Dr. Jagan, in a letter to the Editor of *The Times* of London stated that "when on 21 October I and the Opposition leaders asked the Secretary of State to impose a solution on us, the differences were still substantial. But we did so on the implicit understanding that the Secretary of State would devise a formula to reconcile these differences as far as possible, and would fix a date for my country's independence".

16. In a sessional paper issued in November 1963, the Government of British Guiana rejected the decision by the Secretary of State in these terms:

"The Government of British Guiana has considered the decisions of Her Majesty's Government on the question of the independence of British Guiana and categorically rejects them as a breach of faith to the

Government and people of this country. These decisions presented by the Secretary of State for the Colonies to the United Kingdom Parliament in Command Paper 2203 of November 1963 are a flagrant violation of decisions arrived at, and solemn undertakings given, at the 1960 Constitutional Conference, as set out in Command Paper 998 presented to Parliament in April 1960 by the then Secretary of State for the Colonies, the Hon. Iain Macleod, M.P."²

17. The memorandum goes on to state that at the 1960 Conference "after prolonged debate and the most careful consideration, the course to British Guiana's independence was meticulously charted, and it was firmly agreed that the constitution that had been hammered out was, with the appropriate consequential changes, to be the constitution for an independent Guiana, and that the only 'question of substance' that had to be decided on at the next conference was the fixing of a date for independence"³.

18. In reply to the statement by the Secretary of State for the Colonies that the British Guiana Government was insolvent, the memorandum states:

"The Ministry of Finance has issued a statement showing that on that date the Government had a cash balance of \$WI 4.66 million.⁴ At the end of the previous month, that is, on 30th September, there was a cash balance of \$WI 2.7 million. Since the Government assumed office in September 1961, it has always been able to meet its financial obligations; it was able to do so on the date on which Mr. Sandys made his allegation; it can do so now. This result has been achieved in spite of artificially created difficulties and the rising burden of debt charges based on high interest rates on exchequer loans. These debt charges have increased from 5 per cent of revenue in 1954 to 14 per cent in 1962. In the circumstances, the Government deprecates the attempt by the Secretary of State for the Colonies to damage its credit for political ends."⁵

19. In reply to a question in the House of Commons on 11 February 1964, asking the Secretary of State for the Colonies if he was aware that a White Paper was laid in the British Guiana Legislature on 27 January 1964, taking issue with his statement at the Constitutional Conference that British Guiana was insolvent, Mr. Sandys said:

"My statement was in accord with the assessment of Ministers of the British Guiana Government who informed the Colonial Office in October that they expected there would be a deficit on their recurrent budget for both the calendar years 1963 and 1964, and that they would probably need to ask the British Government for assistance in bridging the gap.

"This information confirmed a separate assessment by an independent expert who was asked to report upon the financial situation in British Guiana.

"However, in December the British Guiana Government found that owing to a shortfall in planned expenditure the expected deficit had not materialized. At the same time, the British Guiana Government have revised, in an upward direction, their previous estimate of revenue receipts for 1964. This has

² British Guiana, Sessional Paper No. 3/1963, p. 1.

³ *Ibid.*

⁴ The local currency is the West Indian dollar (\$WI) which equals 4s. 2d. (sterling) or \$US 0.5833.

⁵ British Guiana, Sessional Paper No. 3/1963, pp. 5 and 6.

enabled them to present a balanced budget. It now also seem likely that the strain on British Guiana's resources in 1964 will be somewhat eased by the fact that their development programme has also fallen behind schedule."⁶

Appointment of a new Governor

20. In February 1964, the British Government announced the appointment of Sir Richard E. Luyt as the new Governor of British Guiana. Immediately, the Government of British Guiana protested this appointment on the grounds that at this stage of constitutional development, any new Governor should be a Guianese. When the new Governor was sworn in on 7 March 1964, no Government Ministers attended the ceremony.

Electoral arrangements

21. In pursuance of his decision at the Constitutional Conference, the Secretary of State for the Colonies appointed Mr. G. W. Hucks as Electoral Commissioner to register British Guiana's 250,000 voters and to make arrangements for new elections under proportional representation. Mr. Hucks arrived in Georgetown early in January 1964. In a letter to the Governor, Dr. Jagan, the Premier, protested the appointment by the British Government of an electoral commissioner for British Guiana which, he stated, was a self-governing territory responsible for its internal affairs. The leader of the Opposition, Mr. Forbes Burnham, is reported to have accused the Electoral Commissioner of openly inviting hostility by his announcement that elections were unlikely in British Guiana before 1965.

22. In furtherance of the decision taken at the Constitutional Conference in October 1963, two Orders in Council have been issued by the British Government:

(i) The British Guiana (Constitution) Order 1964. This Order amends the existing British Guiana Constitution of 1961, replacing the present bicameral legislature by a unicameral House of Assembly consisting of fifty-three members. By provisions of the Order, the Governor is empowered to dissolve the existing Legislature (about a year earlier than its expiration date) to make way for new elections under the system of proportional representation. The Order will come into operation when the Governor makes a proclamation to this effect.

(ii) The British Guiana (Registration) Order 1964. This Order came into operation on 26 March 1964. Under the terms of this Order the Governor is empowered to make provisions for the registration of voters for elections under proportional representation. Regulations No. 5 of 1964 were made by the Governor and issued on 8 April 1964. They were amended on 18 April 1964 by Amending Regulations No. 6 of 1964. Under these Regulations⁷ there will be no house-to-house enumeration as customary. Registration is not compulsory and eligible voters must apply for an identification paper. A photograph on the identification card is not compulsory. If, however, a photograph is used it must be provided at the applicant's expense. Further, where persons make claims, or give notice of objection because their names have been omitted

or their particulars incorrectly stated on the preliminary list, deposits of \$WI 2.00 or \$WI 5.00 are required.

23. On 27 April 1964, Mr. A. G. Bottomley, Labour member, moved in the British House of Commons: "That the British Guiana (Constitution) Order 1964, a draft of which was laid before the House on 25 March be not submitted to Her Majesty". The introduction of this motion initiated a debate, following which Mr. Bottomley asked leave to withdraw the motion, stating that he had placed on record the view of the Opposition and that his withdrawal of the motion was in view of the pleas which had been made to the effect that if a division were forced, this might exacerbate feelings and cause more violence.

24. It is reported that the Electoral Commissioner expects to complete the work of registration by October 1964.

Establishment of a Special Service Unit for British Guiana

25. By an Order-in-Council, which came into operation on 26 February 1964, provision was made for a force to be known as Special Service Unit for British Guiana. The Order empowers the Governor to permit or require members of the Police Force to serve in the Unit. It also provides that the Governor may attach the Unit to any of Her Majesty's naval, military or air forces in British Guiana, or to the Police Force. The Order further empowers the Governor to direct the Unit, and to give directions concerning the Unit to the Officer commanding any forces to which the Unit is attached; and provides that the powers of the Governor shall be exercised by him in his discretion.

Attempts at conciliation

26. In February 1964, a goodwill mission arrived in British Guiana from Ghana. It was reported that the Mission was appointed by President Nkrumah of Ghana, with the agreement of Dr. Jagan and Mr. Burnham, with the object of advising British Guiana on constitutional matters and to try to help the two leaders to resolve their differences. The Mission was the subject of a question in the House of Lords by Lord Colyton, who sought to have the Government prevent the Mission entering British Guiana. The Minister of State for Commonwealth Relations and for the Colonies, the Duke of Devonshire, replied as follows: "Under the present Constitution of British Guiana, immigration into British Guiana is a matter for local Ministers".

27. Recently, Dr. Eric Williams, Prime Minister of Trinidad and Tobago, is understood to have invited Dr. Jagan, Mr. Burnham and Mr. d'Aguiar to Trinidad with a view to resolving their differences.

Labour relations

28. On 6 July 1963, an agreement was signed to end the general strike by representatives of the British Guiana Government and the Trades Union Council, which was ratified by Union members the following day. The peace agreement provided that the Government would withdraw the Labour Relations Bill and not reintroduce it without consulting the Trades Union Council. In accordance with this agreement the Bill was withdrawn.

29. Disputes in the rice and sugar industries about the representation desired by workers occurred during 1963. It was agreed to set up a Joint Standing Committee of the Legislature to discuss legislation

⁶ See *Parliamentary Debates (Hansard), House of Commons, Official Report, Fifth Series, vol. 689* (London, H. M. Stationery Office), *Oral Answers*, col. 189.

⁷ British Guiana, Registration Regulations 1964 (Georgetown, Government Printers of British Guiana, 1964).

affecting the trade unions. A special *Ad Hoc* Tripartite Committee will examine existing labour laws and make recommendations to the Government.

30. Early in 1964, a dispute arose between the two biggest trade-union organizations—the Guiana Agricultural Workers' Union (GAWU), which is reported as supporting the Peoples Progressive Party (PPP), and the Man Power Citizens' Association (MPCA), which is reported as supporting the main Opposition party, the Peoples National Congress (PNC). The MPCA claims to have two-thirds of the Colony's 25,000 sugar workers as its members and is the only union recognized by the Guiana Trades Union Congress and the employers. However, the GAWU also claims to represent the majority of the workers and feels itself discriminated against by the employers.

31. To emphasize their demands to be recognized as a majority representative of sugar workers, the GAWU launched a country-wide strike of its members which soon spread over the whole sugar industry. The MPCA has opposed the strike.

32. The strike has taken grave forms, and lethal weapons have been used. Up to 10 June 1964, twenty-eight persons were known to have died in interracial incidents. In addition, three persons have died as a result of clashes between police and the striking workers. The loss of property and crops by fire, especially sugar cane, exceeded \$WI 1.5 million.

33. To settle the dispute, the British Guiana Labour Commissioner has suggested that both unions undertake a survey in order to determine the membership of the MPCA and to conduct a poll to ascertain the support of GAWU. But this proposal was rejected by the British Guiana Sugar Producers Association, which wants to recognize only the MPCA. The producers called for the setting up of a commission of inquiry to examine and report on the situation. It was suggested that the commission should consist of a team from the United Kingdom or representatives from sugar-producing countries within the Commonwealth or a team from the International Labour Organisation (ILO).

34. It has been reported that the Government of British Guiana had recently appointed a three-man Advisory Committee to investigate the industrial dispute in the sugar industry and to make recommendations for settling it. The Committee consists of Mr. Justice Yuga Persaud (Chairman), Professor Horace Davis, and Mr. Eric Brandon. In his broadcast on 23 May 1964, Dr. Jagan, the Premier, expressed the hope that the three-man Advisory Committee appointed by the Government would help to find a solution to the long-drawn-out problem in labour relations.

35. On 5 June 1964, the MPCA filed a writ in the British Guiana Supreme Court which seeks to invalidate the Advisory Committee. The writ raises objections against two of the members of the Committee on the grounds that they are interested parties. It also claims that the Committee threatens the existence of the Association and that the appointment of the Committee was a breach of the agreement signed by the Government and the British Guiana labour movement at the end of the general strike in July 1963. An injunction was sought to restrain the Committee from holding meetings and, if meetings were held, to render the findings and recommendations of the Committee null and void and of no effect.

State of emergency

36. On 22 May 1964, a state of emergency was declared by the Governor of British Guiana on the advice of British Guiana Ministers. The Governor, with the concurrence of British Guiana Ministers, also asked the United Kingdom Government to send reinforcements to maintain law and order.

37. On 23 May 1964, Dr. Jagan, in a nation-wide broadcast, as Head of the Government, appealed for an end to racial strife. On the same day Mr. Burnham issued a statement in which he complained of the delay in introducing the state of emergency, which he felt should have come a long time ago, when the disturbances in the sugar areas could have been localized.

Resignation of the Minister of Home Affairs

38. On 1 June 1964, the Minister of Home Affairs, Mrs. Janet Jagan, resigned her post, charging that after a year in office she had no power "to curb or prevent discriminatory practices or correct injustices perpetrated by the police with increasing frequency and complete immunity". She also attributed the latest wave of looting, arson and murder mainly to the non-interference by armed police and armed volunteers.

39. Following the resignation of Mrs. Janet Jagan as Minister of Home Affairs, the functions of the Ministry in connexion with responsibility for the police and the maintenance of public safety were reported to have been assumed by Sir Richard Luyt, the Governor, after consultation with Dr. Jagan, the Premier, and Dr. F. Ramsahoye, the Attorney-General. The Commissioner of Police denied charges by Mrs. Janet Jagan that the police have been acting in a partisan manner during the recent unrest in the Territory. He said he would welcome a full impartial inquiry into the behaviour of the police.

Proposal for a coalition Government

40. On 3 June 1964, Mr. Burnham, Leader of the PNC, proposed in the Legislative Assembly the formation of a national coalition government of all three parties, to administer the country until the elections. In making this proposal, Mr. Burnham did not state his party's conditions for joining such a coalition, but in a press interview given the previous week, he was reported to have said that these would be that ministries and officials in some government bodies should be equally divided between the PPP and the Opposition parties and that the post of Minister of Home Affairs be given to a PNC member.⁸

41. In addition to this proposal, Mr. Burnham was reported to have suggested the following:

(a) All weapons, both home-made and imported, should be handed in to the police;

(b) An amnesty be offered to all those who gave up their illegal arms within a given time;

(c) Powers to search for arms and explosives should then be increased and heavier penalties imposed on people who continue to retain them;

(d) A joint council of the three parties represented in the legislature be set up to supervise and administer the collection of arms;

⁸ For proposals concerning a coalition government discussed with the Special Committee's Sub-Committee on British Guiana, see A/5446/Rev.1, chap. X, appendix, paras. 40 and 41.

(e) After the introduction of a coalition government immediate steps be taken to bring unemployment relief to people of both rural and urban areas;

(f) All religious, social and other organizations be invited to co-operate in an educational programme based on the principles of racial unity;

(g) A team of sociologists from the University of the West Indies be invited to do research into Guiana's peculiar racial problems and to advise the Government about them.

42. On the same day Dr. Jagan, the Premier, welcomed the proposal for a coalition government and agreed to meet with the leaders of the Opposition parties to discuss it.

43. However, after a meeting of the party leaders on 4 June 1964, it was reported that any optimism for the formation of a national government had faded in the light of the statement reportedly made by Mr. d'Aguiar, leader of the United Force, that: "I cannot take part in a Government with Dr. Cheddi Jagan because I have no confidence in him".

44. Meanwhile, this activity on the political level was accompanied by a lessening of tension in most parts of the Territory, and a reduction in the number of violent clashes between the communities. The leaders of the three main political parties again appealed for an end to violence.

45. On 6 June 1964, Dr. Jagan was reported to have sent a letter to Mr. Burnham offering to form a coalition government with the PNC on the basis of parity representation in the Cabinet. This offer did not include the United Force as it was "too rooted in the preservation of the colonial *status quo*". With a coalition government of the PPP and the PNC, the United Force would become a democratic Opposition and issues would then "be contested between the Government and the Opposition, not on the basis of race, but on the basis of programme and policy".

Economic conditions

46. The economy of the Territory is mainly based on agriculture and mining. The principal crops, sugar and rice, accounted in 1963 for \$103.59 million,⁹ or nearly 66 per cent of commercial production, while bauxite, which is the largest sector of the mining industry, accounted for approximately \$26.59 million or 16.92 per cent, and alumina for \$21.93 million. Other major products include diamonds, valued at \$3.26 million, and edible oil, valued at \$1.65 million.

47. The Government has stressed the need to diversify and industrialize the economy. Among the problems to which attention has been drawn are the fact that the major part of the population is engaged in agricultural pursuits with relatively low *per capita* productivity and that the Territory's exports consist mainly of primary products which have to contend with discriminatory tariffs in the developed countries as well as low and unstable world prices.¹⁰

48. The financial resources available for development purposes are limited. Domestic savings are low and the country depends largely on foreign grants and loans. Debt charges, based on high interest rates for Exchequer loans, increased from \$1.5 million in 1953 to \$10 million in 1963. During 1962, the Government

introduced fiscal reforms partly with a view to mobilizing resources for economic development, and also took steps to divert some resources away from less essential consumption towards investment. In addition an Industrial Development Corporation was established and the colony's aid-to-industry laws were revised, with a view to encouraging the participation of local and overseas private capital in the development of the country. Development expenditure by the Government in 1963 amounted to about \$12.3 million and in 1964 was estimated at \$14.5 million, an increase of \$2.3 million over the preceding year.

49. The Territory's ordinary budget is financed mainly out of import, export and excise duties, income and property taxes. The estimates for 1963 were based on a revenue of \$67.7 million while expenditure was estimated at \$69.4 million, of which \$12.3 million was earmarked for education.

50. Activity in the principal industrial sectors was curtailed in 1963 as the result of a prolonged strike. Output of sugar amounted to 317,000 tons during the year, compared with 323,023 tons in 1962, and exports of sugar fell from 310,000 tons to about 290,000. Rice production likewise fell from 140,772 tons to 124,000 tons and edible oils from 815,908 gallons to 691,000 gallons. Bauxite production was reported to be 1,304,000 tons in 1963, compared with 1,395,850 tons in 1962, but this reduced output was offset by the production of 219,000 tons of alumina during the later year. The value of diamonds produced fell from about \$4.3 million in 1962 to about \$3.3 million in 1963. Imports were estimated to total \$125 million in 1963, or \$5 million less than in the preceding year.

51. Over the last decade, however, the economy has grown progressively at a rate which, if not rapid, nevertheless exceeded the rate of population increase. According to the Government, the gross domestic product attained the same level in 1963, namely \$250 million, as it had in the preceding year, even though the output of several major industries was curtailed.

52. During 1963, progress was marked by the completion of the aerial work in connexion with the United Nations Geophysical Survey; it was anticipated that map production and follow-up work on the ground would be completed in 1964. The Geological Survey continued drill-hole investigations for oil and copper deposits with promising results. Work was also completed during 1963 on the Tapakuma drainage and irrigation project which embraces a total area of 7,184 acres, of which 4,143 acres are under rice cultivation.

Social conditions

53. Developments in the social field were overshadowed by the disturbances accompanying the labour disputes, which have already been fully described. In September 1964, the Council of Ministers approved recommendations for the relief and rehabilitation of persons displaced during the disturbances. The estimated cost of the rehabilitation plan in \$8 million.

54. Good progress was made during 1963 in the field of community development. Under the Rural Aided Self-Help Programme, a total of 962 aided schemes, involving government grants of \$774,000, had been approved, and by the end of 1963, 789 had been completed involving, among other things, the construction of bridges, roads, schools, community and health centres and the reclamation of land. Progress was also made in the improvement of environmental sanitation

⁹ The local currency is the West Indian dollar (\$WI) which equals 4s. 2d. (sterling) or \$US 0.5833.

¹⁰ British Guiana, Sessional Paper No. 4/1963, p. 17.

with the assistance of the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF).

Educational conditions

55. The most important development during 1963 was the opening of the University of Guiana with a student enrolment of 169 in three faculties: Arts, Natural Sciences and Social Services. In addition, five new "all-age" schools were opened during the year, bringing the total number of "all-age" schools to 340 with a student enrolment of 135,961. These schools, which from September 1962 replaced the former primary schools, provide both primary and secondary education. In addition, ten new government secondary schools were opened during the year.

56. The Government also began a programme of teacher-training with the object of ensuring that within ten years all serving teachers may be fully qualified. For this purpose, eight rural training centres will be established.

57. Government expenditure on education amounted in 1962 to \$13,028,316, of which \$1,431,750 was spent under the development budget from funds derived largely from Colonial Development and Welfare grants and Colony funds, and \$11,596,566 under the ordinary budget, representing about 18.6 per cent of ordinary expenditure. Estimated ordinary expenditure for 1963 was \$12.3 million, or 17.7 per cent of estimated expenditure.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

58. The Special Committee considered British Guiana at its 254th and 256th meetings on 8 and 11 May and from its 264th to its 270th meeting between 9 and 23 June 1964.

Written petitions and hearings¹¹

59. The Special Committee circulated the following written petitions concerning British Guiana.

<i>Petitioner</i>	<i>Document No.</i>
Six petitions from or on behalf of Dr. Cheddi B. Jagan, Premier....	A/AC.109/PET.246 and Add.1-3
Petition from the International Union of Students.....	A/AC.109/PET.247
Petition from the Women's Organisation and the Fieldworkers Plantation	A/AC.109/PET.248
Petition from the Unión de Jóvenes Comunistas de Cuba.....	A/AC.109/PET.249
Petition from Messrs. Jurandir Seixas, Flavio R. Troyano and Jose de Goes Neves on behalf of the National Union of the Industrial Technician Students (UNETI).....	A/AC.109/PET.250
Six petitions from the Progressive Youth Organisation, Georgetown...	A/AC.109/PET.251
Petition from Mr. R. Sharma on behalf of the Progressive Party, Georgetown	A/AC.109/PET.252
Petition from Mr. A. E. Charles on behalf of the British Guiana Freedom Association, London.....	A/AC.109/PET.253

¹¹ Of these petitions, the following were circulated after the Special Committee had concluded its consideration of British Guiana: A/AC.109/PET.246/Add.3 and A/AC.109/PET.285.

<i>Petitioner</i>	<i>Document No.</i>
Petition from Mr. Kenneth V. Lorimer, General Secretary, British Guiana Freedom Association, London	A/AC.109/PET.253/Add.1
Petition from the National Peace Committee, Georgetown	A/AC.109/PET.275
Petition from Mr. Sydney King, President of the African Society for Cultural Relations with Independent Africa (ASCRIA), Georgetown....	A/AC.109/PET.285

60. The Special Committee heard the following petitioners concerning British Guiana:

Mrs. Janet Jagan, Minister of Home Affairs of British Guiana (254th and 256th meetings);

Mr. Felix Cummings, personal representative of the Premier of British Guiana (265th and 266th meetings);

Mr. Jainaraine Singh, National Peace Committee of British Guiana (270th meeting).

Hearing of petitioners

61. Mrs. Jagan stated that she had just come from London, where she had appealed to the United Kingdom Secretary of State for the Colonies to hold back the heavy hand of uneven justice from the British Guiana Government before it was too late to stop the violence and hate that had been unleashed in that unhappy land by the abridgement of the Constitution of 1960.

62. Her country abhorred violence and cherished parliamentary democracy. On three occasions—in 1953, 1957 and 1961—the Peoples Progressive Party had won a mandate from the people to carry on a peaceful struggle for an independent Guiana under a system of parliamentary democracy. If the struggle during the past eleven years had not always been peaceful, it had been the fault not of that Party but of vested interests or their agents at home and abroad.

63. The United Nations was familiar with the background of the situation in British Guiana, had adopted resolutions reaffirming the inalienable right of its people to independence and, in pursuance of paragraph 5 of the Declaration in General Assembly resolution 1514 (XV), had called upon the United Kingdom Government to grant it independence without conditions or reservations. But the United Nations was not aware of how its efforts to secure justice for British Guiana were being frustrated by power politics and cold war considerations or how its decisions were being nullified by secret arrangements and subversion. According to an article entitled "Castro and Jagan", which had appeared on 22 March 1964, the United States columnist Mr. Drew Pearson had said that the secret reason for President Kennedy's visit to England in the summer of 1963 had been his worry that British Guiana would secure independence in July 1963 and set up another Communist government. President Kennedy had demanded that British Guiana should not be given independence; Mr. Macmillan, the then Prime Minister of the United Kingdom, had agreed; and the strike which had given the United Kingdom Government a pretext for withholding independence had been inspired by a combination of United States Central Intelligence Agency money and British Intelligence. That the United States had exerted pressure on the United Kingdom Government was shown by a statement made by Mr. William Tyler, a leading State Department official, to the effect that the United States Government would like to see the British Guiana

Government out of office; by statements to the same effect by the United States President's Press Secretary on BBC television; and by statements in the British Press to the effect that British Guiana had been one of the issues discussed by the two leaders. Moreover, at the end of the 1963 Constitutional Conference, a section of the British Press had commented that the United Kingdom Government had yielded to United States pressure.

64. Her Government had been aware that United States agents had engineered and supported the disturbances in British Guiana in 1963 and that large sums of money were being sent into the country every week to finance the attempt to overthrow the Government. Mr. Victor Reisel, a United States journalist, had described the United States financial support to the trade unions and the training in subversion given in the United States to key figures in her country's trade-union movement.

65. Although the United Kingdom Government controlled the internal security forces, it had allowed the situation in British Guiana to deteriorate and had then used it as an excuse to deny independence. The Government of British Guiana had suspected the intrigue and had therefore suggested that the "Good Offices" Sub-Committee on British Guiana, which had been established on 28 June 1963, should visit the country. It had welcomed the Committee's decision on 8 October 1963 endorsing the Sub-Committee's recommendation that a team of constitutional experts should go to British Guiana and, after studying conditions on the spot, help to formulate recommendations with a view to arriving at an acceptable Constitution. Unfortunately, the United Kingdom Government had rejected both proposals.

66. At the Independence Conference, which had met in London on 22 October 1963, the United Kingdom Government had used the failure of the political parties to agree on a Constitution and the disturbances in 1963 as excuses to deny independence and to impose an electoral system whose ulterior motive was to secure the defeat of the present Government.

67. The Government of British Guiana had rejected the proposals announced at the Conference by Mr. Duncan Sandys, the Secretary of State for the Colonies, on 31 October 1963. In a memorandum it had sent to the Legislature, it had stated that it had had three reasons for doing so. First, by not fixing a date for independence, which had been the implicit purpose of the Conference, and by forcing the majority party to hold elections before the end of its term of office, Mr. Sandys had in effect suspended the existing Constitution. Secondly, Mr. Sandys had completely rejected the proposals of the governing party and had gone even beyond the wishes of the Opposition. He had rejected the governing party's proposals to set up the necessary machinery for consultation with the Opposition and to reconstitute the Senate in order to give the Opposition greater say in the legislative process, and had also rejected its proposals for the appointment of Commonwealth officers to command the security forces and for a United Nations civilian presence or a Commonwealth presence to ensure that the constitutional guarantees were honoured. Despite the Opposition's willingness to consider a compromise solution, he had rejected a mixed electoral system and had imposed a strict system of proportional representation. He had also rejected out of hand the governing party's proposal that the voting age should be reduced from

twenty-one to eighteen despite the recommendation by the then Secretary of State for the Colonies, Mr. MacLeod, that the matter should be referred to the Legislature, which should consider the proposal and make recommendations on it.

68. Thirdly, Mr. Sandys' proposals had been in flagrant violation of decisions reached at the 1960 British Guiana Constitutional Conference, at which it had been firmly agreed that the constitution that had been worked out would, with the appropriate consequential changes, be the constitution of an independent Guiana and that the only question of substance remaining to be decided at the next conference would be the fixing of a date for independence.

69. Despite the rejection of the proposals of Mr. Sandys by the Government of British Guiana, the United Kingdom Government had proceeded to implement them. The latter had submitted three draft Orders in Council to Parliament. Two of them had now become law and gave the Governor authority to charge the expenditure incurred under them to the revenues of British Guiana without the consent or approval of its Legislature.

70. The first Order in Council empowered the Governor, acting under the direct authority of the United Kingdom Government, to provide for the registration of voters for elections under a system of proportional representation. Under that Order, the Governor had on 8 April 1964 adopted regulations replacing the existing system of registration by house-to-house enumeration by a system of registration by personal application. The new system would, first of all, operate to the disadvantage of the rural population and the population of the interior and deter large numbers from registering. Secondly, it would expose a large number of poor people to considerable personal embarrassment because of the numerous particulars asked and leave them very much at the mercy of the whims and fancies of the registration officer. Thirdly, the identity papers to be issued to each registered voter would not include a photograph, unless the individual himself provided one, despite the agreement of the government party and the main opposition party on the desirability of photographs. Thus, many people would have their identity cards challenged. Fourthly, the registrar might demand a birth or baptismal certificate, although a large section of the population, particularly the Amerindians and the immigrants, had neither. Lastly, persons whose names had been omitted from the preliminary list, or whose particulars had been incorrectly recorded, or persons giving notice of objections, must make a deposit of \$WI 2.00 in the case of each claim and \$WI 5.00 in the case of each objection. Since the great majority of the local people could not afford such deposits, the way would be open to fraud and irregularities. There was little doubt that the new system of registration was a vicious discriminatory system which would result in the disfranchisement of a large number of potential voters.

71. The second Order, the British Guiana (Special Service Unit) Order, empowered the Governor to recruit a special service unit under his authority to maintain internal security and provided that the special service unit might be constituted in any way the Governor thought fit.

72. The Prime Minister of the United Kingdom himself has said, with reference to Africa, in a television broadcast on 20 February 1964, that armed forces and a police force loyal to the Government were essential for the administration of a country. Yet the United

Kingdom Government had refused to give assent to the British Guiana Defence Bill, 1962, which would have enabled the British Guiana Government to establish an army. Similarly, the Special Service Unit now to be set up would be under the control of the Governor and not the Government of the Territory. It was difficult to see how the army could develop the requisite loyalty in those circumstances.

73. Both Orders-in-Council infringed powers already vested in a minister of the Government of British Guiana. Both empowered the Governor to charge any expenditure they entailed to the country's revenue without the authorization of the Legislature. That was an infringement of the Legislature's powers and an example of taxation without representation.

74. The third Order, the British Guiana (Constitution) Order 1964, which had become law on 6 May, was the main constituent of the Colonial Secretary's plan. It sought to amend the Constitution by replacing the present bicameral legislature with a unicameral legislature elected on a basis of proportional representation. It would enable the Governor to dissolve the existing Assembly about one year before the normal time, a clear violation of established constitutional principles. Together, the Orders-in-Council amounted to a considerable erosion of the powers of the elected government of British Guiana.

75. It was instructive to compare the case of British Guiana with that of Southern Rhodesia. Both countries had full internal self-government, but in the case of Southern Rhodesia the United Kingdom Government asserted that it could make no amendment of the Constitution that would take away any of the powers already granted to the country, a position maintained in the face of great pressure from the African-Asian countries for greater African representation. The principle that Parliament could not amend the constitution of an internally self-governing territory was well established. It had been reiterated by the United Kingdom representative in the Fourth Committee during a debate on Southern Rhodesia and by the present Colonial Secretary himself in the House of Commons on 8 November 1961. It seemed, however, that the principle did not apply to British Guiana.

76. Malta, likewise, enjoyed different treatment. The United Kingdom Government had declined to use its powers of intervention and had aligned itself with the Archbishop in order to preserve quite unnecessary privileges for the Church. In the most recent election the Maltese Government had won exactly the same percentage of the votes as the Peoples Progressive Party had won in the most recent election in British Guiana. Yet the Maltese Government's wishes were heeded whilst those of the British Guiana Government were disregarded.

77. In an attempt to justify the institution of proportional representation, the Colonial Secretary had stated that the root of the trouble lay almost entirely in the development of party politics along racial lines and that although the trouble manifested itself in a racial form, the cause was basically political and required a political solution. In his view, proportional representation was that solution. Such racial divisions as there were in British Guiana, however, were entirely due to the suspension of the Constitution in 1953 and the divide-and-rule technique which had precipitated the 1955 split in the Peoples Progressive Party. The extent of the differences, moreover, had been exaggerated. The

Wynn Parry Commonwealth Commission, which had inquired into the disturbances in British Guiana in February 1962, had found that racial differences did not go very deep and that the division between the political parties was at bottom more economic and vocational than racial. It was clear that the Colonial Secretary's proposals would accentuate rather than mitigate such racial differences as there were; they would encourage the parties to appeal for communal rather than inter-racial support. Since they had been placed before Parliament in February 1964, two religious-racial groups, the Guiana Muslim Party and the Guiana All-Indian League, had been set up, and a third, the British Guiana Hindu Council, had been revived. Only the first was openly political, but the others, while professing to be social, religious or cultural, were secretly engaging in political activities. The appearance of such groups could only lead to greater racial bitterness.

78. The real aim of the new constitutional arrangements proposed by the United Kingdom Government was to bring about the defeat of the governing party. In 1953, after the Peoples Progressive Party had been victorious at the polls, the United Kingdom Government had suspended the Constitution, dismissed the ministers of the Government and imprisoned or placed restrictions on the leaders of the Party in an attempt to destroy it. They had failed and, despite gerrymandering, the Party had won the general elections in 1957 and 1961. The United Kingdom Government had therefore resorted to proportional representation to accomplish its aim. As far back as 1954, the British Guiana Constitutional Commission, although it had countenanced the suspension of the Constitution and had been bitterly opposed to the Peoples Progressive Party, had stated that the introduction of proportional representation could hardly be represented as anything other than a device to lessen the dominance of the Party and that in its view to enshrine such a device in the Constitution would be wrong. The proposed constitutional change had been opposed on that and similar grounds by a number of Members of Parliament, including Mr. Bottomley, the Labour Party spokesman on colonial affairs, and Mr. MacLeod, himself a former Colonial Secretary.

79. Already the implementation of the proposals had led to an increase of tension in the country. As Mr. James Griffiths had said in Parliament, the United Kingdom had created the problem by bringing Indians and Africans to British Guiana many generations ago; it could not be solved by introducing a new constitution, unless that constitution commanded the support of the people.

80. If nothing was done to arrest the trend of events in British Guiana, the situation would deteriorate, as in Southern Rhodesia. The only solution was a settlement acceptable to the great majority, if not all, of the people of British Guiana. The Government of British Guiana therefore invited the Special Committee to implement the decision taken on 8 October 1963 that a team of constitutional experts drawn from Commonwealth and non-Commonwealth countries should be appointed to visit British Guiana and, after studying conditions there, help the political parties to formulate an acceptable constitution.

81. Mr. Cummings said that the situation in British Guiana was extremely critical and had only worsened since 8 May, when Mrs. Janet Jagan, the then Minister of Home Affairs, had appeared before the Special Committee and had requested the intervention of the

United Nations in order to stop the wave of racial violence jeopardizing the country's progress towards independence. He himself had come to renew that request and again to draw the Committee's attention to the gravity of the situation.

82. Everyone recalled the dramatic appeal which had been made by Emperor Hailé Selassie of Ethiopia to the League of Nations in 1935 at the time of the attack by Italian fascism and the tragic consequences of the League's inaction. Mr. Alvarez del Vayo, the Foreign Minister of the Spanish Republic, had also vainly appealed to the League of Nations in 1937 and 1938 to fight against Franco. More recently, the difficulties which had arisen in the Congo and Cyprus had been due to internal conflicts which had not been settled soon enough. The United Nations must intervene with dispatch in British Guiana to avoid disasters similar to those of the Congo and of Cyprus.

83. Powerful forces opposed to the independence of British Guiana lay behind the campaign of violence which had been unleashed against the Government of British Guiana. As Mrs. Jagan had informed the Special Committee a month earlier, the United Kingdom Government had refused to allow the Government of British Guiana to develop the forces necessary for internal security.

84. The warnings given by the Minister of Home Affairs had been tragically confirmed and the tension between Indo-Guianese and Afro-Guianese had only grown more serious. The forces opposing the Government of British Guiana had initiated violence and attacked Indo-Guianese who supported the Government. With preparations for an election on the basis of proportional representation going ahead and with the registration of voters already under way, such violence was aimed at disruption and intimidation of a large sector of the population in order to prevent Dr. Jagan's Government from winning the elections for the fourth consecutive time.

85. In her statement of resignation to the British Guiana Senate, Mrs. Jagan had given details of some of the acts of violence. In the village of Bachelor's Adventure, where a man had been knifed and a pregnant Indian woman had been beaten to death, and in the village of Buxton and at Meten-Meer-Zorg, where houses had been burnt down, the police had refused to intervene. Mrs. Jagan had twice requested the Commissioner of Police of Bachelor's Adventure to protect the villagers but the violence had only increased. After talking to an old man from Buxton whose house had been burned, Mrs. Jagan had promised to speak to the Commissioner of Police in order to ensure him of police protection while he salvaged what he could from the ruins; the old man had refused, preferring to lose what remained rather than have dealings with the police. That was the attitude of thousands of Guianese towards the police, who acted with extreme partiality.

86. On the East and West Coasts of Demerara, examples of such partiality had been manifold. However, the incidents there paled into insignificance before those which had taken place at Wismar on 25 May 1964. Although, as Minister of Home Affairs, Mrs. Jagan had been responsible for the maintenance of public safety and order, she had never been informed by the police of the riots at Wismar. She had simply been informed that the situation there was tense. Having learned how serious the situation was, she had asked the Commissioner of Police and the Garrison Commander whether British troops should not be sent. She

had been told that it was not necessary, the volunteer police force having been called up. Mrs. Jagan did not understand how such volunteers could be expected to take firm action against their own neighbours, friends and relations. Somewhat later on the same day Mrs. Jagan had been informed officially that a large number of houses were on fire and that the people were being attacked. Before British troops could be flown up there, a whole section of Wismar had been razed to the ground, 172 houses had been burnt, more than 1,500 persons had become homeless and unspeakable crimes had been committed. The tragic events of Wismar were revealing: the Commissioner of Police had obviously known since the day before that the situation was very serious; the police and the armed volunteers had done nothing to prevent the looting, arson, rape and murders. If such violence had occurred in the presence of the police and armed volunteers, only one conclusion was possible: the planned genocide of a village had been carried out with the connivance of those responsible for public order.

87. The events which had preceded the rioting had also been revealing. On 21 May, an activist of the Peoples National Congress had visited the Wismar district; he was in a police jeep with two police officers. He had said that the Indians at Wismar were going to pay for the deaths of two persons at Buxton. In her statement Mrs. Jagan had said that she had no reason to doubt that the PNC activists not only had threatened persons but had organized the terrible acts which had taken place.

88. Being powerless to curb or prevent discriminatory practices or correct injustices perpetrated by the police with complete impunity, Mrs. Jagan had felt compelled to resign her post as Minister of Home Affairs.

89. The acts of violence committed with the connivance of the police force, which was under the influence, and practically under the control, of the Opposition, confirmed the state of virtual anarchy in British Guiana which, unless corrected, could prevent the Territory from achieving independence and threaten the peace of the entire Hemisphere. Like the Negro populations of Mississippi, Alabama and Florida, the largest section of the population of British Guiana, namely the Indo-Guianese, were left unprotected against the assaults of the Opposition and the inactivity of the police.

90. As the Premier had made clear in his address to the nation on 23 May, the sugar strike, which was responsible for much of the violence and in which the essential issue was the recognition of trade-union rights and the selection of a union of their choice by the workers, was used as a weapon against the Government by the Opposition and by powerful forces from abroad, in order to retard the achievement of independence.

91. The Special Committee was certainly aware of the dangers in the existing situation in British Guiana. It was also aware of the Government's desire to proceed in peaceful fashion towards unification of the country without violence and without strife. Apart from the danger to the cause of British Guiana's independence, the present conflict could have disastrous consequences on a much larger scale.

92. On behalf of the Government of British Guiana, Mr. Cummings requested, as Mrs. Jagan had also done on 8 May, that the United Nations should implement

the decision taken by the Special Committee on 8 October 1963 to send to British Guiana a team of constitutional experts drawn from Commonwealth and non-Commonwealth countries who, after studying the conditions on the spot, would help the political parties to formulate an acceptable constitution. The team of experts should also report to the United Nations on the facts of the situation in British Guiana as they affected the cause of independence. Consideration should be given to the idea of asking the Secretary-General to make an immediate inspection of the situation in British Guiana. The projected elections should be postponed for at least six months because truly democratic elections were inconceivable in an atmosphere of fear and violence. Finally, he requested that the United Nations should send an adequate team of security officers to put an end to the racial violence and maintain order impartially in British Guiana.

93. Mr. Singh said he was making his appeal to the Committee on behalf of a country which was the same size as the United Kingdom itself and which was day after day being torn asunder by a terrible tragedy. He himself had been born Guianese and had received training in both agronomy and law; since the Second World War he had engaged in a struggle with the colonial authority, believing that it was unfair to be administered by a metropolitan country 5,000 miles away. He had been closely associated with Dr. Jagan and Mr. Burnham, with whom in 1953 he had formed a Government in which he himself had been Minister for Welfare and Social Affairs. After the dissolution of that Government, which had lasted only three months, he had gone to the tenth Conference of the Organization of American States, in order to present the case for his country's independence. It was on that occasion that he had written *Guayana hacia la Libertad*, which had reached conclusions that were still completely valid and had cost him forty-nine days in prison. While he was at Montevideo, he had submitted to the Organization of American States a memorandum requesting it to take the necessary steps to ensure his country's independence. Those efforts had not been successful. Similarly, in 1954 he had tried to come to the United Nations but without success.

94. In 1958, as head of the Guianese Independence Movement (GIM), he had submitted to the Legislative Assembly a motion requesting the independence of Guiana, which had been adopted unanimously. It was only after twenty months that the United Kingdom Government had received a Guianese delegation to discuss autonomy. At the opening of that conference, on 7 March 1960, he had said that, in his view, the presence of the Guianese delegation meant that the United Kingdom Government was willing to consider independence for British Guiana. Since Guiana had had to wait twenty months after the adoption of the resolution voted by its parliament, its demands had increased and it was asking for complete independence, without any allegiance to the British Crown. The right of colonies to independence had been recognized both by President Roosevelt and by Mr. Churchill in the Atlantic Charter, at a time when the United Kingdom had faced domination by Hitler's Germany. The colonial peoples had been won over by that instrument: it was the proclamation of the Atlantic Charter that had induced them to their decisive role in the war. Those peoples were now reminding the United Kingdom of its promises and asking it to give them back their freedom. It was more than ever necessary for the United

Kingdom to keep the friendship of the peoples who had fought beside it in two world wars. The rights of the colonial peoples were also recognized in the Charter of the United Nations, of which the United Kingdom was a Member. That being so, to postpone independence would be truly sacrilegious. Guiana's demands were similar to those made in the eighteenth century by the American colonies. British Guiana should, in its turn, be liberated from colonialism.

95. While he was in London, there had occurred in South Africa what had been called "the Sharpeville incidents". He had led demonstrations in London to protest against the attitude of the South African Government and had had the honour to be arrested.

96. At the time of the elections in British Guiana in 1961, he had still been the head of the GIM. The situation had become so untenable that all Guianese patriots should have refused to stand for election. Three days before the elections, he had addressed the Guianese nation, stating that his movement took a very serious view of the racial tension in the country, that the greatest need was for unity, which could not be attained by participation in the elections since the racial question had become one of the issues between the parties. He had announced that the GIM, which had put up only three token candidates, had therefore decided to withdraw even those candidates. He had said that the GIM would continue its political action, remaining impartial so that it could speak to both races.

97. The events which had followed those statements had shown how wise the attitude of the GIM had been. When a country was shaken by disturbances as violent as those which had occurred in British Guiana in February 1962, men who were above all parties were needed to work for peace and reconciliation. There had been very serious interracial clashes after the decision of the United Kingdom to introduce proportional representation. He therefore expressed the most fervent hope that the Special Committee would use its good offices and work out a plan of action to restore peace to British Guiana, which should accede to independence as soon as possible.

98. He described the events which had given rise to the current situation, recalling the atmosphere of racial antagonism in which the elections had been held in August 1961 and the disturbances which had followed the presentation of the budget for 1962 and which had resulted in a number of casualties. The Constitutional Conference of October 1963 had ended in a deadlock: Dr. Jagan, Mr. Burnham and Mr. d'Aguiar had been able to agree only on a request to the United Kingdom Secretary of State for the Colonies to act as arbitrator. The Colonial Secretary had then decided that elections would be held in British Guiana before independence and that they would be held under the system of proportional representation. Dr. Jagan had violently disagreed, but Mr. Burnham and Mr. d'Aguiar had accepted the system. Leaders and activists in the Peoples Progressive Party, Dr. Jagan's party, had started to demonstrate, holding public meetings and inciting the population to violence in protest against the Colonial Secretary's decision. The Government of British Guiana had refused to recognize the competence of the Electoral Commissioner sent there by the United Kingdom Government.

99. At the same time, British Guiana was having more labour troubles, since the party in power was trying to make the sugar producers recognize a workers' union which supported it. In that connexion, he ex-

plained that the main support for the Peoples Progressive Party came from the Indo-Guianese, many of whom were employed on plantations and in sugar-mills. The Party had called a strike of sugar workers, which had led to violence because the Afro-Guianese and a few Indo-Guianese had not stopped work. Violence had erupted between strikers and non-strikers. It had been followed by attacks on the Afro-Guianese, who formed a small minority in the coastal settlements. The Afro-Guianese had been forced to flee the settlements and there had been reprisals in which Indo-Guianese had been killed. The result of those disturbances was a voluntary segregation in various parts of British Guiana. The group responsible for that state of affairs was the Peoples Progressive Party, which had vowed to resist proportional representation by all means.

100. Since those disturbances, a state of emergency had been declared and tension had decreased, but only slightly. The political struggle in British Guiana had now become an element in the "cold war". The Committee should use its good offices to prevent any interference in the affairs of British Guiana. British Guiana should be disentangled from the complexities of world politics and, at all costs, it should not become the object of power politics.

101. He asked the Committee to use its wisdom and its sagacity to do for British Guiana what the Territory had not been able to do for itself.

General statements by members

102. The representative of the United Kingdom said that his delegation wished to give an account of the events which had occurred in British Guiana since his last statement on the question on 8 October 1963.

103. In that statement, he had noted that the United Kingdom Secretary of State for the Colonies had invited the Premier of British Guiana and the two Opposition leaders to a conference in London in order to settle the unresolved constitutional issues. That conference had opened on 22 October 1963. Unfortunately, the leaders of the three parties had been unable to compose their differences. In a letter which they had addressed to the Secretary of State on 25 October 1963, they had asked the British Government to settle on its authority all outstanding constitutional issues and had undertaken to accept its decisions.

104. After further meetings with the leaders of the three delegations, the Secretary of State had announced his decisions on 31 October 1963. Mr. Sandys had said that the root cause of British Guiana's troubles was the development of party politics along racial lines. He had therefore decided that the system of proportional representation, which would encourage coalition as between parties and the emergence of multi-racial political groupings, should be introduced. Preparations for elections under a system of proportional representation would be put in hand without delay, after which the United Kingdom Government would convene a conference to fix a date for independence.

105. The registration of voters had begun on 8 May 1964 and was progressing satisfactorily. It was hoped that it could be completed in time for fresh elections to be held towards the end of the year.

106. It was a matter of deep regret that an inter-union dispute which had begun in the middle of February should have led to a renewal of interracial violence, which had resulted up to 2 June 1964 in thirty-one deaths and 464 persons injured. Of these, only three persons had died as a result of incidents with the

police, the remaining twenty-eight deaths having occurred for the most part in interracial clashes.

107. Those incidents had led Dr. Jagan to advise the Governor to declare a state of emergency on 23 May 1964. Dr. Jagan himself had advised the taking of that step and he had concurred in the Governor's decision to request the reinforcement of the British troops.

108. In that tense and difficult situation, the aims of the United Kingdom Government continued to be to help to restore mutual trust and co-operation between the races and the establishment of a stable government. In pursuance of those aims, it intended to proceed with the arrangements for fresh elections, after which a further conference would be convened to settle outstanding constitutional issues and fix a date for independence. In the view of the United Kingdom, that policy represented the surest course to independence for the Territory.

109. During the preceding two years, the United Kingdom Government had been trying by every means to bring about political co-operation between the two races. In recent months, a number of efforts had been made by outside Governments to help to resolve the deadlock in British Guiana. In Jamaica, in January, a conference of Commonwealth Caribbean countries had agreed that their Heads of Government, including Dr. Jagan, should discuss the subject privately. The discussions had taken place but had proved fruitless.

110. In February, President Nkrumah had sent a delegation to British Guiana which had had talks with Dr. Jagan and Mr. Burnham, but nothing had emerged from them. In May, the three Guianese leaders had visited Trinidad and they were still in contact with Dr. Williams, the Prime Minister of Trinidad.

111. Lastly, steps had been taken very recently in the Territory itself to reduce tension. On 4 June, Mr. Burnham had proposed that a national Government of all the parties should be formed to administer the country until after the elections in the autumn. He had stipulated that all arms should be handed in to the authorities. On 6 June, Dr. Jagan had put forward a counter-proposal for a long-term coalition Government confined to the two largest parties, coupled with a revision of the Constitution and a change in the electoral system. It was hoped that the registration process would be completed in time for fresh elections to be held towards the end of the year.

112. He hoped the Committee would refrain from doing anything which might reduce the chances of success either of Dr. Williams' mediation or of the proposals made by Mr. Burnham and Dr. Jagan.

113. In a subsequent statement the representative of the United Kingdom informed the Committee about developments in British Guiana since his statement at the 265th meeting on 12 June 1964 (see paragraphs 90-100 above). He read out the text of a broadcast by the Governor of British Guiana on 13 June in which the Governor has expressed his horror at the tragic killing of Mr. Arthur Abraham, a senior Guianese civil servant, and seven of his children. The Governor had made it clear that those guilty of such depraved deeds must be pursued relentlessly and that every reasonable step must be taken to prevent further acts of murder and arson. Unfortunately, the Council of Ministers had refused to include provisions relating to the power to restrict and detain and to daylight curfews in the Emergency Regulations which had been made by him on 23 May on advice of the Council of

Ministers. Accordingly, he had had to take action. Under the recent Order in Council, entitled "the British and Guiana (Emergency Provisions) Order 1964", he had assumed powers, without the advice of his Ministers, to detain certain persons and to control radio broadcasting. He had taken those steps reluctantly; they reflected the need to combat the existing violence and his intention to take resolute action against it. The Governor had concluded his broadcast by declaring that nobody who behaved peacefully need fear and, if everyone remained calm, normal life in British Guiana would be most quickly restored.

114. In the United Kingdom House of Commons on 15 June Mr. Duncan Sandys, Secretary of State for the Colonies, had announced that, in order to forestall further acts of terrorism, he had authorized the Governor to assume the necessary powers under which a number of persons had been arrested. They included Mr. Brindley Benn, the Deputy Premier; Mr. Moses Baghwan, the Chairman of the Youth Organization of the Peoples Progressive Party; Mr. Harry Lall, the President of the Guiana Agricultural Workers' Union; Mr. R. J. Jordan, a member of the Peoples National Congress; and Mr. Victor Downer, a member of the Peoples Progressive Party. Mr. Sandys had reported that while there had been three more deaths during the previous week-end, the situation was now generally quiet throughout the country, and that the mass of ordinary people seemed to have welcomed the decision to take firm action to quell terrorism.

115. The representative of Mali said that the question of British Guiana was a typical colonial question, one of whose most negative aspects was that foreign rule seemed to have set the country's two main ethnic communities against each other. The two principal political parties had so developed as to have a structure based on racial affinities. In that respect the case of British Guiana was not unprecedented; reference could be made to the cases of Southern Rhodesia, South Africa, Palestine, Cyprus and Kashmir, where there likewise existed a regrettable situation stemming from British colonialism.

116. In British Guiana, the result of that very subtle form of colonialism was that the colonized people were now slaughtering each other while the Administering Power stipulated agreement between the political parties as a condition for independence. Accordingly, independence was deferred from one year to the next, while the menace of civil war loomed larger.

117. The people and Government of Mali, which daily had to thwart the diabolical schemings of those who yearned for a bygone era, appealed to all the inhabitants of British Guiana to forget their differences in order to cope with their common enemy, namely colonialism.

118. At the previous meeting, the representative of the administering Power had said that the Committee should refrain from doing anything which might compromise the efforts at present being made to solve the problem of British Guiana. In that respect the delegation of Mali wished to recall that, while working for British Guiana's rapid accession to independence, the Special Committee had been concerned to encourage understanding between the Territory's two main political parties. He did not think that the same could be said of the Administering Power. In 1963 the United Kingdom Government had opposed the visit of the good offices Sub-Committee which the Special Committee had established for British Guiana, and that attitude

had been deplored both by Mr. Burnham, leader of the principal Opposition party, and by Dr. Jagan. Moreover the United Kingdom had taken no account of that Sub-Committee's recommendations, which had nevertheless been approved by the two main leaders.

119. The recommendations of the Sub-Committee on British Guiana (A/5446/Rev.1, chap. X, appendix) were still valid, although the administering Power's attitude had made the situation more confused and the tension more acute. The administering Power's equivocal behaviour in the Territory and the interracial disturbances fomented by the opponents of independence faced the Special Committee with a particularly complex case. But the disturbances must not provide the administering Power with an excuse to delay accession to independence indefinitely. The Malian delegation considered that the United Kingdom should again be asked to take every step with a view to British Guiana becoming independent at the earliest possible moment, without conditions or reservations. The Secretary-General of the United Nations and the United Kingdom Government should be invited to take, in so far as each was concerned, measures for the implementation of the recommendations made by the Sub-Committee on British Guiana.

120. Mali was prepared to associate itself with any other initiative for lessening the existing tension in British Guiana, since it was much concerned at the deterioration of the situation in the Territory. The Governor had just proceeded to the arrest of several politicians of consequence, including members of the Government and of Parliament. That had produced a very serious situation. The Malian delegation accordingly thought that everything must be done to restore calm in the country, and was prepared to support every effort designed to reconcile the two communities in British Guiana.

121. The representative of Cambodia expressed deep concern at the critical situation in British Guiana. After weeks of violence, rumours were now circulating that the 1961 Constitution, which had conferred internal self-government upon the Territory, would be suspended. Such a step would cause deep disappointment to a population which had waited patiently for two years for full autonomy and independence. The United Nations could not remain indifferent to such a situation; it must take urgent action. So far, efforts at mediation by Jamaica, Ghana and Trinidad had been in vain while the attempts to form a coalition government had also been fruitless. In its resolution 1955 (XVIII) the General Assembly had called upon the United Kingdom to fix immediately a date for independence, but the administering Power had made no attempt to comply with that request. The present clashes seemed to derive from political passions, lack of tolerance and clannishness. The people of British Guiana must realize that they were acting against their own interests and retarding their own independence. The recent wave of violence must be stopped and the causes of it investigated. At the previous meeting the United Kingdom representative had asked that nothing should be done to interfere with the efforts at conciliation now being made, but the Committee could not just remain idle. It must renew its appeal to the political leaders to seek a coalition government and might recommend that a conciliation commission of the United Nations should be set up. Of course, such a commission would have to be allowed to visit the Territory. It might also be possible to send a special representative of the Secretary-

General to obtain information about the security situation in British Guiana, but for that a decision of the Security Council might be necessary. Furthermore, the United Kingdom might again be invited to set a date for elections and for independence. In any case, given the urgency of the situation, the question of British Guiana should be kept on the Committee's agenda.

122. The representative of the Union of Soviet Socialist Republics said that the recent events in British Guiana showed that the imperialist and reactionary forces were seeking desperately to inflict a decisive defeat on the national liberation forces, to create chaos in the country and hatred among the various elements of the population, to splinter the people's forces into quarrelling groups and to break their will to fight for liberation, and thus to prevent the people from realizing their age-old dream of freedom and independence. The facts cited by the representatives of the Government of British Guiana in their statements to the Special Committee proved that the colonialist forces had united against the people of British Guiana and their lawfully elected Government—a Government in which the people had three times expressed their confidence—and were doing everything in their power to undermine that Government's prestige. Every means, including blackmail, bribery and direct interference in the country's internal affairs, was being used to prevent the implementation of United Nations resolutions calling for the immediate and unconditional granting of independence to British Guiana.

123. Those facts supported the conclusion that a conspiracy was being organized to discredit the Government of British Guiana and then to overthrow it. Not only had those facts not been refuted, but there was fresh evidence that the colonialists had openly begun to carry out their plans. The British Governor had had arrested and imprisoned thirty-five men, including the Deputy Premier, some members of the Senate and four members of the Legislature, as well as the President and Secretary of the Guiana Agricultural Workers' Union, whose only offence was to demand that workers be given the right to organize in trade unions and to conclude collective agreements with employers concerning working conditions. The Governor had ordered those arrests without even consulting the Government. Members of the Legislative Assembly had been imprisoned without judicial trial or investigation. In their fight against patriots who wanted freedom and independence, the colonialists had no respect for any laws.

124. The United Kingdom representative had preferred not to refer to the facts presented to the Committee by the representatives of the Government of British Guiana and had simply appealed to the Committee not to interfere in the affairs of the country. Such appeals had been made from time to time in the past, with the single purpose of preventing British Guiana from attaining independence. In fact, the United Kingdom Government had not only consistently ignored the United Nations decisions reaffirming the inalienable right of the Guianese people to self-determination and independence, but it had in recent times placed one obstacle after another in the way of British Guiana's advancement to independence. In 1963 the United Kingdom and the United States Government had even reached an agreement under which the United Kingdom Government undertook not to grant British Guiana its independence. The existence of that

agreement was common knowledge. The Press in the United Kingdom openly acknowledged that the United Kingdom Government had yielded to United States pressure in the matter, and the Press in the United States openly called for the removal of the Premier, Dr. Jagan, and his replacement by leaders who would refuse to collaborate with him. The 1963 strike, which had obviously been inspired by reactionary forces from outside the country, had been used as the pretext for the refusal of independence.

125. In denying independence to British Guiana, the United Kingdom Government had also repudiated the commitments it had assumed at the 1960 British Guiana Independence Conference. As the representative of the Government of British Guiana had told the Special Committee (A/AC.109/SR.254 and paragraphs 81-92 above), at that Conference it had been firmly agreed that the constitution that had been worked out would be the constitution of an independent Guiana and that the only question of substance remaining to be decided at the next conference would be the fixing of a date for independence. Yet, at the 1963 Conference, which should have fixed that date, the United Kingdom Government had refused to grant independence to British Guiana and had instead imposed a new Constitution, in effect revoking the existing Constitution, which the United Kingdom Government in 1960 had pledged itself to respect.

126. At the 265th meeting the United Kingdom representative, explaining the reasons for his Government's action (see paragraphs 102-114 above), had cited Mr. Sandys' statement that the root cause of British Guiana's troubles was racial, and had indicated that the introduction of the new electoral system was intended to encourage coalition as between parties. It was obvious, however, that all the talk of racial differences was only a pretext for depriving the country of its independence. The Wynn Parry Commission of Inquiry into Disturbances in British Guiana in February 1962 had concluded that "although, broadly speaking, Dr. Jagan's supporters are for the most part East Indians and the supporters of P.N.C. are drawn mostly from the African races, the difference is not really racial, but economic . . .". The Premier of British Guiana held the same view; in his statement of 23 May 1964 to the people, he had said that racial antagonism was not deeply rooted in British Guiana and that the actual causes of unrest were that the employers and the leadership of the Trades Union Council denied the workers the right to establish their own trade unions and to protect their interests and that the Government, because of constitutional machinations, was not able to assist the workers. The racial disorders in British Guiana were the result of the colonial policies of the United Kingdom.

127. The electoral system and the constitution were questions to be decided by the Guianese people themselves. However, the introduction of an electoral system which divided people along racial lines would inevitably intensify, rather than lessen, racial strife. It was a new edition of the policy of "divide and rule".

128. The manoeuvres of the United Kingdom with respect to the constitution of British Guiana showed that it did not recognize any moral or legal principles, or hold anything sacred, when the protection of its rights and privileges in subject territories was at stake. On the one hand, the United Kingdom alleging that it could not interfere in the internal affairs of self-govern-

ing colonies, refused to take any steps to compel the racist Government of Southern Rhodesia to amend its constitution or to check its arbitrary actions against the leaders of the national liberation movement in that country. In British Guiana, on the other hand, the United Kingdom shamelessly interfered in the country's internal affairs, imposed a new electoral system on the country, and arrested and imprisoned without trial those who stood for independence.

129. In Southern Rhodesia the United Kingdom Government placed the army and police in the hands of the white exploiting minority, which was pursuing a policy of racial discrimination and *apartheid* against the overwhelming majority of the population. In British Guiana, on the other hand, it deprived the Government of the right to an army and police force, while under the direction of the United Kingdom authorities, the army and police were actually being used to suppress the will of the people. In British Guiana the police and the newly established Volunteer Force, under the command of United Kingdom officials, had taken the side of those who instigated racial conflict. They had done nothing to prevent irresponsible elements from engaging in violence and looting and had thereby encouraged the rioters and trouble-makers.

130. The holding of elections in such circumstances not only would not bring about a pacification of the country, as some contended, but would lead to still greater tension and prevent the people from uniting in the struggle for freedom and independence.

131. In view of the gravity of the situation in British Guiana, the Special Committee must condemn the unlawful actions of the colonial authorities, demand the immediate release of political prisoners, and call on the United Kingdom Government to take immediate steps to grant independence to British Guiana. It must recommend measures which would promote the pacification of the country. So long as the disturbances continued, elections would only tend to exacerbate the situation and inflame passions. It must express support for any efforts to stop the internecine conflict in British Guiana and must encourage in every possible way attempts to work out a constitution which would be acceptable to the Guianese people fighting for their independence. His delegation was prepared to support any proposals aimed at implementing in British Guiana the resolutions of the General Assembly and the Special Committee and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

132. The representative of Iraq hoped that the United Kingdom would comply in the near future with the General Assembly's request in 1963 that it set a date for British Guiana's independence. Meanwhile, the situation on the island, which should have been independent long since, had considerably deteriorated, and the current political and racial strife would aggravate it still further unless the political leaders succeeded in agreeing on an effective formula and procedure for speedy accession to independence, in accordance with the appeals that had already been made to them the previous year. The outbreaks of racial strife in particular were a most tragic and dangerous development. The administering Power could not be absolved from a goodly share of the responsibility for the state of affairs. The new Emergency Provisions had not done much to alleviate the tension, and were not conducive to national reconciliation. The population in British Guiana stood in need of responsible leadership and a long-term education programme, which would enable

it to compose its differences and learn to live as a nation. Such a programme could best be implemented by the people themselves, without outside interference. In the 1963 report of the Sub-Committee on British Guiana, the appointment of a panel of experts to assist in the drafting of an acceptable constitution had been recommended. Such a measure might still prove useful, once the political leaders had agreed on the fundamental principles of the constitution, and had thereby provided the experts with a definite basis on which to work.

133. In the present circumstances, the best course that the Special Committee could take would be to help the people of British Guiana, through their leaders, to reach agreement on the issues dividing them. In pursuance of its duty to secure the implementation of General Assembly resolution 1514 (XV) on the granting of independence, the Special Committee should not desist from that course until the desired results had been achieved. Certainly no solution imposed on the people from outside could ever prove successful.

134. It might also be useful to appoint a sub-committee which would establish contact with the administering Power, visit the Territory and contact the political leaders with a view to spurring them to fresh negotiations. It was to be hoped that all parties concerned would co-operate with the Special Committee, so that an end might be put to the current strife and tension, and British Guiana might take its rightful place among the independent nations at an early date. The delegation of Iraq would support any resolution drafted in that spirit.

135. The representative of Yugoslavia recalled that in 1963 the General Assembly, by resolution 1955 (XVIII), had invited the United Kingdom to grant independence to British Guiana speedily, without any conditions or reservations. In the debates on the question of British Guiana in the Special Committee that same year, the majority of representatives had concurred in considering that the Peoples Progressive Party, which had been returned in 1953, 1957 and 1961, and formed the country's legal Government, enjoyed the confidence of most of the population, and that the United Kingdom Government, having accepted the principle of independence and decided to convoke a constitutional conference, should put that principle into practice immediately, in accordance with the democratically expressed wishes of the people, by transferring all powers to the elected Government.

136. Instead of doing so, however, the administering Power, relying for the most part on artificially created obstacles, had resorted to methods which had had the result of delaying and complicating the solution of the question. It had interfered in the relations between the political parties, aggravating the differences between them for its own ends in order to provoke the failure of all negotiations on independence. Thus there was no doubt that the United Kingdom, through its deliberate failure to comply with General Assembly resolution 1955 (XVIII), bore the main responsibility for the current crisis.

137. In the face of the failure of the attempts of the administering Power to impose its own solution, which had only succeeded in further fanning the flames of discord, the Governor of British Guiana had arbitrarily assumed all power, bypassing the legal Government and detaining a number of political leaders, including members of the Legislature. Such drastic measures could

only further heighten the existing tension and lead to a disastrous situation.

138. The circumstances demanded the urgent intervention of the United Nations for the purpose of finding an acceptable solution as soon as possible. Far from doing nothing, as the United Kingdom representative had suggested, the Special Committee should react with all haste, and his delegation would support any recommendation which it might make towards that end.

139. His delegation was greatly concerned at the tragic events in the Territory, and especially at the possibility that internal political differences might, by outside influence, be extended to the field of interracial relations, engendering hatred between the two main communities, which had long lived together under the colonial yoke and must continue to do so harmoniously in the future, if the welfare of the whole population of British Guiana was not to be jeopardized. An appeal should be addressed once again to the responsible political leaders to prevent their differences from deepening into a rift between the communities and to preserve as their main goal the unity of the people and their future freedom in an independent Guiana, for they should realize that unless they did so, their country's freedom would remain at the mercy of various outside interests; that much was clear from the present situation.

140. His delegation duly appreciated the patience and moderation which Dr. Jagan was displaying in those tragic days. In a statement on 23 May, the Premier of British Guiana had appealed for a speedy end to racial strife, which jeopardized the current plans for the island's economic, political and social development, and had called on all groups and individuals of goodwill to make suggestions for solving political and other problems so that permanent peace and harmony might be established. He hoped that the representatives of the other political parties and organizations would bend their efforts towards the same end.

141. The representative of Syria expressed his delegation's concern at the deteriorating situation in British Guiana. The recent loss of life and property might have been avoided if the United Kingdom had tackled the problem of resolving racial tension in good time, several decades earlier. It had failed to do so, and the United Nations must therefore assume responsibility towards the people of British Guiana. The first step was to restore peace and order.

142. Unfortunately, the situation was becoming more and more complicated. A state of emergency had been declared on 22 May. The Governor had not had the support of the Council of Ministers in restricting the movement of persons and detaining them. It was now quite clear who was ruling the country. The legal representatives of the people were unable to exercise their political rights and make their views known. The Council of Ministers was paralysed and many political leaders had been illegally arrested, although no one knew exactly how many or on what charges. The United Nations should call upon the United Kingdom to set up the necessary machinery to investigate the charges made against the persons concerned, and to release those wrongfully detained. The United Kingdom representative might keep the Committee informed of the progress made in that respect.

143. It was most important that all the provisions of General Assembly resolutions 1514 (XV) and 1955 (XVIII) should be applied without undue delay. The

United Kingdom, as the administering Power, must play the leading role and take all the measures necessary to transfer power to a representative government. The state of emergency, which was not a solution to the problem, must not prevent the real representatives of the people from exercising their functions. The United Kingdom should state its intention clearly to the Committee, particularly with regard to the composition of a coalition government, since the Governor had assumed practically all powers, both internal and external.

144. The United Nations also had its part to play in restoring normal conditions. The Committee should have a report on electoral registration as soon as normal conditions prevailed. Such a report could only be prepared by the United Nations. For the time being, his delegation reserved its position on the practicability of the electoral system.

145. Syria would support any effort to mediate between the various political parties which might lead to a genuine reconciliation. It urged the people of British Guiana to compose their differences as quickly as possible, so that they might achieve independence and, among other things, take their seat at the United Nations. The United Kingdom should set the date for independence at once, releasing all political detainees and restoring full authority to the legitimate government of British Guiana. Of the suggestions made by members of the Committee, his delegation supported Iraq's proposal for sending constitutional experts to the country. It also considered that the visit by a sub-committee to British Guiana to contact political parties and report on conditions might help to bring about a peaceful settlement. Perhaps the United Kingdom might wish to reconsider its position on that question. His delegation would support any draft resolution covering the points he had made.

146. The representative of India said that it was most regrettable that the situation in British Guiana had been allowed to deteriorate further. That it had done so was largely due to the fact that General Assembly resolutions 1514 (XV) and 1955 (XVIII) had been ignored by the Administering Authority. By failing to grant British Guiana the independence it should have had long before, the administering Power was increasing its own difficulties and those of the Territory.

147. In his statement on 12 June, the United Kingdom representative had quoted his Government's Secretary of State for the Colonies as saying that the root cause of British Guiana's troubles was the development of party politics along racial lines. In fact, however, the people of British Guiana had a long history of racial harmony and the evolution of political life had been on multiracial lines. When Dr. Jagan had become Premier for the first time in 1953, his senior colleague in the cabinet had been Mr. Burnham, and his present government, too, was multiracial. The racial element had not appeared until encouraged to do so by the colonialists. Healthy multiracial societies had developed in other parts of the world and there was no reason why the people of British Guiana should not live in peace with each other as they had done in past decades. Their leaders were sophisticated and mature. His delegation was glad to note that the Premier of British Guiana was continuing his talks with the leaders of the Opposition parties, and he hoped that those efforts would meet with success.

148. The administering Power should encourage such contacts and make it possible for the political leaders to avail themselves of the assistance of the Committee, or a sub-committee, in order to re-establish mutual trust. Although there were differences between the Government and the Opposition parties, as there were in any democratic system, they could be settled, given time and goodwill. The essential thing was that both the major parties had agreed on the need for independence. Once the Territory was independent, it could iron out any difficulties that might still exist.

149. The United Kingdom must therefore immediately fix the date for independence. It should also take immediate steps to release the Deputy Premier and other prominent persons who had been arrested with him. At the same time, it should refrain from taking any measures that would increase tension in the Territory, aggravate the present differences between the political parties or restrict the freedom of the people. Goodwill and restraint were required on all sides if British Guiana was to be saved.

150. The representative of Bulgaria said that the events of recent months in British Guiana, though tragic, could have come as no surprise to members of the Committee. In 1963 the Committee had warned the United Kingdom Government that if arrangements were not made immediately for the Territory to gain its independence, a situation might arise which would endanger the peace of the country and region. In resolution 1955 (XVIII) the General Assembly had likewise called upon the United Kingdom Government to fix the date for independence without delay. Instead, the United Kingdom had done everything possible to cause a movement in the opposite direction. It had taken measures to suppress the national liberation movement and get rid of Dr. Jagan's government, whose policies were not to the liking of certain financial and other circles in the United Kingdom and elsewhere. With a view to installing a government more amenable to the wishes of those circles, the United Kingdom had been tampering with the law, particularly as regards the procedure for elections. Such a course of action was in contrast to that followed by the United Kingdom elsewhere, including Africa, and had had disastrous results. Far from ending communal strife, it had exacerbated the differences between the various groups in British Guiana. Thus, the people's attention had been diverted from the pursuit of their real interests and from asserting their rights to the disadvantage of the colonialists. It was the old principle of "divide and rule". By thus sanctioning racial hostility the United Kingdom was undermining the United Nations campaign against discrimination and *apartheid*. The Sub-Committee could not allow that approach to prevail.

151. The intentions of the United Kingdom Government had been exposed in an article that had appeared in the newspaper *Le Monde* on 16 June 1964, noting that the recent so-called anti-terrorist action had struck particularly at the Peoples Progressive Party, which the United Kingdom wished to remove from office, and in particular that the arrest of five PPP members had converted the Party's parliamentary majority into a minority, making it impossible to convene the Legislative Assembly. In taking such steps the United Kingdom was not acting alone, but in conjunction with its allies, and particularly the United States.

152. In a recent article entitled "Castro and Jagan", the United States columnist, Drew Pearson, had stated that the reason why President Kennedy had added

London to his European itinerary in the summer of 1963 had been that he feared that a communist government might be established in British Guiana and that such a repetition of the Cuban trauma would harm his chances in the 1964 presidential elections. As a result of the secret agreement reached at that time, Mr. Pearson had written, the Central Intelligence Agency had instigated a general strike in British Guiana with the connivance of the United Kingdom secret service, thus providing the United Kingdom Government with an excuse to intervene and withhold independence. That article had been quoted on more than one occasion in the Committee, but its contents had never been denied by the representatives of the United Kingdom and the United States. If the allegations were not true, they should say so; their silence looked like a confession of guilt.

153. In conclusion, he expressed the hope that the Committee would do everything necessary to ensure that measures were taken to improve the situation, and in particular to end the internecine strife in British Guiana.

154. The representative of Tunisia reminded the Special Committee that it had considered the question of British Guiana in 1962 and 1963. Since then the situation in the Territory had steadily deteriorated, mainly because of the administering Power's failure to implement the Committee's recommendations and its equivocal attitude.

155. British Guiana was the scene of regrettable collisions between two ethnic communities, but however serious the recent events, which were unfortunately exploited by the administering Power, they could not justify the delay that had occurred in the Territory's accession to independence. By unduly delaying the granting of independence to British Guiana, the Administering Power had provoked racial clashes and encouraged fresh disorders. If such a state of affairs continued, it would threaten the security and prosperity of the Territory and might even lead to international conflict as a result of foreign interference in the internecine strife.

156. He therefore wished to warn the administering Power about the possible grave consequences of its attitude. He urged it to seek a solution in accordance with the interests of the people of British Guiana and to implement without delay resolution 1514 (XV), which provided that "immediate steps shall be taken, in ... Non-Self-Governing Territories ... to transfer all powers to the peoples of those territories, without any conditions or reservations". He was convinced that once British Guiana attained its freedom, harmony and co-operation would reign among its ethnic communities, which would unite to build a better future.

157. The representative of Poland deplored the increasing political tension in British Guiana, which had degenerated in recent weeks into acts of violence resulting in the loss of life and the destruction of property.

158. It was clear from the discussion in the Special Committee that responsibility for that state of affairs lay primarily with the administering Power, which had failed to abide by its undertaking to grant independence to the Territory in accordance with the will of the people as expressed through their elected government and parliament. When internal self-government had been granted to British Guiana in 1961, it had been understood by all parties contesting the elections that whichever party won would lead the country to inde-

pendence. However, instead of setting a date for independence and making arrangements for the transfer of powers, the administering Power had insisted on the principle of complete agreement between the Peoples Progressive Party and the defeated party. It had exploited the differences between the parties and used them as a pretext for delaying independence.

159. It had thereby not only gone against the provisions of General Assembly resolution 1514 (XV) but had also made things easier for elements which, encouraged by its attitude, had tried by every means to prevent British Guiana's accession to independence. It had again shown how little regard it had for the aspirations of the Guianese people and their elected Government when, during the 1963 Constitutional Conference, Mr. Duncan Sandys, the Secretary of State for the Colonies, had accepted all the demands of the Opposition parties and rejected all those presented by the ruling party. The *New Statesman* had reported in an article on the subject on 24 April 1964 that Mr. Duncan Sandys had tacitly supported United States policy by holding out to Mr. Burnham a hope that he could form a government without Dr. Jagan. The Georgetown correspondent of *The Christian Science Monitor* had stated on the same day that, with the system of proportional representation, it was likely that any new government of Guiana would be based on a coalition of Mr. Burnham's Peoples National Congress and Mr. d'Aguiar's United Force, or on the remote possibility of a coalition between Mr. Burnham and Dr. Jagan, and that that would please the United States, which, for the past three or four years, had watched developments in British Guiana with growing alarm and would like to see the United Kingdom hold on to the colony until some more satisfactory government could be installed. The attitude of the administering Power was obviously inconsistent with paragraph 2 of resolution 1514 (XV), which declared that all peoples had the right to self-determination and by virtue of that right they freely determined their political status and freely pursued their economic, social and cultural development.

160. The administering Power's long delay in granting independence to British Guiana had created an explosive situation which had led the colonial authorities to assume emergency powers. Under those powers the British Governor had ordered many arbitrary arrests of political leaders, including Mr. Benn, Deputy Premier and Minister of Home Affairs, leaders of the Peoples Progressive Party Youth Organisation and other members of parliament in order to undermine the authority of the elected government and deprive it of a parliamentary majority. According to a UPI dispatch just received from Georgetown, the word "Governor" had been substituted for the words "Council of Ministers" in amendments to the emergency powers that had given the Governor control of the Labour and Finance portfolios as well as those of Agriculture, Mines, Home and Police Affairs, which he had previously taken over. Thus, for the last few months the Constitution had practically been suspended, and Orders in Council deprived the legitimate government of powers that had already been granted it—a tragic situation after more than ten years of political and constitutional progress.

161. He was convinced that in the absence of foreign interference and colonial pressures, all internal differences would easily be settled. The United Kingdom Government could greatly facilitate the restoration of

harmony and reconciliation between the political parties by setting a date for the country's independence. The great majority of Guianese, whether of African or Indian descent, had learned to put the aim of independence before everything else.

162. In his view, the recommendations adopted by the Special Committee in 1963 were still perfectly valid. The Committee should again request the Secretary-General of the United Nations to appoint a team of constitutional experts who might help the parties concerned to formulate a constitution acceptable to the great majority of the Guianese people. The United Kingdom Government should be requested to release all political detainees and restore full powers to the legitimate government of British Guiana. His delegation would support any other measures which the Special Committee might deem it necessary to recommend with a view to the speedy implementation of resolution 1514 (XV) in British Guiana. Finally, in view of the grave situation prevailing in the Territory and the administering Power's reluctance to grant independence, the question of British Guiana should be maintained on the Committee's agenda.

163. The representative of Madagascar said that the tragic situation in British Guiana was due to the delay in the Territory's accession to independence. As previous speakers had already dwelt on detailed aspects of the question, he would merely appeal to the administering Power to take necessary steps to grant independence to British Guiana without delay. Although there were differences of views between the leaders of the various parties in British Guiana, none of them was opposed to independence. His delegation also appealed to all political leaders to help restore peace and order, and to open negotiations to resolve their differences, which only served interests alien to their desire for national unity.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

164. At the 269th meeting, Ethiopia, India, Iraq, the Ivory Coast, Mali, Sierra Leone, Syria, Tunisia, the United Republic of Tanganyika and Zanzibar and Yugoslavia submitted a draft resolution which was subsequently co-sponsored also by Cambodia (A/AC.109/L.129 and Add.1).

165. The representative of Tunisia, introducing the draft resolution, said that the sponsors had been guided in drafting it by the statements of the petitioners and the administering Power, and by the views expressed by members of the Committee. They had analysed the present very grave situation in British Guiana and had taken into account developments there and the administering Power's unhelpful attitude. In the circumstances, they were appealing to the administering Power to set a date as quickly as possible for the Territory's independence, which in the view of the sponsors, would enable the Guianese to overcome their rivalries and devote themselves entirely to their country's well-being and prosperity. Distressed by the wave of arrests which had taken place recently, they requested the administering Power to release political prisoners and detainees, particularly the elected representatives of the people. While rejecting the argument that would use the friction between the Indian and African communities as a pretext to delay granting independence, they also appealed to all political leaders to take immediate steps to restore harmony and peaceful conditions in the Territory. They favoured the estab-

lishment of a sub-committee of good offices, to be appointed by the Chairman, which would visit British Guiana, make contact with all interested parties and find the most suitable means of ensuring the implementation of the resolutions of the General Assembly and the Special Committee, and they hoped that the administering Power would lend its support to that end. Lastly, in view of the gravity of the situation in the Territory, they proposed that the question of British Guiana be maintained on the Committee's agenda.

166. He hoped that the draft resolution would receive the support of all members, even those who would be reluctant to support it, if only for the sake of the Territory's future.

167. At the 270th meeting, the representative of Tunisia announced that, following consultations with some other delegations, the co-sponsors had agreed to make some minor revisions to the second clause of operative paragraph 6 of the draft resolution.

168. The representative of the United Republic of Tanganyika and Zanzibar said that his delegation shared the anxiety expressed by other delegations about the situation in British Guiana. The draft resolution of which his delegation was a sponsor, contained a certain number of measures which should help to end the disturbances in the Territory.

169. He hoped that the population of British Guiana realized that an understanding between the races was more important than anything else since only the colonialists would gain by their dissensions. When the Guianese people had obtained their independence it would be easier for them to regain their unity.

170. The representative of Venezuela said that his delegation had listened with great interest to the statements made by the United Kingdom representative on the item under discussion, and by the petitioners who had appeared before the Committee. Those statements alone explained why the Committee had once again taken up the question of British Guiana.

171. It had been a matter not of starting a new general debate on the question—and since the question had already been fully debated, his delegation had refrained from doing so—but rather of considering the way in which the situation had evolved and the reasons which had prevented implementation of resolution 1514 (XV) and the other resolutions of the Committee and the General Assembly on British Guiana. The Special Committee would then be able to make new recommendations in order to eliminate the obstacles and help the Territory to achieve independence promptly. That was the Special Committee's mandate—to speed up the process of decolonization. His delegation had therefore insisted on obtaining as much information as possible on the prevailing situation. It had wished to hear all the parties concerned before a decision was taken, so that it could act with complete impartiality in a matter which involved the interests not merely of a particular ethnic group or political movement, but of the entire Guianese people.

172. On the basis of those considerations, his delegation had studied with the utmost care the draft resolution submitted by eleven members of the Committee (A/AC.109/L.129 and Add.1), for which it thanked the sponsors. While recognizing the efforts they had made, it greatly regretted that it would not be able to vote with them.

173. Venezuela had always defended, and continued to defend, the inalienable right of the people of Guiana

to freedom and independence without conditions and without delay. But the future of the Guianese people must be decided by that people itself, without interference and without reference to considerations foreign to its own interests. Venezuela condemned violence, whatever its origin and whatever the circumstances giving rise to it, and could not but deplore not only the material loss and damage which violence caused to the Territory's economy, but also, what was more serious, the loss of human life and the widening of the gap between the different ethnic groups in the population, to the detriment of the overriding cause of independence for Guiana.

174. The draft resolution that had been submitted did not, in his delegation's opinion, coincide with the true state of affairs in British Guiana and, to its way of thinking, did not propose any positive measures whereby a solution to the problem might be sought. It was not enough to reaffirm the inalienable right to independence—which, moreover, was an acquired right—or to make an appeal, which everyone would support, for the re-establishment of peace and harmony. What the Committee must do—and that was its specific function—was seek new, appropriate and effective means of achieving those ends.

175. For those reasons, the delegation of Venezuela would abstain in the vote on the draft resolution submitted by eleven members of the Committee.

176. In conclusion, his delegation wished to place explicitly on record the fact that what he had just said did not in any way alter his country's position on the problem of the frontiers between Venezuela and the Territory of British Guiana. The Venezuelan position had been set forth in full by Mr. Sosa Rodriguez, who, upon addressing the Special Committee when it had first taken up the question of British Guiana, had quoted his own statement of 22 February 1962 in the Fourth Committee of the General Assembly (1302nd meeting). The speaker referred members of the Committee to that statement, and declared that Venezuela had never taken the position that the independence of British Guiana was conditional upon prior settlement of the frontier problem. It maintained, as it had in the past, that the two problems were independent of each other. Whatever the status of British Guiana, Venezuela's rights would be the same, since they were unrenounceable and in line with paragraph 6 of General Assembly resolution 1514 (XV).

177. The representative of Sierra Leone said it was clear from the information contained in working paper A/AC.109/L.124 and Add.1 and the statement (see paragraphs 1-45 above) made by the petitioners that the situation in British Guiana was most tragic. Undoubtedly, the domestic strife which had led to the recent acts of violence had been caused by foreign interference. He appealed to the Guianese political leaders to avoid any conflict which might lead to further outbreaks of violence.

178. The Special Committee, which had long been preoccupied with the question of British Guiana, had constantly sought ways and means of improving the situation in the Territory. In 1963 a Sub-Committee had been requested to seek, together with the interested parties, the most suitable ways and means of enabling the country to accede to independence without delay. Unfortunately, it had been unable to visit British Guiana because of the administering Power's refusal. He hoped that the administering Power would now

co-operate with the Special Committee and abstain from any action likely to aggravate the situation.

179. Unlike the Venezuelan representative, he considered that paragraphs 2, 3, 4 and 6 contained measures likely to furnish a positive solution to the problem of British Guiana and recommended the adoption of the draft resolution by the Committee.

180. The representative of Italy shared the concern of the members of the Committee over the grave situation in British Guiana. His delegation considered that the political disorders of the last few years and the recent incidents were attributable to racial conflicts arising from the composition of the Territory's two major political parties and the very structure of its government. Hence his delegation associated itself with the appeal made by the representatives of Madagascar and Poland to the Guianese political leaders to seek an understanding and prevent fresh outbreaks of violence. A coalition government could guarantee the establishment of a peaceful multiracial society. His delegation regretted that negotiations between the Guianese political parties had been broken off but had confidence in the mediation efforts of Dr. Williams, the Prime Minister of Trinidad and Tobago.

181. His delegation was unable to support the draft resolution, particularly those paragraphs which assumed that the main cause of the tragic situation in British Guiana was the delay in the granting of independence by the administering Power. In its view the delay in question was a consequence of the situation. His delegation felt, however, that it would be wise to fix a date as early as possible for the granting of independence to the Territory.

182. The representative of Uruguay said that Uruguay's position had been clearly stated in the course of the Committee's debates. His delegation had always voted in favour of resolutions on British Guiana and would vote for the draft resolution. Nevertheless, it would have preferred the wording of the sixth preambular paragraph to be less categorical. The delay in granting independence to British Guiana by the Administering Power was not the only main cause of the troubled situation in the Territory. He fully approved operative paragraph 3 since, as had already been stated in previous resolutions on British Guiana, the Guianese political leaders could play an important role in maintaining harmony and peace in the Territory. With a view to emphasizing the importance of that role, he proposed that the word "appeals" in that paragraph should be replaced by the words "urgently appeals". Paragraph 4 fully reflected the views expressed by delegations in the course of the debate. His delegation would vote in favour of the draft resolution.

183. The representative of Iran said that his delegation was disturbed by the recent tragic events in British Guiana and shared the concern of the sponsors of the draft resolution. Like them, his delegation regretted that the administering Power had not taken the necessary measures to implement resolution 1514 (XV). However, the draft resolution did not mention certain factors such as the dissensions between the two main Guianese political parties: those were fundamental elements of the situation in the Territory. Responsibility for the incidents lay mainly with the Guianese political leaders. He recalled that as a member of the Sub-Committee on British Guiana he had had long talks with both Dr. Jagan and Mr. Burnham in 1963. The Sub-Committee had submitted to the Special Committee certain recommendations, including the

dispatch by the Secretary-General of a team of constitutional experts to help the Guianese leaders on the spot to find a solution. Unfortunately that recommendation had been rejected by the administering Power. His delegation would vote for the draft resolution.

184. The representative of Australia opposed the draft resolution as a whole for the same reasons as those adduced by the Venezuelan representative. The Committee would serve the cause of British Guiana better by merely appealing to all concerned to endeavour to put an end to the chaotic situation in the Territory. In view of the statements by the administering Power and by the petitioner, the Australian delegation could not agree that the situation was due to the Administering Power's delay in granting independence to the Territory. The authorities in British Guiana had done their best under the terms of the Constitution and in a manner which respected human rights; consequently, they deserved the Committee's support.

185. He in no way doubted the sincerity of the sponsors of the draft resolution and shared the concern of all the members of the Committee who deplored the acts of violence which had taken place in British Guiana. He hoped that, irrespective of the results of the vote on the draft resolution, the appeal which had been made to the political leaders in operative paragraph 3 would be considered as coming from the members of the Committee as a whole.

186. The representative of Chile pointed out that, as a member of the Sub-Committee on British Guiana, his delegation had been directly associated with the efforts to help British Guiana accede to independence without delay. It had been profoundly shocked by the tragic events which had recently taken place in the Territory and it hoped that soon there would be a wide-spread movement for national conciliation and understanding between the political parties. Like the representative of Uruguay, he would have preferred the sixth preambular paragraph to be more flexible and to make it clear that the delay in the granting of independence was only one of the causes of the present situation. He supported the Uruguayan amendment to operative paragraph 3 and considered that the provision in operative paragraph 4 would help to create peaceful conditions which would enable the Territory to achieve its objectives in the near future. The Chilean delegation would support the draft resolution.

187. The representative of the United Kingdom regretted that the sponsors had not taken into account the statements which he had made to the Committee (see paragraphs 102-114 above).

188. The sixth preambular paragraph contained an untrue allegation, for the main cause of the present situation was the organization of political parties on racial lines, each appealing to racial fears and prejudices. The British Government had constantly tried to persuade Dr. Jagan and Mr. Burnham to work together for the common good of their country, and Mr. Sandys had paid a special visit to the Territory in the summer of 1963 for that purpose. Subsequently the Prime Ministers of Trinidad and Tobago, Jamaica and Barbados had tried to bring the two parties together, and a goodwill mission from Ghana had made a similar attempt. Unfortunately all those efforts had been unsuccessful, and it was the failure of the political leaders to reach agreement, not the administering Power, which was delaying the attainment of independence by British Guiana.

189. Operative paragraph 4 showed that the sponsors failed to understand that the Governor of British Guiana had acted only in order to put a stop to further violence. The immediate release of those arrested, all of whom were suspected of having promoted the recent unrest, would only delay the restoration of conditions of peace and prolong the state of emergency, which had been declared, as he had already pointed out, only on the advice of Dr. Jagan and other ministers.

190. With reference to operative paragraph 6, he stressed that his Government, in view of its long-established attitude towards the question of United Nations visiting missions to Territories under British administration, could not agree to any visit to British Guiana by a group representing the Committee.

191. As for operative paragraph 7, he pointed out that, following the recommendations of the Sub-Committee on British Guiana in 1963, the leaders of British Guiana had asked the United Kingdom Government to take a decision on the outstanding issues; the United Kingdom Government had decided in favour of the introduction of a system of proportional representation in the hope that it would put an end to racial divisions and make a coalition possible. Preparations for the elections were now proceeding and it was hoped that they could be held before the end of 1964.

192. For those reasons, the United Kingdom delegation would vote against the draft resolution.

193. The representative of Denmark, explaining his vote, felt that the draft resolution did not sufficiently bring out the fact that, as some co-sponsors had recognized, the Guianese political leaders bore a heavy share of responsibility for the situation existing in British Guiana. The Danish delegation sincerely wished that the situation would soon come to an end, so that conditions conducive to a speedy accession to independence might be created in the Territory.

194. The representative of the United States of America regretted that the draft resolution lacked impartiality towards the United Kingdom. He supported the appeal to the Guianese political leaders and to all concerned to endeavour to restore peaceful conditions in the Territory.

195. At the same meeting, the Special Committee adopted the draft resolution as orally revised, by a roll-call vote of 18 to 3, with 3 abstentions, as follows:

In favour: Bulgaria, Cambodia, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanganyika and Zanzibar, Uruguay, Yugoslavia.

Against: Australia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Denmark, Italy, Venezuela.

196. The text of the resolution on British Guiana (A/AC.109/86) adopted by the Special Committee at its 270th meeting, on 23 June 1964, reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962, 1955 (XVIII) and 1956 (XVIII) of 11 December 1963,

"Having heard the statements of the petitioners and representative of the administering Power,

"Regretting that the Government of the United Kingdom of Great Britain and Northern Ireland has not taken necessary measures to grant independence to British Guiana,

"Deploping that no date has been set for the independence of British Guiana,

"Deeply distressed at the grave and tragic situation prevailing in the Territory,

"Considering that the delay in the granting of independence by the administering Power is the main cause for this tragic situation,

"Regretting the loss of life and property in the Territory,

"Regretting that the administering Power has not implemented the recommendations of the Sub-Committee on British Guiana established in 1963 (A/5446/Rev.1, chap. X, appendix, paras. 59-65),

"1. Reaffirms the inalienable right of the people of British Guiana to independence;

"2. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland to fix without delay the date for the independence of British Guiana;

"3. Appeals to all political leaders and to all others concerned to take immediate steps to restore harmony and peaceful conditions in the Territory;

"4. Requests the administering Power to release all political prisoners and detainees, to create conditions of peace and tranquillity and to end the state of emergency;

"5. Calls upon the administering Power to refrain from taking any action which would aggravate the present situation and to co-operate with the Special Committee in the implementation of this and other resolutions of the Committee and the General Assembly;

"6. Decides to establish a Sub-Committee of Good Offices of three members to be appointed by the Chairman; the task of the Sub-Committee will be to visit British Guiana and take any other necessary measures for the implementation of the resolutions on British Guiana of the General Assembly and the Special Committee and report to the Committee as soon as possible;

"7. Requests the Secretary-General to renew his efforts to facilitate the implementation of the recommendations of the Sub-Committee on British Guiana established in 1963;

"8. Decides to maintain the question of British Guiana on its agenda."

E. FURTHER CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

197. The Special Committee gave further consideration to the question of British Guiana at its 292nd meeting on 20 October 1964.

Written petitions and hearings

198. The Special Committee circulated the following additional written petitions concerning the Territory:

<i>Petitioner</i>	<i>Document No.</i>
The Acting Premier of British Guiana	A/AC.109/PET.246/ Add.4
Mr. Ivan Ganesh, Acting General Secretary of the Progressive Youth Organization	A/AC.109/PET.251/ Add.1
Two petitions from members of the Peoples Progressive Party	A/AC.109/PET.252/ Add.1
Mr. Egbert Bolton, Chairman, British Guiana National Peace Committee	A/AC.109/PET.275/ Add.1
Mr. Sydney King, African Society for Cultural Relations with Independent Africa (ASCRIA)	A/AC.109/PET.285/ Add.1
Two petitions from Mr. Sanatan Dharma Maha Sabha, Union of Indian Organizations	A/AC.109/PET.287
Mr. Milton M. Hanoman, British Guiana Multi-Racial Democratic Committee	A/AC.109/PET.288
Mr. Irving Brown on behalf of Mr. Richard A. Ishmael, President of the British Guiana Trades Union Council	A/AC.109/PET.289
Mr. Ivan A. Marks	A/AC.109/PET.290
Mr. Cecil Gray, National Labour Front	A/AC.109/PET.296
Mr. Mohabir, President, Enmore Arya Samaj, and others	A/AC.109/PET.297
Messrs. Garnet James, Chairman, and Horace Caines, General Secretary, Peoples National Congress, London Branch	A/AC.109/PET.298
Mr. John Abrams, Chairman, Buxton Friendship Local Authority	A/AC.109/PET.299
Mr. Bandit Root and others	A/AC.109/PET.300
Mr. Dharam Chand	A/AC.109/PET.301
Mr. Tsangarides, Secretary, Union of Cypriot Students, London	A/AC.109/PET.302
Friends of British Guiana, Port of Spain	A/AC.109/PET.303
Mr. Shaheed Hussain and others	A/AC.109/PET.304
Mr. Budhram Mahades	A/AC.109/PET.305
Two petitions from Mr. Maurice Allen	A/AC.109/PET.306

199. At its 292nd meeting, the Special Committee heard the following petitioners concerning British Guiana: Mr. Richard A. Ishmael, President of the British Guiana Trades Union Council; and Mr. Ivan A. Marks.

200. Mr. Ishmael said that, while he was a member of the executive board of a number of Guianese and international labour organizations, he did not belong to any political party, and that the British Guiana Trades Union Council neither supported nor was controlled by any political party.

201. Unfortunately, ever since the Peoples Progressive Party had come to power in 1961 it had pursued a campaign of "rule or ruin". Three times in three years Premier Jagan's policies had brought the Territory to the brink of civil war and his attempts to govern by force had led to racial strife and bloodshed.

202. In February 1962, Georgetown had been set on fire after a street demonstration against Mr. Jagan's "austerity" budget had erupted into a riot. In April 1963, a protest against repressive labour legislation had led to a general strike which had paralysed the life of the country. In 1964, British Guiana had suffered the worst violence in its recent history when Mr. Jagan's party had tried to destroy the Man

Power Citizens' Association by mass intimidation and violence. On each occasion, Mr. Jagan's Government had so lost control of the situation that it had become necessary to call in United Kingdom troops. On the one hand, Mr. Jagan and his supporters were telling the people that United Kingdom and United States imperialism was their enemy and that they must demand independence now, and on the other, he used United Kingdom troops in an attempt to crush the trade-union movement and the Opposition parties. The fact of the matter was that the United Kingdom was willing to grant independence to British Guiana but that Mr. Jagan had been the obstacle. He had wanted to delay the holding of elections under the system of proportional representation even if such a delay meant racial conflict and the further postponement of independence.

203. Mr. Eric Williams, the Prime Minister of Trinidad and Tobago, who had agreed to a request made by Mr. Jagan on 3 May 1964 that he should use his good offices to explore the possibilities of a settlement of the political deadlock in British Guiana, had written in a memorandum addressed to Mr. Jagan that he had accepted the assignment because he was satisfied that the essential prerequisite for British Guiana's development was independence and that it was essential to find a rational and stable basis on which that independence could be built. Mr. Williams had noted that up to the present, independence had been little more than a slogan in British Guiana and that conditions in the Territory were far removed from the ideal basis for national independence. He had pointed out that, six weeks after Mr. Jagan had made his request that he should undertake the assignment as a matter of urgency and extreme gravity, Mr. Jagan had not found it possible to return to Trinidad for discussions with him. Mr. Williams had gone on to express his deepest regret that his discussions and exchanges had been frustrated at every turn.

204. Neither Mr. Jagan's actions nor those of his political opponents had confirmed the sense of urgency and gravity on which Mr. Jagan's request for his intervention had been based. Where Mr. Williams had been able to encourage discussion of the establishment of a national government to lead the country to independence, the conditions proposed had been either meaningless or intransigent or not intended to be taken seriously. The leaders of all the parties had made intemperate remarks and no side had shown readiness to subordinate sectional interests, personal antagonism or ideological vagaries to the overriding national interest.

205. From Mr. Williams' memorandum, the Committee must see that Mr. Jagan's actions were hardly those of a person who was seeking early independence for his country regardless of who was to form its government.

206. He was convinced that the majority on the people in British Guiana did not want independence under Mr. Jagan because he and his party had already demonstrated what the people's fate would then be. The real tragedy of the situation in British Guiana was that the struggle was not against colonialism but among the various sections of the population.

207. The Trades Union Congress (TUC) had been the first, as far back as 1959, to propose proportional representation. British Guiana needed a political system which would give each race and each segment of the economic community a voice in the government and a

sort of veto power to protect its own existence. Under the system of proportional representation a direct appeal to voting on racial lines could not lead to victory because no single race constituted more than half the population. After giving careful consideration to the various political systems, the TUC had reached the conclusion that proportional representation would best meet independent Guiana's requirement.

208. Although two new East Indian parties had been created recently by dissident groups which had become disillusioned with the PPP, in hopes of guaranteeing Indian rights without the fear of communism, the fact remained that the PPP was primarily an East Indian party and had won the 1961 elections by exploiting the fears of the East Indian community, the largest single ethnic group in British Guiana. By contrast with the "first past the post" electoral system used in 1961, under which the PPP had gained twenty of the thirty-five seats with under 43 per cent of the votes, the present system of proportional representation would result in a government formed by a party or a coalition of parties receiving more than half the votes; in time, that would help to dispel interracial fears between Indians and Negroes, which both ethnic groups had come to realize were without foundation.

209. Thus, British Guiana was being delayed on its path towards independence by Mr. Jagan and the PPP with their policy of "rule or ruin", a policy based upon a racial division of the people. The British Guiana Trades Union Council had been the major obstacle in the path of the PPP towards a one-party State. Indeed, none of the existing parties fully satisfied the aspirations of the TUC. Forced by successive crises to retreat from policies he was unable to enforce, Mr. Jagan had adopted a policy of opposition to the free trade-union movement. The Premier had always seen the labour movement as the key to power in British Guiana; indeed, the trade-union movement in British Guiana was one of the oldest and most consistently radical in the Western Hemisphere. Mr. Jagan and his wife took care to identify themselves with the masses, but the real focus of their interest had always lain outside the labour movement: that the trade unions were in the vanguard of the struggle for independence was simply another circumstance to be exploited.

210. The strike attempt in 1963 had led to the violence which had afflicted British Guiana in 1964 but its failure had not put an end to the disturbances. To the uninitiated, it might appear that the decision of the United Kingdom Government to introduce proportional representation had been so unpopular that the people had risen in revolt, but that was not the case; the violence created by the terrorist tactics of the PPP-controlled Guiana Agricultural Workers' Union had simply got out of hand.

211. One deplorable result of the GAWU's campaign of violence had been the racial clashes between Negroes and East Indians, which had had two different effects. First, the clashes had brought back into the PPP fold the East Indians who had previously become disenchanted with its incompetent government and had led to widespread outrages and bloodshed, segregation in the schools and the voluntary partitioning of villages. Secondly, the clashes had caused many people to forget that the GAWU strike attempt had been at the origin of the violence.

212. The petitioner further stated that all the points that he had made had been borne out by Mr. Eric Williams, the Prime Minister of Trinidad and Tobago,

who had sought to mediate in the disturbances and who had concluded that British Guiana had moved backwards rather than forward on the road to independence.

213. In conclusion, he urged the Committee to study the question with care; it would then realize that it was the PPP and Mr. Jagan who stood in the way of the independence of British Guiana, and not reactionary forces, as Mr. Jagan claimed.

214. Mr. Marks said that he wished to clarify some of the points that he had made in his memorandum (A/AC.109/PET.290). He was not a member of any organization and spoke purely as a Guianese.

215. He had given considerable thought to the causes of the racial disturbances in British Guiana and had come to the conclusion that they were economic rather than political. Although the two dominant political parties—the PPP and the PNC—represented, respectively, mainly East Indians and mainly Negroes, the tension between them was not racial or political but economic, because the people tied to those two parties were not economically free. Most of the members of the PPP were rice farmers who were dependent on the financial support of the Government for their industry. The members of the PNC, who were mainly sugar workers and civil servants, had been driven into opposition because the PPP Government denied them employment opportunities, and therefore security. He felt that neither side had intended its tactics to produce the results that they had.

216. The United Kingdom Secretary of State for the Colonies had stated in 1963 that the root of the trouble in British Guiana lay almost entirely in the development of party politics along racial lines. At that time, there had been no violence in the country and no racial antagonism had been apparent; yet the United Kingdom Government had felt that independence should be delayed to allow time to remedy that social evil, whereas it now appeared to be willing to grant independence. He himself felt that independence and the elections which must necessarily follow should be delayed until order had been restored and positive steps had been taken to ensure immediate economic development. No one could be a more ardent advocate of independence for British Guiana than he was himself, but it would be a mistake for the country to be given independence while it was racially so divided.

217. What British Guiana needed was a strong economic programme. He doubted whether either economic progress or social harmony could be ensured by a number of parties with conflicting ideologies. The PPP was Marxist in outlook, the PNC socialist, the United Force capitalistic, and there were other parties with whose manifestos he was not familiar. He could not see how such wide divergencies of view could be blended in a coalition government. What British Guiana needed was a strong and stable government; he did not think that that could emerge from a coalition.

218. It was not sufficient for British Guiana merely to attain political independence; it was equally important that it should be able to live in peace and prosperity as an independent nation. The prospects for the emergence of a stable new nation were not good. The population was composed of a number of different racial groups, each with its own hopes and aspirations and devoid of any national consciousness. The danger was that independence would be granted to the party in power and therefore to the ethnic group which supported that party. Moreover, the low level of economic devel-

opment in British Guiana was such that the people had to depend on the Government to satisfy all their basic needs. To the extent that the Government successfully performed that function, they would be loyal to it. People who were not economically free, however, were powerless to shape their government and to bring about the necessary political changes. In that connexion, he proposed that the United Kingdom should expand the existing Economic Council as an independent, private enterprise which would grant loans at favourable rates so that people who had suffered property and other losses during the recent chaos could help themselves towards recovery. In particular, the new Council should help small business enterprises and advise the people regarding the most effective use to be made of the loans granted them. The economic mobility created by an independent Council would release them from their total economic dependence on the Government and enable them to exercise free choice in the elections.

219. The racial disturbances in British Guiana were not the result of hatred between the Negroes and the East Indians. The race issue had been artificially invoked and exploited by the party in power, in order to maintain the *status quo*, and by the Opposition in an effort to gain control.

220. He appealed to the United Kingdom Government to give careful consideration to the points he had put forward and to reconsider its decision to hold elections in British Guiana on 7 December 1964, to be followed by the granting of independence. He urged the Committee to ensure that independence would be granted to a people who could work together, live together and grow together. Elections on 7 December and independence shortly thereafter could not bring about that result.

F. ACTION ARISING FROM THE REPORT OF THE SUB-COMMITTEE OF GOOD OFFICES ON BRITISH GUIANA

221. The Sub-Committee of Good Offices, appointed pursuant to paragraph 6 of the resolution adopted by the Special Committee on 23 June 1964 (A/AC.109/86), was composed of Mr. Sori Coulibaly (Mali), Chairman, Mr. Taieb Slim (Tunisia) and Mr. Carlos María Velázquez (Uruguay).

222. At the 315th meeting of the Special Committee on 17 November 1964, the Chairman of the Sub-Committee submitted an oral report on its work.

223. In considering this report, the Special Committee also had before it a report submitted by the Secretary-General (A/AC.109/L.169) with reference to paragraph 7 of the Committee's resolution of 23 June 1964.

224. In his report, the Chairman of the Sub-Committee, after recalling the mandate conferred on the Sub-Committee by paragraph 6 of the Special Committee's resolution of 23 June 1964, described the action taken by it in discharge of this mandate as follows.

225. By a letter dated 25 September 1964, the Chairman, on behalf of the Sub-Committee, informed the Permanent Representative of the United Kingdom that as requested in the resolution the Sub-Committee proposed to visit British Guiana as soon as possible, and would accordingly be grateful to learn whether his Government would be in a position to facilitate such a visit.

226. In his reply dated 13 October 1964, the Permanent Representative of the United Kingdom informed the Chairman that as indicated by his delegation to the Committee on 23 June 1964, his Government was unable to agree to a visit of the kind proposed. The Permanent Representative also referred to his Government's declared policy of convening a constitutional conference after the elections on 7 December 1964 in order to decide on a date for independence, and stated that in the implementation of this policy, there was no function or place for a Sub-Committee of Good Offices.

227. In identical letters dated 25 September 1964, the Chairman informed Mr. Cheddi Jagan, Premier of British Guiana, and Mr. L. F. S. Burnham, Leader of the Peoples National Congress, of the establishment of the Sub-Committee and invited their views and proposals as to what positive measures it could take in the implementation of the resolution. In these letters the Chairman also indicated that the Sub-Committee would be prepared to establish contact in due course with other political leaders in the Territory who might assist in the fulfilment of its task.

228. The Sub-Committee has received no replies to these letters. However, the Sub-Committee had an opportunity for informal preliminary talks with Mr. Jagan in New York on 2 and 3 November 1964. Mr. Jagan undertook that on his return to British Guiana he would transmit to the Sub-Committee in writing the views and proposals of his party.

229. The Chairman then presented the conclusions of the Sub-Committee as follows.

230. The Sub-Committee deeply regrets that the United Kingdom Government was unable to agree to its visiting the Territory as requested by the Special Committee. The Sub-Committee wishes to observe that it has thus been denied one of the most effective means of discharging the task assigned to it by the Special Committee.

231. As the views and proposals awaited from Mr. Burnham were not available, the Sub-Committee felt unable to pursue further its talks with Mr. Jagan. However, the Sub-Committee formed the impression that there might be scope for the use of its good offices after the elections scheduled to take place on 7 December 1964.

232. The Sub-Committee therefore considers that the United Nations should continue its efforts to establish an atmosphere of harmony, confidence and unity in which British Guiana can accede to independence without delay. The Sub-Committee accordingly recommends that the Special Committee authorize it to keep the situation under review and again to offer its good offices, if this is acceptable to the parties concerned, with a view to the implementation of the resolutions of the General Assembly and the Special Committee on British Guiana.

233. The Sub-Committee further recommends that the Special Committee should reaffirm its resolution of 23 June 1964 and, in particular, renew its appeal to all political leaders and to all parties and interests in the Territory to take immediate steps to restore harmony and peaceful conditions in the Territory.

234. The representative of Venezuela recalled that when, on 23 June 1964, the draft resolution establishing the Sub-Committee of Good Offices (A/AC.109/L.129

and Add.1) had been put to the vote, his delegation, in explaining its abstention from the vote, had clearly stated the Venezuelan Government's position on that draft resolution (A/AC.109/SR.270). The events taking place in British Guiana seemed to bear out the contentions put forward by his delegation at that time. His Government did not believe that the results of the elections scheduled for 7 December 1964 could be judged until they had taken place. If the report just presented by the Chairman were put to the vote, his delegation would abstain for the reasons stated on 23 June 1964.

235. The Special Committee, at its 315th meeting on 17 November 1964, decided to take note of the

oral report of the Sub-Committee of Good Offices on British Guiana.

236. The representative of the United Kingdom said that his delegation had taken note of the oral report and would bring it to his Government's attention. He reserved his Government's position with regard to the reaffirmation of the Committee's resolution of 23 June last (A/AC.109/86). Had there been a vote on the adoption of the report, his delegation would have abstained from voting.

237. The representative of the United States of America reserved her Government's position on the report in view of her delegation's vote on the resolution of 23 June 1964.

CHAPTER VIII

BASUTOLAND, BECHUANALAND AND SWAZILAND

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963 AND BY THE GENERAL ASSEMBLY AT ITS EIGHTEENTH SESSION

1. Following its consideration of Basutoland, Bechuanaland and Swaziland at its meetings in July 1963, the Special Committee adopted a resolution (A/5446/Rev.1, chap. IX, para. 113) setting forth recommendations to the General Assembly regarding these Territories. On the basis of these recommendations, the General Assembly, at its eighteenth session, adopted resolution 1954 (XVIII) on 11 December 1963, the operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Reaffirms the inalienable right of the peoples of Basutoland, Bechuanaland and Swaziland to self-determination and independence;

"2. Reiterates its request that the administering Power take immediate steps to return to the indigenous inhabitants all the land taken from them, whatever the form or pretext for such alienation;

"3. Once more requests the administering Power to convene immediately a constitutional conference for each of the three Territories, in which all groups representing all opinions will participate with a view to devising democratic constitutional arrangements which will lead to general elections based on universal suffrage and, thereafter, to immediate independence;

"4. Solemnly warns the Government of the Republic of South Africa that any attempts to annex or encroach upon the territorial integrity of these three Territories shall be considered an act of aggression;

"5. Requests the Secretary-General to provide economic, financial and technical assistance commensurate with the special needs of the Territories through the United Nations programmes of technical co-operation and the specialized agencies."

B. INFORMATION ON THE TERRITORIES

2. Information on Basutoland, Bechuanaland and Swaziland is contained in the reports of the Special Committee to the General Assembly at its seventeenth (A/5238, chap. V) and eighteenth (A/5446/Rev.1, chap. IX) sessions. Supplementary information on recent political developments concerning the Territories

and on economic, social and educational conditions is set out below.

1. GENERAL

Political developments

3. Speaking at the Transvaal Congress of the South African Nationalist Party in Pretoria on 3 September 1963, Prime Minister Hendrik F. Verwoerd stated that, although South Africa had no ambitions over the Territories, it could lead them far better and much more quickly to independence and economic prosperity if South Africa were to become their guardian instead of the United Kingdom of Great Britain and Northern Ireland. Dr. Verwoerd subsequently explained that his offer was to give full information to the inhabitants of these Territories, if the United Kingdom should give permission, on the advantages which would accrue to them if, of their own free will, they accepted South Africa as their guide to prosperity and independence. Such independence, he stated, would be attained within a South African commonwealth and on the same footing as the proposed "Bantu homelands" such as the Transkei.

4. This offer was rejected by the African political parties. It was, however, received with varying degrees of enthusiasm by certain elements in the Territories, notably among the European settlers in Swaziland and by the commercial interests which are mostly South African in origin. According to reports, Dr. Verwoerd's offer also made an impression on the traditionalists in Swaziland. They were interested by the prospect the offer presented of the restoration of parts of eastern Transvaal claimed by the Swazis, the discouragement of African nationalist political activity, and the establishment of South African industries on the Swazi border.

5. On 14 November 1963 the Minister of State for Colonial Affairs made a statement in the United Kingdom House of Lords concerning the future of the Territories. He declared that these Territories were approaching the stage of self-government and that when this stage was reached, there would be a constitution whereby the people could express their wishes about their eventual status. The United Kingdom Government had no desire to impose any prearranged solution. Each of these Territories in exercising its right to self-determination would at the appropriate time need

to find through negotiations with South Africa a basis for the future conduct of their mutual relations. Meanwhile the administration of the three Territories remained the responsibility of the United Kingdom Government, and there was no question of any transfer of that responsibility to any other authority without the agreement of the inhabitants of the Territories.

6. Recent measures taken by the South African Government against alleged subversion inside the Republic have resulted in a flow of refugees arriving in the Territories, some of whom have created problems affecting relations between the United Kingdom and South Africa in connexion with the Territories. Consultations are being carried out between the two Governments with a view to the negotiation of an extradition treaty.

7. In July 1963, legislation came into force in Basutoland designed to prevent the planning of acts of criminal violence outside the Territory by anyone in Basutoland; similar legislation has also come into force in Swaziland and Bechuanaland. These enactments followed a warning from the South African Government that the three Territories must expect retaliation if they allowed political refugees to organize revolution against South Africa.

8. In the same month, new arrangements for travel and immigration between South Africa and the three Territories came into operation. These arrangements include the enforcement of passport control and the establishment of frontier posts. There are indications that the influx controls consequently applied by South Africa have led to some reduction in the number of persons from the Territories, who have inadequate prospects of local employment, seeking or continuing work in that country.

9. In reply to a question in the United Kingdom House of Commons, the Under-Secretary of State for Commonwealth Relations and for the Colonies announced on 13 May 1964 that, in the view of his Government, the accelerated constitutional development of the three Territories justified the abolition of the post of High Commissioner and that the necessary instruments would be prepared as soon as possible. The arrangements established for Bechuanaland and Swaziland in 1963, under which the Resident Commissioners were made directly responsible to the Secretary of State for the government of these Territories, would now be extended to Basutoland. There would, however, remain a need for consultation, and in certain fields, for co-operation and co-ordination between the Territories and with the United Kingdom Ambassador to the Republic of South Africa. The Ambassador would therefore continue to be informed about those aspects of the affairs of the Territories which affected their foreign relations or their defence requirements, but he would have no further responsibility for purely territorial affairs.

Economic conditions

10. Because of the geographical position of the Territories, their economies have for many years been closely associated with the Republic of South Africa. They are joined with South Africa in a customs union, which provides for free interchange of products and manufactures and for a common external tariff. With a few exceptions, all import and excise duties are collected by the Republic, which allocates to the Territories a total of 1.3 per cent of the total proceeds. This

allocation is divided in the ratio of 6:2:1 as between Basutoland, Bechuanaland and Swaziland. Their currency is South African. They have access to the foreign exchange reserves of the Republic, and the Reserve Bank of South Africa acts as a Central Bank for the Territories. Large numbers of their people are employed in South Africa, and a considerable proportion of the earnings of these people flows back into the Territories in the form of deferred pay, cash savings and remittances. The greater part of their trade is conducted with South Africa. Most of the remainder of their external trade is dependent upon transit facilities through the Republic.

11. Much of their industrial, commercial and other development is financed with South African money and managed by South African personnel. They also depend on the co-operation of the South African Posts and Telegraphs Administration, particularly for the provision of land outlets. Until recently, most of their students desiring higher education had to go to South Africa. They have also received assistance in the past from the Republic in the form of expert and specialized services in the fields of health, agriculture, geology and police investigation.

12. The European settlers and the largely South African owned commercial interests constitute an important economic force and play an influential political role in Bechuanaland and Swaziland. In Bechuanaland, these settlers number 3,000 out of a total population of about 450,000. They own 4,400 square miles of land as compared with Tribal Reserves covering 108,000 square miles. The European blocks include a large belt of some 600 cattle farms adjacent to the South African border, the livestock from which is sold in the Republic. Many of the European civil servants are also South Africans. In Swaziland, the settlers number 10,000 out of a total population of 280,000, but own some 42 per cent of the land area as compared with 55 per cent available for occupation by the Swazis. They control most of the export industries. They receive favoured treatment from the traditional authorities with whom they made common cause during 1963 and early 1964 in opposing the constitutional reforms demanded by the African political parties. In Basutoland, European settler influence is relatively insignificant.

13. In its report to the General Assembly at its eighteenth session (A/5514, part two, chap. II, para. 37), the Committee on Information from Non-Self-Governing Territories urged the administering Power to expand the development plans for the Territories by implementing the recommendations on economic development which an Economic Survey Mission, appointed in consultation with the International Bank for Reconstruction and Development (IBRD), made in a report published in 1960. The total capital expenditure recommended by the Mission, in addition to that proposed in an outline development plan submitted to the United Kingdom Government in November 1959, was £7 million, of which £2.7 million was to be utilized in Basutoland, £1.5 million in Bechuanaland, and £2.7 million in Swaziland. The Mission had suggested that this cost should be met by free capital grants from the United Kingdom. It had also recommended that average annual recurrent expenditure be undertaken in connexion with these capital projects to the extent of £0.52 million for the first five years, on which £0.25 million was to be allocated to Basutoland, £0.23 million to Bechuanaland, and £0.04 million to Swaziland. The Committee on Information from Non-Self-Governing

Territories noted that development plans were being drawn up by the Governments of these Territories for the period 1963-1966, and that these would provide the basis for an accelerated rate of growth.

14. Particulars of development grants and loans made by the United Kingdom Government to the three Territories are given below (see paragraphs 65, 122, 179). In 1962-1963, Colonial Development and Welfare grants made to the three Territories amounted to £1,448,762. For the period 1963-1966, the funds available for Colonial Development and Welfare grants amounted to £6,618,000, the annual rate of expenditure of these funds being dependent on the pace at which the Territories carry out their projects. Total grants during 1963 amounted to £1,179,043. Colonial Development Corporation investment amounted to £1.6 million in 1962-1963 and further investment will depend on the nature of the projects proposed. Exchequer loans to the Territories in 1962-1963 amounted to £616,000 and existing commitments for the period 1963-1966 total £1,151,000. Grants-in-aid to enable the Territories to balance their annual budgets amounted to about £12 million between 1956 and 1964. For the financial year 1963-1964, approved grants-in-aid total a little under £3.5 million, towards an estimated total recurrent expenditure of £9.5 million. In addition, under the Overseas Service Aid Scheme, the United Kingdom Government gives financial assistance towards the cost of the emoluments of expatriate civil servants.

Educational conditions

15. On 1 January 1964, the new University of Basutoland, Bechuanaland and Swaziland was established at Roma, Basutoland, by the grant of a Royal Charter. The immediate aims of the new University, which has succeeded the Pius XII College and has an initial enrolment of 170 students, are to meet the needs of the three Territories for qualified administrators and teachers, and to develop courses in law, agriculture and commerce.

2. BASUTOLAND

Political and constitutional developments

Report of the Constitutional Commission

16. As was noted in the Special Committee's report to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. IX), a Constitutional Commission composed of representatives of all parties, nominated by the Paramount Chief, was established in 1961. The report of this Commission was published in October 1963.

17. In its report, the Commission recommended a new name for the Territory, Lesotho, and a new constitution. This constitution would be introduced in 1964 and under it Lesotho would have the status of a Protected State and would accede to independence twelve months after the first elections under the new constitution. During the interim pre-independence period, Lesotho would assume direct responsibility in the whole range of government, "including the vital fields of defence, external relations and internal security and especially the public service and finance". The United Kingdom Government would retain carefully defined concurrent and supervisory powers in regard to defence, external affairs and internal security.

18. Under the proposed constitution, the Paramount Chief would become Head of State, with the title of King of Lesotho, and would exercise prerogatives simi-

lar to those exercised by the British Crown, with the assistance of a Privy Council.

19. In keeping with this recommendation, Her Majesty the Queen would cease to be Head of State and the United Kingdom Government would no longer be represented by a High Commissioner with executive powers but, instead, by a British Adviser. The British Adviser would be directly responsible to the Secretary of State and it would be his function to ensure the discharge of the remaining responsibilities of the United Kingdom Government.

20. A Privy Council would be established consisting of the British Adviser, the Prime Minister, the Principal Legal Adviser and a nominee of the King. Its function would be to advise the King, when requested, on matters in which he had a personal discretion or responsibility, including those relating to chiefly discipline. It was also expected to act as a body for consultation and the exchange of information in the fields of defence, external affairs and internal security.

21. The executive would consist of a Cabinet, led by a Prime Minister who would be the leader of the majority party in the National Assembly. The Cabinet would be collectively responsible to the National Assembly and would have the greatest degree of governmental power in the executive field that would be compatible, during the interim pre-independence period, with the effective discharge of the responsibilities of the United Kingdom Government.

22. The Legislature would consist of two houses, a National Assembly and a Senate. Subject to the exercise of concurrent powers by the United Kingdom Government and the Government of Lesotho in the fields referred to in paragraph 17 above, the Legislature would have full power to legislate for peace, order and good government in all fields. The National Assembly would be composed of fifty-four to sixty members elected by universal adult suffrage. The Senate would be composed of the twenty-two principal chiefs and eleven other members nominated by the King, and would have powers to delay and review legislation passed by the National Assembly.

23. The Commission also proposed the establishment of a public service commission with executive powers responsible to the Government of Lesotho, and a compulsory retirement scheme for expatriate officers which would provide for full compensation. An independent judiciary and an integrated judicial system for the Territory were also recommended.

24. Certain provisions of the proposed constitution would be entrenched and alterable only by referendum. These included, *inter alia*, those relating to the position of the King, land, the franchise, the composition and powers of the Legislature, the bill of human rights, and the amendments of the constitution.

25. On 12 November 1963, the Secretary of State for the Colonies issued a statement on this report. In the statement, the United Kingdom Government recognized the attainment of independence as a natural and legitimate aspiration of the people of Basutoland. It welcomed the proposal that the people of Basutoland should assume a much greater responsibility in the administration of their country. Furthermore, it was in agreement with many of the specific recommendations in the report. The United Kingdom Government, however, could not accept continued responsibilities for internal security, defence, and external affairs unless it was assured of the constitutional means to discharge them,

and the Commission's recommendations did not assure this. Concern was expressed regarding the proposed abrogation of the power of the United Kingdom Government to amend the constitution, the change of the headship of State, and the proposal to introduce a public service commission, as well as the proposals regarding expatriate officials.

26. The Commission's proposals were approved by the Basutoland National Council as an acceptable basis of discussion with the United Kingdom Government on 11 February 1964, with amendments increasing the powers of the King. These amendments would grant him the right of assent to bills, make him head of the armed forces and permit him to exercise the prerogative of mercy.

Constitutional Conference

27. A Constitutional Conference was held in London from 20 April to 15 May 1964. It was attended by the Paramount Chief, Motlotlehi Moshoeshe II and ten delegates from Basutoland. Of these delegates, eight were members of the Basutoland National Council. The leaders of the three political parties which are represented on this Council were included in the Basutoland delegation. They were Mr. Ntsu Mokhehle of the Basutoland Congress Party, which holds thirty of the forty elected seats in the Council; Mr. B. M. Khaketla of the Marema Tlou Freedom Party and Chief Leabua Jonathan of the Basutoland National Party.

28. The question of independence was discussed at an early stage of the Conference. The Basutoland delegation made it clear that it was well aware of the economic difficulties which at present beset the Territory, that it was not asking the United Kingdom for any assurance of continued military protection after independence, and that it was intended to apply at the appropriate time for membership of the Commonwealth.

29. The delegation reaffirmed the statement in the report of the Constitutional Commission that the people of Basutoland fully recognized the need to live at peace with their neighbours in South Africa and expressed their confidence that South Africa would likewise wish to live at peace with the people of the Territory.

30. The Secretary of State for the Colonies expressed the opinion that a preparatory period of one year before independence might well prove insufficient. Nevertheless, the United Kingdom Government did not wish to withhold independence longer than the people of Basutoland considered necessary, and was disposed to approve a constitution for independence on the general lines recommended by the Constitutional Commission. Accordingly, the Secretary of State undertook that if, at any time not earlier than one year after the new elections, the people of Basutoland, by resolutions of both Houses of the Basutoland Parliament (or, in the event of disagreement between them, by a majority of those voting in a referendum) should ask for independence, the United Kingdom Government would seek to give effect to their wishes as soon as possible. He made it clear that this undertaking was given on the assumption that, when the time came, conditions in Basutoland would be such as to enable power to be transferred in peace and order.

31. The Secretary of State said that his Government would from now on base its policy on the firm expectation that the request for independence would be confirmed one year after the new elections and take effect as soon as possible thereafter. It would therefore set in motion without delay the preparations for independ-

ence. In particular, arrangements would be made forthwith to accelerate the localization of the public service and every effort would be made to ensure that the new elections were held before the end of 1964.

32. The Secretary of State did not feel able to accept several important recommendations based upon the report of the Basutoland Constitutional Commission. However, many of the points of difference, such as the scope and nature of the control to be retained by the United Kingdom Government during the transition to independence, related to a period which was expected to be comparatively short. Therefore, while preferring its own views, the Basutoland delegation expressed its intention to do all they could to ensure the success of the new Constitution.

New Constitution

33. The Conference agreed on the framework of a pre-independence constitution, which might, with minimum changes, become the constitution of an independent Basutoland. It has been reported, however, that several of the delegates, including Mr. Ntsu Mokhehle and Chief Leabua Jonathan, have subsequently expressed strong criticism regarding the powers to be reserved to the United Kingdom Government under the new constitution. The main provisions of the new constitution will be as follows.

34. Motlotlehi, as the Paramount Chief will be styled, will perform his functions under the Constitution, which will recognize the office and the status of the present incumbent, in the name and on behalf of the Queen and will enjoy precedence over all other persons in Basutoland.

35. The Constitution will regulate, on principles derived from Basuto laws and custom, the succession to the position of Motlotlehi and the appointment of a person to discharge his functions during incapacity, absence or minority. He will enjoy full immunity from civil powers, taxation and compulsory acquisition of property and will receive a Civil List, to be charged on the Basutoland Consolidated Fund.

36. Motlotlehi will appoint the Prime Minister and other ministers, who will be known as Motlotlehi's Government, and will have the right to be kept informed and to be consulted by his ministers on all matters of government. He will act on ministerial advice except where the Constitution specifically provides otherwise. In some matters, which will include the appointment of certain members of the Senate, certain functions in relation to land allocation, certain functions in relation to disciplinary proceedings against chiefs and the approval of appointments to his personal staff and to the National Planning Board, Motlotlehi will exercise absolute discretion. In other cases, the Constitution will specify the scope of his discretion. It is expected that, under the independence Constitution, Motlotlehi would be recognized as Head of State with the powers, functions and privileges recommended in the report of the Constitutional Commission.

37. The new, pre-independence Constitution will establish the office of British Government Representative, who will enjoy diplomatic privileges and immunities. Assisted by a deputy, the British Government Representative will retain responsibility for external affairs, defence and internal security. He will be empowered, however, to delegate any part of these responsibilities to a minister of Motlotlehi's Government designated by the Prime Minister; such delegation may be made subject to conditions and may be revoked.

38. The British Government Representative will have certain powers of financial control, for the purpose of ensuring proper financial administration or securing compliance with a condition attached to a financial grant made by the United Kingdom Government to the Basutoland Government. He will also retain, until a date to be appointed by the United Kingdom Government, responsibility for the Public Service, in consultation with the Public Service Commission; after that the Commission will become executive and he will cease to have this function. The Public Service Commission will be appointed by Motlotlehi in accordance with the advice of the Judicial Service Commission.

39. All bills passed by the Basutoland Parliament and recommended by Motlotlehi's Ministers for assent will be submitted to Motlotlehi through the British Government Representative and he may, after consultation with the Prime Minister, reserve a bill for Her Majesty's pleasure if, in his view, it prejudices the discharge of his responsibilities.

40. The British Government Representative will also be empowered to require Motlotlehi's Government to secure the passage of legislation which he considers necessary or expedient in the interests of his responsibilities. If Motlotlehi's Government fails to do so, he may himself make an order which will have the force of law; in this event he may require the Government to take necessary executive action or, if it fails to do this, he may himself exercise any lawful function of Motlotlehi's Government for that purpose.

41. The Parliament of Basutoland will have two Houses: a Senate, consisting of the twenty-two principal chiefs or their nominees and eleven other persons nominated by Motlotlehi; and a National Assembly of sixty members, elected from single-member constituencies on a franchise based on universal adult suffrage.

42. An Electoral Commission, consisting of three judges, to be appointed by Motlotlehi on the advice of the Judicial Service Commission, will be responsible for dividing Basutoland into constituencies.

43. Subject to the provisions of the Constitution, the Parliament will have full power to make laws for the peace, order and good government of Basutoland in all fields, exercisable by bills passed through both Houses and assented to on Her Majesty's behalf by Motlotlehi.

44. The Senate may refer bills back to the National Assembly with amendments but will have no power to initiate legislation. If the Senate should fail to pass a bill within a specified period varying from thirty to ninety days from the date it leaves the National Assembly, or pass it only with amendments which are not acceptable to the Assembly, the Assembly may submit the bill for assent. The Senate will not be able to delay the passage of an appropriation bill.

45. Each Parliament will last for five years, unless dissolved earlier. The power to prorogue or dissolve Parliament will be vested in Motlotlehi, who will normally act on ministerial advice, but who may act in his discretion if the National Assembly passes a vote of no confidence in the Government or if, in the event of the office of Prime Minister falling vacant, there is no reasonable prospect of finding a person for appointment who can command a majority in the National Assembly.

46. Subject to the powers conferred upon the British Government Representative, executive authority will be vested in Motlotlehi on Her Majesty's behalf. There will be a cabinet consisting of a Prime Minister and

not less than seven other ministers. There will also be assistant ministers. Motlotlehi will appoint as Prime Minister the leader of the political party, or the coalition of parties, enjoying the support of the majority of the members of the National Assembly. The other ministers and the assistant ministers will be appointed by Motlotlehi in accordance with the advice of the Prime Minister.

47. The prerogative of mercy will be exercisable on Her Majesty's behalf by Motlotlehi in accordance with the advice of the British Government Representative, who will consult Motlotlehi's Privy Council before tendering advice.

48. The Constitution will establish a Privy Council, consisting of the British Government Representative, the Prime Minister and one person to be nominated by Motlotlehi, the principal function of which will be to advise Motlotlehi in the discharge of his duties. Except where the business of the Privy Council concerns the exercise of the prerogative of mercy, or defence, external affairs, internal security, or the localization of the Public Service, in which cases the British Government Representative will preside over the Council, Motlotlehi may attend its meetings and, if he does so, will preside. The Privy Council will also act as an advisory body to Motlotlehi in the exercise of his disciplinary powers in relation to the chieftainship.

49. The Constitution will entrench the institutions of the chieftainship but will leave the powers and functions of chiefs to be regulated by the Basutoland Parliament. There will be a College of Chiefs, consisting of the twenty-two Principal Chiefs, which will be entrusted with determining matters relating to the succession to the position of Motlotlehi in accordance with Basuto law and custom.

50. All land will be owned by the Basuto nation and administered in trust for the nation by Motlotlehi and the chieftainship in accordance with laws passed by the Basutoland Parliament. There will be a National Planning Board responsible for the planning of economic development.

51. The Constitution will provide for a High Court of Basutoland consisting of a Chief Justice, appointed by Motlotlehi in accordance with the advice of the Prime Minister, and puisne judges, appointed by Motlotlehi in accordance with the advice of a Judicial Service Commission under the chairmanship of the Chief Justice.

52. The Constitution will contain safeguards for human rights enforceable in the courts. While in many respects these safeguards will follow the pattern which has been adopted in recent years in Commonwealth and other countries, modifications will be made in accordance with the wishes of the people of Basutoland.

Economic conditions

53. According to the information transmitted by the United Kingdom, all land is owned by the Basuto nation and is inalienable. There are few non-African settlers in the Territory.

54. The economy depends principally on the cultivation of crops, the raising of livestock and the earnings of labour employed outside the Territory. Out of a total population of about 800,000, it is estimated that approximately 180,000 are resident outside the Territory and are mainly dependent on employment in South Africa.

55. Subsistence agriculture is the main form of crop cultivation. Farming methods are undeveloped and yields are low. Maize, the staple food, is grown throughout the Territory; beans, oats and sorghum in the lowlands, and wheat and peas in the mountain areas. The most important contribution of the livestock industry is wool and mohair. Much has been done to improve the quality and grading of output but methods of husbandry are inadequate.

56. Except for some diamonds in north Basutoland, no mineral deposits have so far been discovered. There are no factories or industrial undertakings and, according to the Economic Survey Mission, the opportunities for industrial development are not promising.

57. The bulk of the general trade in the Territory is carried on by Europeans. The major imports include consumer goods and capital items, agricultural produce and livestock being of less importance. Exports consist almost entirely of agricultural commodities and livestock. Wool and mohair account for 60 per cent of the total value of exports. The value of imports usually exceeds the value of exports, but the adverse balance is partly offset by the export of labour to the Republic of South Africa. Trade is mainly with South Africa. The volume of trade in recent years is shown in the following table:

Year	Imports (Value in thousand pounds)	Exports
1960	4,089	1,366
1961	3,060	1,416
1962	2,916	1,153

58. The financial position of the Territory during the period 1960/61-1962/63 is summarized as follows:

Year	Revenue (Thousand pounds)	Expenditure
1960/61	2,367	2,490
1961/62	3,404	3,413
1962/63 (estimate)	3,672	3,672

59. The principal items of revenue are direct and indirect taxes, the greater part of which consist of customs duties paid over by South Africa under the Customs Agreement, which made up some 40 per cent of the total in 1962/63. Grants-in-aid from the United Kingdom accounted for 30 per cent of this total. Another source of revenue is grants under the United Kingdom Colonial Development and Welfare Act, which represented about 13 per cent of the revenue in 1962/63.

60. Of the total estimated expenditure for 1962/63, education accounted for 17 per cent; Colonial Development and Welfare schemes, 13 per cent; public works (recurrent and extraordinary), 12 per cent; health, 10 per cent; and agricultural and veterinary services, 6 per cent.

61. Measures to improve the economy have consisted primarily in agricultural development. This has taken three main forms: the combatting of soil erosion, the encouragement of the co-operative movement and the promotion of extension methods through the Progressive Farmers' Scheme.

62. For soil conservation, development funds amounting to nearly £0.5 million were allocated during 1960-1963. It is expected that the Territory will spend substantial sums on this, together with schemes for improved land use, during the next few years. The Territory has plans to promote the further development of co-operative societies, which now number 172. By the end of 1962, the number of certificated Progressive

Farmers was 621, compared with 487 in 1960/61; the target number by 1968 is 2,000. Other agricultural projects already under way or contemplated include livestock improvement, irrigation research and pastoral research.

63. Further projects and plans are directed mainly towards improved communications and the preparation of an infra-structure for modest industrial development. The Colonial Development Corporation has agreed to a loan of £0.2 million to finance extension of the main power station. Work has also begun on the preparation of a small industrial estate. The feasibility of various local processing industries is being studied, and a possible hydro-electric and water supply project has been intensively surveyed.

64. A development plan for the period 1963-1966 has been under consideration. It is proposed that expenditure under the plan should cover soil conservation, expanded medical and educational services, roads, airfields, and water and electricity supplies. The basic financial provision will be made by the United Kingdom in the form of Colonial Development and Welfare grants.

65. Basutoland received £459,522 in Colonial Development and Welfare grants and £115,000 in Exchequer loans in 1962-1963. Total funds available to the Territory as Colonial Development and Welfare grants for the period 1963-1966 amounted to £1,703,000, the annual rate of expenditure depending on the pace at which its projects are carried out. Existing commitments in respect of Exchequer loans for the same period total £120,000. For the period 1946-1966, total Colonial Development and Welfare grant and loan assistance given or envisaged amounts to £5.44 million.

Social conditions

Racial discrimination

66. The problem of racial discrimination has continued to occupy the attention of the Territorial Government. According to the information transmitted by the United Kingdom, legislative measures taken or contemplated in 1962 for the elimination of racial discrimination and the promotion of social harmony included the following:

(a) A new bill awaiting enactment which would provide for the removal of racial discrimination in the tax laws, and for all residents to pay the same basic and income taxes from 1 July 1962;

(b) The Sedition and Rebellion (Amendment) Proclamation No. 2 of 1962, which removed certain references to race;

(c) The Liquor (Amendment) Law of 1962 which removed provisions whereby non-Europeans were subjected to certain disabilities and prohibitions in relation to the purchase and possession of intoxicating liquor;

(d) The Nurses and Midwives (Amendment) Law of 1962 which removed distinctions between persons from the Nurses and Midwives Proclamation No. 14 of 1945 as amended;

(e) The Obscene Publications (Amendment) Law of 1962 which removed a distinction between races from the Obscene Publications Proclamation No. 9 of 1912 as amended.

Labour

67. Outside the government service and trading stores, there is little employment to be found in the Territory. This has resulted in the regular exodus of workers to the Republic of South Africa.

Public health

68. In the years 1960-1962, the number of general hospitals increased from thirteen to fifteen, dispensaries from seventy to seventy-nine and beds from 935 to 1,141.

69. The total of 1,141 beds in 1962 represented a ratio of fifteen beds to 10,000 persons. During the period 1960-1962, the total number of physicians increased to thirty-four, representing less than one physician per 10,000 persons.

70. The principal health problems are malnutrition, chronic rheumatism, infections of the respiratory tract, venereal disease and dyspepsia. The main causes of infant and child mortality are tuberculosis, malnutrition, diphtheria, whooping cough and gastro-enteritis. The incidence of nutritional and deficiency diseases is high and is allied to the consumption of maize as the staple food. With the assistance of the World Health Organization (WHO), a nutrition survey was completed in 1960; work in this field has continued with the help of the United Nations Children's Fund (UNICEF) and the Food and Agriculture Organization of the United Nations (FAO). In 1961 the two organizations supplied experts and equipment for tuberculosis control, which remains a priority project.

Educational conditions

71. According to the information transmitted by the United Kingdom, about 85 per cent of the population in the 15-50 age group are literate.

72. Expenditure on education during 1959/60-1961/62 was as follows:

	1959/60	1960/61	1961/62
	£	£	£
Recurrent expenditure	454,500	527,600	919,500
Capital expenditure	150,100	141,600	92,600
TOTAL	604,600	669,200	1,012,100

73. In 1961/62, capital grants for education from the Colonial Development and Welfare Fund amounted to £51,600 and expenditure by missions to £155,800.

74. Educational development in recent years is shown in the table below:

	<i>Schools</i>	<i>Enrolment</i>	<i>Teachers</i>
Primary education			
1960	1,029	136,260 ^a	2,522
1961	1,074	144,730 ^b	2,537
1962	1,069	151,694 ^c	2,672
Secondary education			
1960	21	1,836	90
1961	21	1,977	87
1962	21	2,209	104
Teacher training			
1960	7	536	40
1961	7	572	44
1962	7	584	33
Vocational training			
1960	27	694	69
1961	25	576	29
1962	9	502	28

^a Including 66 non-Basuto.

^b Including 128 non-Basuto.

^c Including 119 non-Basuto.

Extra Territorial territorial Teachers

Higher education

1960	1	167 ^d	28 ^e	34
1961	1	170 ^e	45 ^e	40
1962	1	173 ^f	67 ^g	33

^d Including 34 Basuto.

^e Including 29 Basuto.

^f Including 28 Basuto.

^g All Basuto.

75. The only institution of higher education is the University of Basutoland, Bechuanaland and Swaziland (see paragraph 15 above).

76. Education is free at the primary level but not compulsory. In recent years, particular emphasis has been laid on the expansion of secondary and vocational schools. In 1962, over 90 per cent of all girls and about 60 per cent of boys between 8 and 16 years of age were in primary schools. The herding of family stock continued to have an adverse effect on the attendance of boys.

77. Examinations results obtained by Basuto students in the primary and secondary schools during 1960-1962 were as follows:

	<i>Standard VI</i>	<i>Junior Certificate</i>	<i>Matriculation or Cambridge Overseas School Certificate</i>
1960:			
Entries	2,484	307	75
Passes	1,117	263	18
1961:			
Entries	2,749	326	68
Passes	1,571	217	32
1962:			
Entries	3,047	368	111
Passes	1,520	272	69

3. BECHUANALAND*Political and constitutional developments**Proposed Constitution*

78. As was noted in the Special Committee's report to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. IX), consultations were initiated in July 1963 by the Resident Commissioner, at the direction of the Secretary of State, with respect to the further advance of Bechuanaland towards self-government. As a result of these consultations, broad agreement on the principles for a revised Constitution was reached, towards the end of the year, among the leaders of the existing political parties, the tribal chiefs and the European and Asian members of the Legislative Council. Subsequently certain minor amendments were agreed to and the United Kingdom Government has substantially accepted the proposals as the basis for the revision of the Constitution in the near future.

79. The proposals envisage a system of responsible government under which, subject to certain responsibilities and reserve powers to be vested in Her Majesty's Commissioner, the executive government of the Territory would be controlled by ministers drawn from and responsible to a legislative chamber elected by universal adult suffrage. The following is a summary of the proposals.

80. The Executive Council would be replaced by a Cabinet presided over by Her Majesty's Commissioner and consisting of a Prime Minister, a Deputy Prime Minister, up to five other ministers drawn from the Legislative Assembly, and the Financial Secretary.

who would be *ex officio* Minister of Finance. The Cabinet would have general direction and control of the Government of Bechuanaland and the Prime Minister and other ministers would be collectively responsible to the Legislative Assembly.

81. Provision would be made for the portfolio of Finance to be assumed by an elected minister at a time to be agreed between the United Kingdom and Bechuanaland Governments, and for the total number of ministers to be increased if the Prime Minister considered this necessary and the United Kingdom Government concurred. Portfolios would be assigned to ministers by Her Majesty's Commissioner in accordance with the advice of the Prime Minister.

82. The Attorney-General, who would be a public officer with independent powers in relation to the institution of criminal proceedings, would normally attend meetings of the Cabinet in his capacity as the Government's principal legal adviser.

83. Her Majesty's Commissioner would appoint as Prime Minister the member of the Legislative Assembly who appeared to him to be likely to command the support of a majority in the Assembly. The Deputy Prime Minister and other ministers, except, for the time being, the Minister of Finance, would be appointed from among members of the Legislative Assembly by Her Majesty's Commissioner in accordance with the advice of the Prime Minister.

84. The Prime Minister would be removable by Her Majesty's Commissioner only if a vote of no confidence had been passed by the Legislative Assembly and the Prime Minister did not within three days either resign or ask for a dissolution. The other ministers except, for the time being, the Minister of Finance would be removable by Her Majesty's Commissioner on the advice of the Prime Minister; they would also vacate their offices if, following a vote of no confidence, the Prime Minister resigned or was removed, or if he resigned after a general election.

85. Her Majesty's Commissioner would have the power to appoint up to three Parliamentary Secretaries, one of whom would be to the Ministry of Finance, from among members of the Legislative Assembly. There would be provision for the number of parliamentary secretaries to be increased if the Prime Minister considered this necessary and the British Government concurred.

86. Her Majesty's Commissioner, assisted by a Deputy Commissioner who would administer the Government in his absence, would be required to exercise his powers in accordance with the advice of the Cabinet except as otherwise provided, but would retain general reserve executive powers. Acting in his discretion, Her Majesty's Commissioner would be responsible for external affairs, defence, internal security and the control of the Public Service.

87. On matters of external affairs and defence, to the extent that such matters may be dealt with by the Government of Bechuanaland, Her Majesty's Commissioner would be required to keep the Cabinet fully informed and, where possible, to obtain their advice. In formulating questions to be put to the Cabinet and in exercising his responsibilities in respect of matters too urgent or too unimportant to make consultation with the Cabinet practicable, Her Majesty's Commissioner would wherever practicable act after consultation with the Prime Minister, whose advice he would normally accept. Similar arrangements would apply in

regard to internal security, including the organization, use and operational control of the Police.

88. In respect of public service appointments, promotions, transfers, dismissals and disciplinary control, Her Majesty's Commissioner would be assisted by an advisory, non-political, Public Service Commission.

89. The Legislature would be renamed the Legislative Assembly and consist of a Speaker, thirty-two elected members, four specially elected members, who would be chosen by the elected members of the Legislative Assembly to represent interests not otherwise adequately represented, the Financial Secretary with a vote for so long as he was an *ex officio* Minister, and the Attorney-General, who would not be able to vote.

90. The Speaker would be elected by the Legislative Assembly from amongst its own members or from outside the Assembly. A deputy Speaker would be elected by the Legislative Assembly from among its own members. Ministers and parliamentary secretaries would not be eligible for either office.

91. The life of the Legislative Assembly would be five years, unless dissolved earlier by Her Majesty's Commissioner acting either on the advice of the Prime Minister or in the event of a vote of no confidence.

92. Bechuanaland would be divided into thirty-two single-member constituencies, to be delimited and kept under periodic review by a delimitation commission consisting of a chairman and up to four members, all appointed by Her Majesty's Commissioner acting in his discretion.

93. Subject to certain exceptions concerning such persons as convicted criminals and the insane, all British subjects or British protected persons aged not less than 21 years, with a one-year residence qualification, would be qualified to register as voters.

94. Candidates for election to the Legislative Assembly should be registered voters with sufficient knowledge of English to be able to take an active part in the proceedings of the Assembly and not otherwise disqualified.

95. The Legislative Assembly would be prohibited from proceeding, without the consent of Her Majesty's Commissioner, with any bill or motion concerning the imposition or increase of any tax or charge on the revenue, or the compounding or remission of any debt due to the Government, or affecting the conditions of service, emoluments, pensions or gratuities of officers in the Public Service.

96. The Legislative Assembly would also be prohibited from proceeding with any bill affecting Chiefs, African authorities, African courts, customary law and tribal matters unless a draft of it had been referred to the House of Chiefs at least thirty days beforehand, or Her Majesty's Commissioner acting in his discretion had certified that it was urgent, in which case a copy of it would immediately be sent to the House of Chiefs. Other controls over the legislative process at present vested in Her Majesty's Commissioner would be retained.

97. There would be a House of Chiefs consisting of the chiefs of the eight principal tribes of Bechuanaland and four other members elected by the sub-chiefs of the Chobe, Francistown, Ghanzi and Kgalagadi districts from among their own number.

98. The House of Chiefs would consider draft legislation on the matters specified in paragraph 96 above and would be entitled to submit resolutions

thereon to the minister responsible. The minister, who would be entitled to take part in the relevant proceedings of the House of Chiefs but not to vote, would lay such resolutions on the table of the Legislative Assembly if he proceeded with the bill. The House of Chiefs would be available for consultation by ministers in respect of any matter. They would be entitled to discuss any matter within the executive and legislative authority of Bechuanaland which they considered it desirable to take cognizance of in the interests of the tribes they represented and to make representations to the Prime Minister, or through the Prime Minister to the Cabinet or to send messages to the Legislative Assembly. Chiefs would not be eligible for election to the Legislative Assembly.

99. The Constitution would contain a code of fundamental human rights, enforceable by the High Court.

100. The Government of Bechuanaland has announced that general elections, based on universal adult suffrage, will be held on 1 March 1965.

Political parties

101. Prior to 1961, there were no political parties in the Protectorate. Early that year, the Bechuanaland Peoples Party (BPP) was founded with Mr. Kgaleman K. Motsete as President, Mr. Philip Matante as Vice-President and Mr. Motsamai Mpho as Secretary. Towards the end of 1961, Mr. Seretse Khama founded the Bechuanaland Democratic Party (BDP).

102. Towards the end of 1962, Mr. Mpho was expelled from the BPP but for the next eighteen months refused to recognize the Party's action, despite the loss of an action which he brought in the High Court with a view to establishing the illegality of his "expulsion" and the validity of his claim to party funds, motor vehicles, etc. Therefore, until early 1964, there were two parties, both styling themselves "BPP", the original Motsete/Matante party and Mpho's followers. Early in 1964, Mr. Mpho formed the Botswana Independence Party (BIP) which will contest the forthcoming elections as a separate entity.

103. Towards the end of 1963, serious schisms occurred among the leaders of the BPP. Mr. Motsete expelled Mr. Matante from the party, whereupon Mr. Matante retaliated by expelling Mr. Motsete. Reconciliation has so far failed to materialize and the BPP remains once again divided against itself.

104. Messrs. Motsete, Matante and Mpho were all present at the constitutional discussions mentioned above, Messrs. Motsete and Matante representing the original BPP (before their differences had come into the open) and Mr. Mpho as representative of his own, unattached followers (before the emergence of the BIP).

Economic conditions

105. According to the information transmitted by the administering Power, the area of the Territory is distributed as follows: Crown lands, 104,000 square miles; European blocks, 4,400 square miles; Tribal Reserves, 108,000 square miles. With certain exceptions, all Crown land remains unalienated.

106. The bulk of crop production is derived from African dry-land farms. Most of the produce is grown to satisfy individual subsistence requirements and crop exports are not significant. The methods used by the Africans are generally inadequate and yields are consequently low. The major crops are grain, sorghum

and maize, which are the staple food of the African population. Other crops such as cowpeas, beans, millet, ground-nuts, wheat, tobacco, citrus and cotton are also grown. During 1963, Bechuanaland again suffered from drought conditions, with crops consequently poor. Therefore, large-scale importations of foodstuffs were necessary and emergency measures had to be taken for the provision of famine relief work in parts of the Territory.

107. The livestock and dairy industries contribute 87 per cent of the value of total exports. The cattle population in 1963 was 1,349,773 as compared with 1,352,000 in 1962 and 1,325,000 in 1960, 90 per cent being African-owned. Other animals such as sheep and goats are raised mainly for the internal market. Seasonal lack of water, shortages of grazing, outbreaks of disease and poor animal husbandry are the chief handicaps to the expansion of the industry.

108. Mineral production, chiefly of asbestos and manganese, accounts for 5.5 per cent of the Territory's exports. Small quantities of gold, silver and kyanite are also produced. There is some prospect of future development in coal and salt mining.

109. A few small industries based on cattle and crops are located in the principal centres of European settlement. The most important is the Lobatsi abattoir, owned jointly by the Commonwealth Development Corporation, the Government and a producers' trust, which processes carcasses for export and has a canning section. The abattoir, although comparatively small, is of the utmost economic importance to the Territory, representing 95 per cent of its internal economy. Other industrial establishments include a maize mill, tannery, creamery, soap factory and bonemeal factory.

110. The migration of African labour to work outside the Territory has an important bearing on the economy. About 20,000 Africans, representing approximately 20 per cent of the working population, are temporarily absent in South Africa and Southern Rhodesia at any one time. It is estimated that about £500,000 each year is brought into Bechuanaland by workers from abroad in deferred pay and other cash savings.

111. Commerce is largely in the hands of traders and general dealers who buy cattle, hides, grain, and other commodities from producers and maintain widely scattered general stores for foodstuffs, clothing and fuel.

112. South Africa and Southern Rhodesia are the chief markets for exports and the principal sources of imports. The main imports are maize and other foodstuffs, vehicles and parts, textiles and general merchandise. The major exports are cattle and cattle carcasses, hides, abattoir by-products, other animal products and asbestos. Cattle and cattle carcasses account for over 60 per cent of the Territory's exports and represented a value of £2.3 million in 1963, approximately the same as in 1962.

113. The volume of trade in recent years is shown in the following table:

Year	Imports (Value in thousand pounds)	Exports
1961	3,228	3,700
1962 ^a	3,201	3,680
1963 (estimate) ^a	2,427	3,527

^a Complete figures not available; figures shown represent principal items only.

114. The public sector has commanded an increasingly important role in the economy. The Government is the largest single employer of labour in the Territory, a major agent of capital formation, and through its agricultural and revolving loan funds, an important source of capital for the private sector. The following table shows the financial position of the Territory in the years 1960/61-1962/63:

Year	Revenue	Expenditure
	(Thousand pounds)	
1960/61	2,434	2,458
1961/62	3,215	3,328
1962/63	3,616	3,047

115. The major portion of the territorial revenue comes from direct and indirect taxes, which in 1962/63 accounted for 27 per cent of the total revenue. The Territory is benefited by grants-in-aid from the United Kingdom, which provided 39 per cent of the total revenue in 1960/61, 33 per cent in 1961/62, and 37 per cent in 1962/63.

116. Of the total expenditure in 1962/63, 13 per cent was allocated to public works, 10 per cent to veterinary services, 9 per cent to central and district administration, 8 per cent to education and 7 per cent to health.

117. The expansion of the livestock industry is, according to the Economic Survey Mission's report of 1960, the key to increased prosperity in Bechuanaland. Consequently there is an urgent need to conserve and make the best use of all available grazing and water.

118. During 1962, two livestock industry development teams were formed, one to operate in the north of the Territory and the other, in the south. During 1963, a team, consisting of three experts recruited from abroad, carried out investigations of the industry. A water development project was undertaken for the drilling of 225 boreholes during the 1960-1963 period and a further fifty a year during the following five years. Other projects included: (a) the completion in 1960 of the Notwani dam with a capacity of 430 million gallons; (b) the construction in 1963 of two dams near Gaberones and Lobatsi with a sustained draft of 3 and 0.25 million gallons respectively; (c) a preliminary investigation of Okavango water utilization; and (d) a survey of the hydrological resources of rivers in the Territory.

119. Economic development is also hampered by the inadequacy of communications. The concentration of the relatively small population in the eastern region, the lightness of the traffic, especially between east and west, and the inability of the Territory to afford improvements are limitations on the expansion of the communications system.

120. A Development Plan for 1963/68 has recently been published. The basic objects of the Plan are: first, to equip the Territory for early self-government by establishing a new capital at Gaberones and, consequently, to develop an urban core, equipped with basic services, around which commercial and industrial development can take place; secondly, to achieve the maximum development of its human resources through improved education; and, thirdly, to lay the foundation of economic viability by a comprehensive programme of surveys, by the further development of the economic infra-structure and by the encouragement of self-help activities. It is also proposed to reduce the Territory's dependence on budgetary aid from the United Kingdom through schemes likely to lead to an increase of national revenue. Such schemes, which include the

drilling of boreholes, land utilization surveys, and trypanosomiasis research, will be aimed at the modernization, expansion and improvement of agricultural and livestock industries, the expansion of mineral production and the encouragement of the tourist industry.

121. The Plan allows for a total expenditure, over the five-year period, of £2.4 million on the productive sector, £2.5 million on the infra-structure, £2.8 million on the social services, especially education, and £2.3 million on the new capital. It is estimated that the Territory can contribute only £0.5 million. It would therefore have to look mainly to external sources to finance this development programme.

122. In 1962/63, the Territory received Colonial Development and Welfare grants from the United Kingdom amounting to £535,115. For the period 1963/1966, total funds available for such grants total £2,428,000, the annual rate of expenditure depending on the pace at which its projects are carried out. Exchequer loans amounted to £225,000 in 1962-1963 and existing commitments for the period 1963-1966 total £360,000, with the prospect of additional loans. Additional grants of approximately £222,000 for the period 1963-1966 are also expected from the United Kingdom in connexion with projects included in the Development Plan. A further grant of £828,688 is to be made for the new capital. Total Colonial Development and Welfare grant and loan assistance given or envisaged for the period 1946-1966 amounts to £7.33 million.

123. Other contributions expected from external sources for projects in the Plan include £15,181 from WHO, £16,393 from the Expanded Programme of Technical Assistance, £5,000 from the United Nations Educational, Scientific and Cultural Organization (UNESCO) and £4,822 from FAO.

Social conditions

Racial discrimination

124. In July 1962, a Select Committee was appointed by the Legislative Council to examine and make recommendations on any laws or practices in Bechuanaland which distinguish between persons on grounds of race.

125. In its report, published in November 1963, the Committee, the majority of which was European, recommended that schools should become multiracial. It also recommended a uniform system of taxation, the prohibition of racially restrictive covenants in titles to freehold lands, the adoption of a non-discriminatory basis in the allocation and disposal of Crown land, positive legislation to prevent racial discrimination in public places and eventual adoption of a common legal and judicial code.

126. The Committee observed that existing social barriers were to a great extent based on economic differences and the class distinctions found in every community. It further remarked that much progress had been made in removing social barriers based on colour prejudice, but that existing exceptions caused justifiable resentment and anxiety; they would not be eradicated by exhortation, admonition or penal sanctions alone.

127. Following the acceptance by the Legislative Council of the report of the Committee, preparation of legislation to give effect to its recommendations was begun at the end of 1963.

Labour

128. A Labour Branch, headed by a Labour Officer, was established in April 1963. The immediate tasks of this Branch are to make proposals for future labour policy, to examine the need for new labour legislation and to initiate ways and means of compiling basic labour statistics, particularly in relation to the need for planned industrial training.

129. The vast majority of the population in Bechuanaland is engaged in cattle-raising and agriculture mainly on a subsistence basis. The number of persons in regular employment, apart from those employed or self-employed in cattle-raising, agricultural and domestic services, was approximately 8,950 in 1963, with the Government as the most important provider of employment. The average daily rates of wages paid to workers ranged from 2s. 6d. for labourers and watchmen to £1.10s, for managerial workers. Apart from the railways unions, there are three other general workers' unions registered and their paid-up membership is extremely limited. There is no form of association for government industrial workers.

130. As previously noted (see paragraph 10 above), owing to the lack of opportunities for wage earning in the Territory, large numbers of Africans have to migrate outside the Territory to work.

Public health

131. No vital statistics are kept for the Territory as a whole. The number of hospitals, dispensaries and beds available during the years 1960-1963 was as follows:

	1961	1962	1963
General hospitals	7	7	7
Cottage hospitals/health centres ..	5	5	13
Dispensaries	81	100	77
Beds	893	950	1,197

132. The total of 1,197 beds in 1963, was equivalent to twenty-six beds per 10,000 population. During the period 1961-1963, the total number of physicians increased from twenty to twenty-six, representing less than one physician per 10,000 persons.

Educational conditions

133. According to the information transmitted by the United Kingdom, in 1961 and 1962, about 30 per cent of the total population 10 years of age and over were illiterate.

134. Governmental expenditure on education during 1960/61—1962/63 was as follows:

	1960/61	1961/62 (Pounds)	1962/63
Recurrent expenditure	321,000	291,200	315,400
Capital expenditure	75,000	73,500	20,900
TOTAL	396,000	364,700	336,300

135. The 1962/63 total represented 8 per cent of the total expenditure of the Territory. Of this total, £75,500 was contributed by the United Kingdom Government. Expenditure by missions amounted to £35,000.

136. Educational development in recent years is shown in the table below:

	Schools	Enrolment	Teachers
Primary education			
1961	214	40,090	1,095
1962	235	46,536	1,334
1963	239	54,845	1,343
Secondary education			
1961	5	717	31

	Schools	Enrolment	Teachers
1962	6	764	51
1963	8	965	60
Teacher training			
1961	1	120	11
1962	1	117	11
1963	2	167	13
Vocational training			
1961	2	48	4
1962	1	40	7
1963	2	80	10
Higher education			
1961	—	11 ^a	—
1962	—	19 ^a	—
1963	—	45 ^a	—

^a Extraterritorial.

137. In 1963 there were approximately 85,000 children of primary school age, of whom 65 per cent were attending school. There was a preponderance of girls in the primary schools, owing mainly to the employment of younger sons by their parents as cattleherds. In recent years, the number of children completing more than a four-year primary course has been little more than a sixth of the initial enrolment. In consequence, the number of pupils with sufficient education to profit from general secondary education, vocational and teacher-training has been limited.

138. The secondary schools have only two classes preparing candidates for the Cambridge School Certificate examination and the annual output of successful candidates is about a dozen. No institutions of higher education exist in the Territory (see paragraph 15 above).

139. Measures were initiated in January 1964 to implement the recommendation of the Select Committee that schools in the Territory should become multiracial. According to reports, all schools wholly or partly maintained by public funds were classified according to their language medium: English or Tswana. Children previously entitled to enrol at English language medium schools would continue to be so entitled, and additional admissions would be open to any race up to the capacity of each school and on the basis of a determination by the principal that the applicant is adequately proficient in English. At present many of the European children go to South Africa or South West Africa for their primary education and almost all of them for their secondary education.

140. Educational development plans for the period 1963-1968 have been approved in principle. They provide for the continuation and completion of existing schemes, mainly those relating to teacher-training and technical training, and the expansion of the scholarship programme, for the improvement and extension of facilities for secondary education, and for the development of primary education. A UNESCO mission visited the Territory during June 1964 to assist the Bechuanaland Government in the preparation of these plans.

141. One of the main aims of the plans is to fill 373 of the 676 Grade I and II civil service appointments in Bechuanaland with local recruits in the next ten years. In May 1963, a committee was appointed to review and implement localization and training policy. As a result of proposals put forward by the committee, measures were taken to start a Bechuanaland Training Centre in 1964 for trade, technical, administrative, executive and clerical training. Furthermore, on-the-job training, evening class work and other measures were introduced to intensify the localization drive.

4. SWAZILAND

*Political and constitutional developments**Opposition to the new Constitution*

142. Developments leading to the announcement by the Secretary of State for the Colonies on 30 May 1963 of the introduction of a new Constitution and the rejection of this Constitution by some of the African political parties have been described in the report of the Special Committee to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. IX).

143. Following the announcement of the new Constitution, the traditional elements, led by the Ngwenyama (Paramount Chief) and supported by the European settlers, made several unsuccessful attempts to secure its revision. These attempts included the dispatch of two delegations in July and November 1963 to make representations to the Secretary of State and the submission of a petition which was placed before the House of Commons on 19 November 1963. The Ngwenyama's principal demands were that land and mineral rights should not be subject to legislation by the Legislative Council, as was proposed in the new Constitution, and that the Constitution should accord to him his rightful status, with commensurate powers in the Government. He also urged that the method of election to the legislature should be changed so that qualified Europeans could opt to be registered on either the European roll or the national roll but not on both, and that qualified Swazis could choose either to participate in the Swazi traditional manner or to be registered on the national roll.

144. After the Constitution came into force, on 2 January 1964, an unofficial referendum was organized by the Ngwenyama and the Swaziland National Council, with the approval of the European Advisory Council, the object of which was to demonstrate his and the people's disapproval of the new Constitution and to reinforce his demands for revision. This referendum took place on 19 January 1964. No precise question was set out on the ballot papers but the voting purported to determine whether or not the people were in favour of the Ngwenyama's petition to the United Kingdom Parliament. The referendum was boycotted by many Europeans as well as by the African political parties, which felt that the issues involved had been confused with the question of personal loyalty to the Ngwenyama. The Government of the Territory also declared that with the promulgation of the Constitution, the Secretary of State regarded the issue as closed and that it therefore dissociated itself completely from the exercise. In the event, about 123,000 votes were recorded, out of which fewer than 200 were cast against the Ngwenyama. In reply to a question in the United Kingdom House of Commons on 11 February 1964, the Under-Secretary of State for Commonwealth Relations and the Colonies stated that he interpreted this result as a clear demonstration of confidence in the person and office of the Ngwenyama.

145. Subsequently, the Swazi National Council agreed no longer to oppose the introduction of the proposed Constitution. The Swaziland Progressive Party and the Ngwane National Liberatory Congress also decided to participate in the elections under the new Constitution.

New Constitution

146. Under the new Constitution, a Commissioner appointed by Her Majesty the Queen will be directly

responsible to the Secretary of State for the government of the Territory. The executive powers will be vested in the Commissioner, assisted by an Executive Council, which will consist of three *ex officio* members, namely, the Chief Secretary, the Attorney-General and the Secretary for Finance and Development and five members appointed by the Commissioner, comprising four members of the Legislative Council and one official. In formulating policy or exercising his powers, the Commissioner will normally consult the Executive Council but is empowered to act contrary to the advice given to him by the Council. He will exercise the royal prerogative of mercy at his discretion.

147. The Legislature will consist of His Majesty's Commissioner and a Legislative Council composed of a Speaker appointed by him, twenty-four elected members, the four official members of the Executive Council and an unspecified number of other members to be nominated by the Commissioner in his discretion. The twenty-four elected members will be:

(a) Eight Swazis, certified by the Ngwenyama-in-Council as elected by traditional methods; they must be British subjects or British protected persons aged 21 or above with three years' residence in Swaziland;

(b) Eight Europeans who are qualified voters, four elected by voters on a European roll and four on a national roll;

(c) Eight persons of any race who are qualified voters, elected by voters on a national roll.

148. It is intended that the Commissioner's powers to nominate members would be used to secure representation of interests or communities which, in his opinion, are not adequately represented in the Legislative Council, and to ensure that the Government might be carried on should abnormal circumstances arise. The life of the Legislative Council will be four years, unless dissolved earlier. The power to prorogue or dissolve will be vested in the Commissioner.

149. Bills passed by the Legislative Council will be submitted to Her Majesty's Commissioner for assent and a general power of disallowance of laws will be reserved to the Crown. The Legislative Council will be prohibited from proceeding, without the consent of the Commissioner, with legislation imposing or increasing any tax or charge on the revenue, or remitting any debt due to the Government. The Commissioner is empowered to declare that any bill introduced in the Council shall have effect as if it had been passed by the Council.

150. Swaziland will be treated as a single constituency for the election of Europeans by voters on the European roll. For elections by voters on the national roll, the Territory will be divided into four constituencies, each returning three members; the seat of one of these members will be reserved for a European.

151. The following persons will be qualified to register as voters:

(a) European roll: Europeans aged 21 years or above who are British subjects or British protected persons and have resided in Swaziland for at least three years. Until 31 December 1964, Europeans who are South African citizens will also be qualified to register as voters, subject to the same age and residence qualifications;

(b) National roll: Persons aged 21 years or above who are British subjects or British protected persons, have resided in Swaziland for at least three years and pay direct tax or, in the case of women, are married

to a person who pays direct tax. Where polygamously married women are concerned, only the wife married to the taxpayer for the longest period or recognized as the senior wife will be so qualified.

152. These provisions, in effect, exclude unmarried women, widows and junior wives, as well as Africans from South Africa, from registering as voters.

153. Provision is also made in the Constitution for the immunities and privileges of the Ngwenyama and for the vesting in him of Swazi nation land and mineral rights on behalf of the Swazi nation. His other powers include the right to request the Executive Council to reconsider advice tendered by it to the Commissioner.

Political parties

154. In early 1963, a faction of the Swaziland Progressive Party which had broken away the previous year, constituted itself as the Ngwane National Liberatory Congress. The party is led by Dr. Ambrose Zwane and prominent office-bearers include Mr. Macdonald Maseko and Mr. Dumisa Dlamini. The trials of several members of this party, arrested in connexion with the strikes in May and June 1963, to which reference is made in the report of the Special Committee to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. IX, para. 17) were concluded in February this year. It is reported that Dr. Zwane and ten other members of his party were acquitted on all charges of public violence and nine other persons, including Mr. Maseko and Mr. Dlamini, were convicted of public violence and given suspended sentences.

155. It is reported that in April 1964, the Ngwenyama, on the advice of his European legal adviser who is South African in origin, formed the Imbokodwe Party in order to contest the election. This party has the endorsement of the Swazi National Council and other chiefs and members of the Ngwenyama's household. It also received pledges of support from the United Swaziland Association, led by another South African, Mr. Carl Todd. He had previously made common cause with the Ngwenyama in opposing the constitutional reforms demanded by the African political parties.

156. During the same period, the Swaziland Independent Front was formed by a group of Europeans who were dissatisfied with certain of the policies of the United Swaziland Party. It is reported that the platform of the Swaziland Independent Party includes opposition to the early introduction of universal franchise and to the immediate granting of independence for Swaziland. At the same time, it rejects *apartheid* and is not in favour of the incorporation of Swaziland in any Bantustan scheme.

Results of the elections

157. The elections held in June 1964 for the Legislative Council established under the new Constitution resulted in the winning of all twelve national roll seats by supporters of the Ngwenyama, eight of whom are members of the Imbokodwe Party. The four European roll seats were won by the United Swaziland Association. The other eight elected seats have been filled by persons certified by the Ngwenyama, as required by the Constitution.

158. Towards the end of June, Mr. Carl Todd, the leader of the United Swaziland Association, is reported to have said that the first move of the new Legislative Council would be to press the United Kingdom for a

new constitution in keeping with the traditions and character of the people; his party and the leaders of the Swazi traditionalists were opposed to elections and favoured the re-establishment of the former Swazi system of traditional rule coupled with a policy of good-neighbourly co-operation with South Africa.

Economic conditions

159. Swaziland, the most prosperous of the three former High Commission Territories, is primarily a farming and stock-raising country, but mining, industrial and commercial activities are established and are increasing. Although some 10,000 Swazis still seek work in South Africa, many non-Swazi Africans come to work in the Territory.

160. During 1963, the gross private income of self-employed persons, chiefly farmers, and commercial and industrial undertakings in the Territory was estimated at over £15 million, equivalent to more than £50 per head. This does not take into account at least £2.5 million worth of food produced under subsistence conditions in rural Swazi areas. Furthermore, remittances from workers abroad to dependants in Swaziland totalled more than £185,000.

161. Swaziland has good soil, a favourable climate and an abundant supply of water. Of the Territory's total area of 4.3 million acres, some 55 per cent is available for occupation by the Swazis and some 42 per cent is owned by Europeans or Euraficans. In 1963, there were about 5,000 African full-time farmers, of whom over 400 were enrolled in the Master Farmer Scheme. European farmers numbered 500 and Eurafican farmers, 100.

162. The main dry-land crops are maize, the staple diet of the Swazis, kaffir corn, millet, potato, ground-nuts, vegetables, fruit, tobacco and cotton; the last three being the most important cash crops. Subsistence agriculture accompanied by low yields has been the standard pattern for Swazi farmers but there is increasing emphasis on cash crops.

163. The output of dry-land crops, particularly cotton and maize, increased considerably in 1963, from a low point reached in the previous year; fluctuations in production in this period were due mainly to climatic conditions during the growing season. Throughout the same period, production from irrigated land continued to rise. Sugar-cane, rice and citrus are the main crops cultivated on irrigated land. Irrigation farming on a commercial scale has been developed during the past decade and is growing in importance. However, it has generally made little impact on the Swazi farmer. Besides several smaller ones, there are three main irrigation schemes, the Swaziland Irrigation Scheme run by the Colonial Development Corporation, the Malkerns Irrigation Scheme, and the Big Bend Irrigation Scheme.

164. Traditionally, the Swazis are pastoralists; they favour cattle, but also keep sheep, donkeys and pigs. Swazi owners of livestock are coming to regard them as a source of cash income but their methods of animal husbandry are still inadequate. European and Eurafican farmers together hold about a third as many cattle and sheep as the Swazis. In 1963, the total number of livestock decreased, but exports of cattle continued to increase.

165. The Government has taken a number of steps towards further development of the agricultural and livestock industries. In 1962, the Master Farmer Scheme was initiated, the Research Station at Malkerns

opened and a Commission of Enquiry appointed to make investigations of the livestock industry. In 1963, an enlarged cotton experiment programme was started and a cotton research unit set up. The same year also saw the expansion of an experimental unit farms project designed to study the economics of farming systems in the main ecological areas of Swaziland. Moreover, the two existing training centres run by the Agricultural Department were amalgamated with a view to integrating the field services approach to crop and livestock farming. Finally, plans were advanced for the establishment of an Agricultural College and Short Course Centre with assistance from the United Kingdom Committee of the Freedom from Hunger Campaign and the Oxford Committee for Famine Relief.

166. There are three major forest enterprises: Usutu Forests, initiated by the Colonial Development Corporation in 1948 with 119,000 acres; Peak Timbers, Ltd., with 75,000 acres; and Swaziland Plantation, Ltd., with 11,000 acres. All are in the high veld, where the rate of growth of conifers and eucalyptus is very high. The wattle industry, which is integrated with that of South Africa, is of considerable importance.

167. Manufacturing industries in Swaziland are concerned with the processing of agricultural, livestock and forest products. In recent years, there has been considerable industrial development in the Territory. The establishment of a sugar industry was facilitated by an agreement reached in 1957 with the South African Government. Under this agreement, Swaziland received a share, limited to 80,000 tons, of the South African domestic and export quota. The industry has been based on two mills, with a milling quota of 40,000 tons each. The original agreement has recently been revised and as from 1964, Swaziland's fixed quota of 80,000 tons will be replaced by a variable one, amounting to 8.5 per cent of the combined sales of South African and Swaziland sugar. It is estimated that as a result, Swaziland production will increase to about 125,000 tons in the 1964/65 season.

168. In 1959, the Colonial Development Corporation and Courtaulds, Ltd. formed the Usutu Pulp Company for the production of unbleached sulphate pulp. A pulp mill costing £5 million began production in 1961. The Swazi nation acquired shares in the Usutu Pulp Company in 1962.

169. In 1961, the Swaziland Iron Ore Development Company, Ltd., a joint project of the Anglo-American Corporation of South Africa and Guest, Keen and Nettlefolds, with the Colonial Development Corporation also participating in the equity, initiated plans to develop the iron ore deposits at Ngwenya for the supply of 12 million long tons of high-grade ore to Japanese iron and steel companies over a period of ten years beginning in 1964.

170. Other industrial establishments include a sawmill and chipboard factory, a cannery, a malt factory, a maize mill, a rice drying plant, a creamery, two mineral water factories, two tire retreading factories, a printing works and a hand-weaving factory.

171. Asbestos, the most important mineral product, is mined by Messrs. Turner and Newall, who operate the Havelock Mine in the Pigg's Peak area, one of the largest asbestos mines in the world.

172. The volume of trade in recent years is shown in the following table:

Year	Imports (Thousand pounds)	Exports
1961	5,120	6,335
1962	7,615	7,351
1963	9,875	10,915

173. Attempts have been made at diversification of exports. Prior to 1960, asbestos was the main export item. Since then, exports of agricultural, pastoral and forest products have increased in over-all importance, owing primarily to the emergence of the sugar industry.

174. The main imports were: maize and other foodstuffs, vehicles and parts, petrol, oil and lubricants, railway plant and equipment, electrical machinery, timber and other building materials. In 1963, imports of capital goods increased substantially, reflecting a rapid expansion of basic overhead facilities in the Territory. Trade is mainly with South Africa.

175. The financial position of the Territory in recent years is shown in the following table:

Year	Revenue (Thousand pounds)	Expenditure
1960/61	1,563	1,820
1961/62	2,163	2,279
1962/63	2,559	2,573

176. The main sources of territorial revenue are direct and indirect taxes. These two taxes represented 45 per cent of the revenue for 1962/63. The Territory receives grants-in-aid from the United Kingdom, which were responsible for 12 per cent of the total in 1961/62 and 19 per cent in 1962/63.

177. Of the total expenditure in 1962/63, 16 per cent was allocated to public works, 15 per cent to education, 14 per cent to central and district administration, 10 per cent to agriculture and 7 per cent to health. According to a recent announcement, the decision to retain United Kingdom troops brought in at the time of the disturbances in June 1963, will entail the building of a military cantonment, increasing the expenditure on public works by £819,000 during 1963-1965.

178. An important problem for Swaziland is the inadequacy of power supplies and of the transport system. Efforts are being made to cope with this problem. There are three major development projects costing £13 million in these fields, which are expected to be brought to completion in 1964. The Swaziland Electricity Board's hydro-electric scheme, the first national power project, will eventually generate 30,000 kw.; its cost of £1.5 million is being financed mainly by IBRD. The construction of a 140-mile railway from Ngwenya to a railhead at Goba in Mozambique, will provide a through rail link to the port of Lourenço Marques; most of the cost will be met by the Colonial Development Corporation. The third project is an all-weather highway which will cross Swaziland from west to east; the Colonial Development and Welfare Fund and the International Development Association have contributed £1 million each towards the cost.

179. During the period 1960-1963, Colonial Development and Welfare grants totalling £1.9 million were made to the Territory and allocated to public works, education, agriculture, health and mineral development. Funds totalling £2.4 million are expected to be available for similar grants during 1963-1966; the annual rate of expenditure will depend on the pace at which its projects are carried out. Exchequer loans to the Territory during 1960-1963 amounted to £1.4 million and for the period 1963-1966, existing

commitments amount to nearly £0.7 million. Over the period 1946-1966, total Colonial Development and Welfare grant and loan assistance given or envisaged totals £9.51 million. Colonial Development Corporation investment during 1960-1963 amounted to £5.3 million and further investment will depend on what projects are proposed.

Social conditions

Racial discrimination

180. In March 1962, proclamations for removing racial discrimination from the liquor laws and for preventing racial discrimination in public places were made.

Labour

181. The principal occupations are in the fields of agriculture, forestry, mining, building and government service. Colonial Development Corporation and private enterprise projects also provide employment for considerable numbers of Swazis. In 1962, about 138,000 Swazis, or 51 per cent of the total African population, were of working age (between 15 and 64), comprising 65,800 men and 72,100 women. Of these, 32,500 men and 5,700 women were employed. There is considerable underemployment in the rural areas. Though the overall supply of unskilled labour is generally sufficient for present requirements, there is a marked shortage of skilled and semi-skilled labour. Recently, unemployment among unskilled labour has risen considerably, mainly because of a lull in activity in the contracting field as well as in the production of dryland crops in 1961 and 1962. The Government has taken steps aimed at easing the problem of unemployment. These include the widening of employment opportunities by accelerating economic development in the Territory, and the formulation of plans for the establishment of an Apprenticeship Board and the appointment of a Controller of Apprenticeships. The number of registered trade unions increased from two in 1961 to four in 1962 and eight in 1963.

182. As mentioned in the report of the Special Committee to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. IX), a strike occurred at the Havelock asbestos mine during May 1963 in support of pay increases and improved conditions. After the announcement of the new Constitution on 30 May 1963, it developed into a general strike, reportedly involving some 5,000 African workers, who returned to work on 19 June 1963. The origin of the general strike was said to be political.

183. It was subsequently reported that Sir John Houlton had been appointed by the United Kingdom Government to investigate the causes and circumstances of the strike at the mine. In his report, issued in July 1963, he stated that a proportion of the workers were misguided in starting the strike and had allowed the situation to be exploited for political ends. While considering the present wage scale at the mine to be a fair one, he suggested that the management should re-examine it in the light of any recommendations that may be made by a board of inquiry, which is to investigate wages in the Territory. He also recommended that dismissals should be ordered only by a senior official of the mine, that a work council should be established with the approval of the Labour Commissioner, and that more personal contact should be established between the management and workers.

184. In 1963, the average annual wages of African workers in the principal industries continued to increase, but were lower than those of European workers. These differences arose mainly from the fact that African employees generally performed less skilled tasks. It is reported that wages councils for agriculture, hotels and catering, and retail distribution, as well as for government employees, will shortly be established. These councils will consist of representatives of employers and workers and will include independent members.

185. Among the newly enacted legislation governing industrial relations was the Industrial Conciliation and Settlement Proclamation, 1963. It provides for the establishment of joint negotiating machinery at the level of the individual firm or industry; the reporting of trade disputes and their settlement by conciliation, arbitration and inquiry; and compulsory arbitration in essential services. Several employers have set up joint consultative machinery, with elected workers' representatives in some cases.

Public health

186. During the period 1961-1963, the number of general hospitals increased from 7 to 8, clinics from 26 to 38 and beds from 722 to 743.

187. The total of 743 beds in 1963 was equivalent to 26 beds per 10,000 persons. During the period 1961-1963, the total number of physicians increased from 35 to 39. This represents one physician per 10,000 persons.

188. The most prevalent diseases are tuberculosis, which is the Territory's chief health problem, infantile gastro-enteritis, malnutrition, pneumonia and bilharziasis. The WHO/UNICEF assisted Tuberculosis Control Project started operations in 1963. Malnutrition, attributable to a diet consisting almost entirely of maize, continues as a significant cause of child morbidity and mortality, while the number of cases of pellagra in adults is also significant. The small Health Education Unit has operated in clinics, at schools and with adult groups. The distribution of dried skimmed milk given by UNICEF continues through various agencies. There is a Malaria Control Unit which, with assistance from WHO, has virtually eliminated the disease.

Educational conditions

189. According to the information transmitted by the United Kingdom, 65 per cent of Africans over nine years of age and resident in urban areas, are literate; in the rural areas, the proportion is 28 per cent. According to figures published by UNESCO, the Territory has one of the highest illiteracy rates in Africa. Literacy is almost universal among Eurafricans and Europeans.

190. In 1962, the separate Boards of Advice on African, Eurafrican and European Education were replaced by a single, interracial Education Advisory Board. The policy of school integration endorsed by the new Board was put into practice in January 1963. A Common Grade I syllabus for all races was introduced in 1963, to be followed by a Common Grade II syllabus in 1964, and so up the primary ladder as full integration proceeds.

191. Further, as a first step towards the integration of secondary schools, a multiracial boarding school was established in 1963 at Mbabane, with an initial

enrolment of sixteen, comprising three Eurafrican, five African and eight European pupils.

192. During 1962, a unified teaching service and a provident fund for the benefit of non-government teachers were established and comprehensive legislation covering them was promulgated. New legislation to apply to the education of pupils of all races was expected to be enacted in 1964.

193. Expenditure on education during the period 1960/61-1962/63 was as follows:

	1960/61	1961/62 (Pounds)	1962/63
Territorial budget	289,000	401,800	386,400
Colonial Development and Welfare grants	66,600	233,700	292,400
TOTAL	355,600	635,500	678,800

In addition, expenditure by missions during this period increased from £41,500 to £126,000.

194. The following table shows the educational development from 1960 to 1962:

<i>Primary education:</i>	1960	1961	1962
<i>Schools:</i>			
African	282	288	292
Eurafrican	5	5	6
European	11	12	12
<i>Enrolment:</i>			
African	32,676	35,785	39,263
Eurafrican	582	612	640
European	1,192	1,243	1,128
<i>Teachers:</i>			
In African schools	867	989	1,131
In Eurafrican schools	22	17	20
In European schools	51	54	64
<i>Secondary education:</i>			
<i>Schools:</i>			
African	15	18	24
Eurafrican	3	3	3
European	3	3	3
<i>Enrolment:</i>			
African	1,211	1,554	1,999
Eurafrican	61	70	89
European	268	297	427
<i>Teachers:</i>			
In African schools	72	74	101
In Eurafrican schools	8	9	8
In European schools	30	28	30
<i>Specialised education:</i>			
<i>Teacher training (for Africans only)</i>			
Schools	3	3	3
Enrolment	93	111	107
Teachers
<i>Vocational training (for Africans only)</i>			
Schools	2	2	3
Enrolment	80	87	94
Teachers

195. In 1963, when a unified educational system was established, there were 327 schools with 47,329 pupils made up of 44,944 Africans, 1,545 Europeans and 840 Eurafricans. Of the total enrolment, 44,430 were in primary classes, 2,653 in secondary classes and 246 in technical and vocational training classes.

196. For European children, education is compulsory up to the age of sixteen. It is estimated that in 1962 approximately 65 per cent of the African children of school age were receiving schooling. Many failed to continue beyond the Standard II level; of

those who did continue, about half dropped out before reaching Standard VI. During the year, students who passed the Standard VI, Junior Certificate and Matriculation Examinations numbered 917, 194 and 13 respectively.

197. Facilities for the training of African teachers are still inadequate. At the end of 1962, only forty-one trainees passed the final examination. A new government teacher-training college was opened in the same year and plans have been made for its expansion.

198. There are no facilities for higher education in Swaziland, but 76 Swazi students, compared with 42 in 1962 and 27 in 1961, were attending various institutions outside the Territory in 1963 (see also paragraph 15 above).

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

199. The Special Committee considered Basutoland, Bechuanaland and Swaziland at its 287th, 292nd to 294th, and 296th to 299th meetings held between 6 October and 2 November 1964.

Report of the Secretary-General

200. On 19 October 1964, the Secretary-General submitted to the Special Committee a report (A/AC.109/98) containing a summary of the information received from the agencies concerned regarding the steps they had taken to increase economic, financial and technical assistance to the Territories in the light of operative paragraph 5 of General Assembly resolution 1954 (XVIII).

Written petitions

201. The Special Committee circulated the following written petitions concerning the Territories:

	<i>Document No.</i>
<i>Basutoland</i>	
Mr. Josiel Lefela	A/AC.109/PET.220 and Add.1
Mr. J. T. Khalala	A/AC.109/PET.270
<i>Bechuanaland</i>	
Messrs. Peter D. Maruping, Secretary-General, and P. G. Matante, President, Bechuanaland Peoples Party	A/AC.109/PET.221 and Add.1 and 2
Mr. E. R. Mokobi, Secretary-General of the Botswana Independence Party	A/AC.109/PET.263
<i>Swaziland</i>	
Mr. C. D. Dlamini, Secretary, Joint Council of Political Parties in Swaziland	A/AC.109/PET.291
Mr. Timothy M. J. Zwane, President of the Swaziland Students Union	A/AC.109/PET.323

202. The petitions indicated as A/AC.109/PET.220 and Add.1 and A/AC.109/PET.291 contained requests for hearings, which were approved by the Special Committee at its 253rd meeting on 7 May 1964 and at its 280th meeting on 22 September 1964, respectively. However, the petitioners who made the requests have not yet appeared before the Special Committee.

General statements by members

203. The representative of the United Kingdom of Great Britain and Northern Ireland said that his dele-

gation would give an account of developments in Basutoland, Bechuanaland and Swaziland since the discussions of the previous year in the Special Committee and in the General Assembly.

204. With regard to Swaziland, at the 199th meeting of the Special Committee, his delegation had described the constitutional arrangements which had been decided upon by the United Kingdom Government after the Conference in January and February 1963 had failed to agree on a number of matters. Those arrangements had been embodied in an Order in Council, which had come into operation on 3 January 1964 and which provided for the protection of fundamental rights and freedoms, including the rights, irrespective of race, tribe, place of origin, political opinion, colour, creed or sex, to life, liberty, security, freedom of conscience, of expression and of assembly and protection of home and property.

205. Elections under the new Constitution had been held in June 1964. The Imbokodwe Party had won six of the twelve national roll seats and the United Swaziland Association had won all four of the European roll seats. About 71 per cent of the electorate had gone to the polls for the national roll elections. In addition, eight members of the new Legislative Council had been elected by traditional Swazi methods in accordance with the Constitution. Thus Swaziland now had an elected Legislative Council, which marked a very substantial step forward in the direction of full internal self-government.

206. With regard to Bechuanaland, the United Kingdom Government had announced in April 1963 that the Resident Commissioner of Bechuanaland had been asked to initiate constitutional discussions in the Territory with a view to further political advances. The consultations had taken place towards the end of 1963, with the participation of all the political parties, the chiefs and the representatives of the European and Asian communities. They had resulted in the unanimous adoption of proposals, which had been submitted to the United Kingdom Government at the beginning of 1964. The United Kingdom Government had proposed certain minor amendments, which had been unanimously accepted by those who had taken part in the discussions.

207. On 2 June 1964, the Secretary of State for Commonwealth Relations and for the Colonies had indicated that the United Kingdom Government accepted those proposals as the basis for a revision of the Constitution. The proposals provided for a ministerial form of government based on universal adult suffrage with no separate racial representation in the Legislature. The Legislative Assembly would consist of about thirty-two elected members, together with four special members elected by the Legislature itself to enable persons of outstanding calibre, or persons representing special interests who might not be elected by ordinary means, to serve in the Assembly. The Resident Commissioner, whose title had been changed to that of Her Majesty's Commissioner, would retain special responsibility for external affairs, defence, internal security and the Public Service; as was usual at that stage of constitutional development, he would also have general reserve powers but they would be used only in exceptional circumstances. Chiefs would not be eligible for election to the Assembly but there would be a House of Chiefs to examine draft legislation on tribal matters. The House of Chiefs would also be available for consultation by the Government on other matters and would be able to make representations to the Government on

all tribal affairs. Lastly, the Constitution would contain a section to safeguard fundamental human rights. Elections under the new Constitution would be held on 1 March 1965 and to that end the necessary constitutional instruments had already come into force.

208. In announcing the United Kingdom Government's acceptance of those important new constitutional changes, which represented the unanimous wishes of all the political groups and of the main communities in the Protectorate, the Secretary of State for Commonwealth Relations and for the Colonies had declared that the new Constitution represented an important step towards the independence of Bechuanaland, which the United Kingdom Government had no wish to delay any longer than was necessary.

209. Turning to Basutoland, he recalled that in 1962 the Paramount Chief of Basutoland had appointed a Constitutional Commission to review the present Basutoland Constitution and to formulate proposals for constitutional advance. The Commission's report, submitted in October 1963, had contained recommendations for a new provisional Constitution which could, without extensive changes, become the constitution of an independent Basutoland. The report had been unanimously accepted by the Basutoland National Council on 11 February 1964, subject to a few amendments which had subsequently been incorporated. Then, at Basutoland's request, the United Kingdom Government had held a Constitutional Conference in London from 20 April to 15 May 1964. Although the representatives from Basutoland had represented a number of varying political points of view, they had participated in the Conference as a single national delegation.

210. The Conference had concluded with full agreement on a new Constitution which was to come into force in the immediate pre-independence period and was to form the basis of the Constitution of an independent Basutoland. The first elections were to be held, if possible, before the end of 1964 and preparations were actively under way. In the pre-independence period, the United Kingdom Government would retain responsibility for defence, external affairs, internal security and the Public Service. There would also be special powers to ensure proper financial administration, in view of the reliance of Basutoland on financial assistance from the United Kingdom in order to balance its budget. The United Kingdom Government had declared its intention of delegating those powers as fully and quickly as possible. It was expected that the Paramount Chief would become the Head of State on independence. Meanwhile, he would perform his duties in the name of the Queen. He would be, in fact, a constitutional monarch, acting on the advice of ministers, with a Privy Council consisting of the representative of the United Kingdom, the Prime Minister and one other person, nominated by the Paramount Chief himself. The Parliament would consist of a Senate with twenty-two principal chiefs and eleven others nominated by the Paramount Chief, and a National Assembly of sixty members elected by universal adult suffrage.

211. The published report of the Conference recorded the statement of the Secretary of State for Commonwealth Relations and for the Colonies that the United Kingdom Government did not wish to withhold independence longer than the people of Basutoland considered necessary and that it was disposed to approve a constitution for independence on the lines recommended in the report of the Constitutional Com-

mission. Accordingly, the United Kingdom Government had undertaken that if, at any time not earlier than one year after the new elections, the people of Basutoland, by resolutions of both Houses or, in the event of disagreement, by a majority vote on a referendum, should ask for independence, the United Kingdom Government would seek to give effect to their wishes as soon as possible. The Secretary of State had added that the United Kingdom Government would base its policy on the firm expectation that the request for independence would be confirmed one year after the new elections and would take effect as soon as possible thereafter; the United Kingdom Government would accordingly set in motion the preparations for independence at once. That had been done and it was still hoped that the elections would be able to take place before the end of 1964. Even if it did not prove possible to complete the administrative arrangements in that time, any delay was unlikely to be longer than one or two months.

212. In May 1964, the United Kingdom Government had announced in the House of Commons the abolition, which had come into effect on 1 August 1964, of the post of High Commissioner for the High Commission Territories in South Africa, a post which had previously been held by the British Ambassador in the Republic of South Africa. The Resident Commissioner in Basutoland and Her Majesty's Commissioners in the Bechuanaland Protectorate and Swaziland were now directly responsible to the United Kingdom Government.

213. Thus, within the preceding eighteen months, major steps had been taken, in consultation with representative opinion in the Territories concerned, to transfer power progressively to local hands. Striking progress had thus been made in the three Territories under consideration. He was convinced that the Special Committee would welcome that progress and would want to express its good wishes to the peoples concerned for success in the rapid movement towards self-government and self-determination.

214. The representative of Cambodia said that the Basutoland Constitutional Conference had not yet led to the adoption of a constitution despite the recommendation by the 1961 Constitutional Commission that a constitution should be adopted in 1964. The United Kingdom Government had, however, given the assurance that preparations for independence would begin without delay and that all necessary arrangements would be made to hold new elections before the end of 1964. While he noted the United Kingdom Government's readiness to accede to a request for independence by the people of Basutoland as early as possible, provided that such a request was made at least one year after the new elections, he thought that that situation was far removed from the provisions of operative paragraph 3 of General Assembly resolution 1514 (XV) of 14 December 1960.

215. With regard to Bechuanaland, the proposed constitutional changes were a step towards the transfer of powers to the people of the Territory but would not lead to full self-government. In particular, Her Majesty's Commissioner would retain reserve powers not only in external affairs, defence and internal security but also over the Public Service; he would also preside over the Council of Ministers and would appoint its members.

216. In Swaziland, under the new Constitution which had entered into force on 2 January 1964, executive and legislative powers were virtually in the hands of the Commissioner, who was responsible only to the United Kingdom Government. The Commissioner could disregard the Executive Council's advice and could declare legislation submitted to the Legislative Council enacted as if it had been adopted by the Council. He also had the right to prorogue or to dissolve the Council. Thus, although the action taken by the administering Power in Swaziland constituted a major step toward self-government, it had not led to complete self-government or to independence.

217. It could thus be seen that General Assembly resolution 1954 (XVIII) of 11 December 1963 had not been fully implemented. Moreover, it should be remembered that four years would soon have elapsed since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)). His delegation would support any draft resolution which would contribute towards the attainment of the objectives laid down in that Declaration.

218. The representative of Mali observed that the situation in Basutoland, Bechuanaland and Swaziland still caused concern, as those Territories were the objects of the covetous ambitions of the South African Government, their formidable neighbour, encouraged to some extent by the administering Power. Despite the statement made on 14 November 1963 in the House of Lords by the British Minister of State for Colonial Affairs who had said that there could be no question of transferring the administration of the three Territories to another authority without the agreement of their inhabitants, the situation was still disturbing. Mr. Verwoerd's offer to turn them into Trust Territories, though rejected by the African political parties, had been enthusiastically received by the European settlers and business circles. Furthermore, those Territories had economic links and were in a customs union with South Africa. All import duties were collected by the Republic of South Africa, which returned only 1.3 per cent of total collected to the Territories. The Territories had a common currency with South Africa. As regards industry and trade, postal and telegraph services and communications, they were dependent on South Africa which provided the essential capital and personnel, and the European settlers and the South African business community exercised considerable economic and political influence over them.

219. Thus, *apartheid* had been introduced into the Territories and the United Kingdom had failed to take any positive measures to stop it. Despite the constitutional reforms, the Territories remained dependent on South Africa and their future was uncertain because the settlers, whose prosperity was based on exploitation of African labour, controlled the economy. The complacent attitude of the United Kingdom towards those interests constituted an obstacle to essential reforms and had serious political repercussions in that it favoured the spread of *apartheid*. Although the United Kingdom had no right to allow the South African Government to cause opponents of *apartheid* to be arrested in the Territories, arrests and extraditions had recently occurred there. They constituted an inadmissible violation of the sovereignty of the three Territories and an abuse of authority against which the African peoples voiced an indignant protest.

220. During the recent Cairo Conference,¹ the Heads of African States and Governments had adopted a resolution requesting the United Nations to envisage the necessary steps to guarantee the integrity and sovereignty of the Territories after their attainment of independence. The delegation of Mali was glad to note, moreover, that the United Nations Secretary-General and the specialized agencies had taken into consideration the recommendations made in operative paragraph 5 of resolution 1954 (XVIII). It was confident that the assistance given to those Territories under the Expanded Programme of Technical Assistance would help to accelerate the economic and social progress of their peoples.

221. The Malian delegation proposed that the Special Committee should request the United Kingdom to take the necessary steps without delay so that the three Territories attained independence in accordance with resolution 1514 (XV) and in accordance with the freely expressed will of their people; that it should take into consideration the recommendations adopted at the Cairo Conference in July 1964,² and that it should thank the United Nations Secretary-General and the specialized agencies for the measures already taken with regard to the three Territories and request them to continue their efforts to accelerate the economic and social progress of the peoples concerned.

222. The representative of Iraq recalled that in 1963, many delegations, including that of Iraq, had urged the administering Power to return all usurped lands to their African owners in the three Territories and to hold elections on the basis of universal adult suffrage so that constitutional changes and discussions on the date of independence could be undertaken with the elected representatives. Those delegations had also urged that the United Nations should render assistance in order to remedy the economic situation in the three Territories.

223. However, the situation had not improved substantially in the three Territories, despite the constitutional developments and the changes to which the United Kingdom representative had referred on 6 October (see paragraphs 203-213 above). It was clear from the statements then made that the administering Power was unduly concerned with the traditional methods of election and was seeking to perpetuate feudal institutions. The political organization of the Territories was characterized by the existence of an Upper House dominated by the traditional chieftain and it was hardly possible to speak of democracy in such anachronistic conditions. Moreover, in Bechuanaland, the Commissioner continued to enjoy exceptional powers in the management of the affairs of the Territory, a situation that showed a complete disregard of resolution 1514 (XV).

224. The flow of petitions from the inhabitants of the three Territories continued. The petitioners and, in particular, the President of the Bechuanaland Peoples Party, had stressed the deterioration of the situation and had appealed to the Special Committee to exercise pressure on the United Kingdom to halt the methods of infiltration used by the South Africans and to grant immediate independence to the Territories.

The working paper prepared by the Secretariat³ had painted a dark picture of the economic situation in the three Territories, which were particularly vulnerable to the economic blackmail of the Republic of South Africa. The United Nations had a major role to play not only in the provision of economic and technical assistance but also in the task of reassuring the peoples of those Territories who were afraid of being abandoned to the domination of the South African racists.

225. The delegation of Iraq urged once again that elections based on universal adult suffrage should be held in the three Territories, that a date should be set for their independence and that the United Nations should provide assistance to the Territories to meet their most urgent needs. The delegation would be happy to contribute towards the realization of those goals.

226. The representative of Madagascar said that, one year having elapsed since the adoption of resolution 1954 (XVIII), it was desirable to see to what extent the provisions of that resolution and of General Assembly resolution 1817 (XVII) of 18 December 1962 had been implemented.

227. With respect to Basutoland, his delegation had noted that a Constitutional Conference had recently been held and had reached agreement on the framework of a Constitution. His delegation welcomed that initiative, although it was not entirely in a position to voice an opinion on the merits of the project. It had noted that several delegates to the Constitutional Conference had expressed strong criticism regarding the powers to be reserved to the United Kingdom Government. Since the new Constitution might, with certain changes, become the Constitution of an independent Basutoland, his delegation wondered whether such changes would relate solely to the powers of the administering Power. It was apparent that the prerogatives of the British Government Representative in legislative matters were not purely advisory in nature, as the Special Committee had been given to understand by the representative of the administering Power, but were apt to override those of the national Government.

228. The United Kingdom had agreed to a revision of the Bechuanaland Constitution, and his delegation welcomed that decision, provided, of course, that such revision would help to accelerate the constitutional advancement of the Territory. It was clear, however, from the working paper prepared by the Secretariat (see paragraphs 78-141 above) that her Majesty's Commissioner would retain very broad powers. The delegation of Madagascar hoped that the administering Power would spare no effort to ensure that the elections would in fact be held in March 1965, thus enabling the Territory to take further steps towards complete self-government.

229. In Swaziland, although a new Constitution had come into force, self-government had not yet been attained. Moreover, the new Constitution had not eliminated discrimination, particularly in the form of restrictions on the right to vote. There was every indication that the administering Power was trying to protect the traditional social structure in the Territory. While there might be differences of opinion on constitutional questions, it was intolerable that democratic principles should suffer in order that an anachronistic structure

¹ Second Conference of Heads of State or Government of Non-Aligned Countries, held in Cairo from 5 to 10 October 1964.

² First session of the Assembly of Heads of State and Government of the Organization of African Unity, held in Cairo from 17 to 21 July 1964.

³ This document was distributed to the members of the Special Committee as a conference room paper, and was not reproduced for general distribution.

incompatible with modern trends might be maintained; the principle of "one man, one vote" must be respected.

230. His delegation acknowledged that the United Kingdom had done a great deal for the constitutional advancement of the three Territories. However, further improvements were clearly essential, and his delegation hoped that the United Kingdom Government would give the necessary attention to the matter.

231. The reaction of the Republic of South Africa to the warning contained in resolution 1954 (XVIII) would be recalled by the members of the Committee, but they could judge the credibility of its disclaimer only by its conduct. The Republic of South Africa was at that stage concealing its greed and making enticing overtures; yet economic co-operation would be merely a prelude to the kind of incorporation exemplified by South West Africa. The peoples of the three Territories had on several occasions expressed their hostility to any attempt at integration into South Africa. The United Nations was in duty bound to respect their wishes and, if necessary, to protect them.

232. He thanked the Secretary-General for his response to the request which had been made to him in resolution 1954 (XVIII). He hoped that efforts to help the three Territories out of their state of economic distress would continue.

233. The representative of Syria felt that the United Kingdom representative's statement had not contained the assurances which the Special Committee had hoped to receive regarding the implementation of resolution 1514 (XV) in the Territories.

234. The administering Power had given assurances that all preparations had been made for elections to take place in Basutoland before the end of the year. However, the question was how far the people accepted the new Constitution, in the light of the powers reserved under it to the British Government Representative. He also asked whether the United Kingdom had taken all the necessary steps to ensure the orderly transition of power, taking into account the greed of South Africa. Another question was why the United Kingdom was making the granting of independence subject to a request to be made at least one year after the elections. His delegation wondered what was the logic of that condition and whether the United Kingdom had not withheld certain important data from the Committee. Four years after the adoption of resolution 1514 (XV), it was not in the interest of the United Kingdom or of anyone else to deny Basutoland its right to speedy independence. His delegation appealed to the United Kingdom to hasten the liberation of the Territory.

235. With respect to Bechuanaland, the Syrian delegation was even more distressed at the slow pace of political development. The constitutional position, particularly the discretionary powers in all fields reserved to Her Majesty's Commissioner, was far from encouraging. The administering Power should exert every effort to accelerate the political evolution of the Territory and to create the necessary machinery which would help the people to exercise self-government and to make a free choice of the type of constitution that would serve them best.

236. In Swaziland, under the new Constitution, Her Majesty's Commissioner could dissolve the Legislative Council and dictate laws without the approval of the representatives of the people. The representative of

Syria asked whether the Special Committee and the General Assembly could condone such a state of affairs.

237. His delegation shared the concern expressed by the representatives of Mali and Iraq with respect to South Africa's designs upon the three Territories. His delegation did not intend to accuse the United Kingdom of being an accomplice in such machinations, but it believed that the administering Power should take immediate measures to rectify a situation which might endanger the future existence of the three Territories. The Committee must do something before it was too late so that the present arrangements between South Africa and the Territories would be modified and the peoples and their elected Governments, upon attaining independence, would not be faced with a *fait accompli*. As for the inhuman policy of *apartheid*, which was condemned by all the civilized communities of the world, it must be liquidated at once.

238. South Africa's dream of annexation were, of course, opposed by Syria, which would do all it could to frustrate them. The United Kingdom, for its part, should do nothing to nourish such hopes in the minds of the South Africans. Syria endorsed the resolution adopted by the Heads of African States and Governments at Cairo in July 1964, which invited the United Nations to consider measures for safeguarding the integrity and sovereignty of the three Territories; it was confident that the Committee as a whole would give that resolution its full support.

239. His delegation wished to express its appreciation of the assistance rendered to the three Territories by the United Nations and the specialized agencies, and it was confident that such assistance would be increased in the future. It urged all Member States, and particularly the United Kingdom, to follow that example and to give unconditional assistance to the peoples in question who had been exploited for so many years.

240. His delegation fully supported the proposals made by the representative of Mali, which it hoped would be adopted unanimously by the Committee in the form of a resolution.

241. The representative of the Union of Soviet Socialist Republics said that the Special Committee should give particular attention to what the United Kingdom had done to comply with the recommendations of the Special Committee and with General Assembly resolution 1954 (XVIII).

242. Whatever the United Kingdom representative might have said, the information at the disposal of the Special Committee clearly showed that the recent constitutional changes in no way fulfilled the conditions set out in resolution 1954 (XVIII). The rights of the indigenous inhabitants were still very limited, and the basic requirement stated in the resolution, namely, the introduction of universal suffrage, had clearly not been met. Not only were the powers of the legislative organs limited, but those organs were not even established on a democratic basis. Thus the Senate of Basutoland, as was clear from the Constitution of that Territory, was not an elective but an appointed body. A similar situation would exist in Bechuanaland also. Both the Senate of Basutoland and the Bechuanaland House of Chiefs enjoyed extensive powers, but the elected councils could consider various important matters only if they first obtained the consent of those bodies.

243. In Swaziland the electorate was divided into two categories of electors: those on the European roll and those on the so-called national roll. As the Europeans could also register on the latter roll, the result was that each European had two votes. At the same time a great many of the indigenous inhabitants of the Territory were denied any possibility of taking part in the voting by every conceivable obstacle, which had been written into the Constitution. Only persons who were at least twenty-one years of age had the right to vote. Large numbers of young people were thus without electoral rights. Persons who did not pay direct taxes—i.e., the poor, who formed the most populous strata among the country's inhabitants—were likewise deprived of the right to vote. The overwhelming majority of the female population of the country was also deprived of electoral rights. The voters on the European roll elected four representatives. In each of the four constituencies the electors on the national roll elected three representatives, one of whom was a European and the other two from "other races". The Legislative Council would thus consist of eight Europeans, eight other persons, some of whom could be Europeans, and eight Swazi "elected members", so-called, whose election had to be approved by the Paramount Chief. The Legislative Council would also include four members of the Executive Council and an unspecified number of other members nominated by Her Majesty's Commissioner, who would also nominate the Chairman of the Legislative Council. The Legislative Council did not have any real power, as the bills which it adopted were subject to the Commissioner's approval. The Commissioner was empowered to declare that any bill introduced in the Legislative Council should have effect even if it was not adopted by the Council. Finally, the Commissioner had the power, under the Constitution, to adjourn or even dissolve the Legislative Council. The executive power was concentrated in the hands of the Commissioner; the Executive Council, which was nominated by him, was only an advisory body whose opinion he was not obliged to heed.

244. In Bechuanaland, the Constitution limited the prerogatives of the Legislative Assembly, which could not act without the Commissioner's consent in any matters concerning taxes or public expenditure and could not consider any bills in certain fields without the consent of the House of Chiefs. The new Cabinet which was to replace the Executive Council would likewise not have any real power. The Commissioner, who would nominate all the members of the Cabinet, including the Prime Minister, would retain "general reserve executive powers". He would completely control external relations, defence, internal security and the Public Service. In urgent matters, such as those concerning internal security and the police, the Commissioner would be under no obligation to consult the Cabinet, but only the Prime Minister, whose recommendations would by no means be binding.

245. As far as Basutoland was concerned, there were no grounds whatever for thinking that power would be transferred to the national organs even after independence. The new Constitution, which, with a few modifications, would become the Constitution of an independent Basutoland, provided that a British Government representative would be responsible for external relations, defence and internal security, would exercise a certain amount of supervision over finances, and would retain control of the Public Service until a date to be specified by the United Kingdom. All

acts passed by the Basutoland Parliament would be subject to his approval. He could demand the adoption of bills which he considered to be necessary for the exercise of his own responsibilities, and if they were not adopted he could himself promulgate orders having the force of law. If the Government of the Territory did not take the necessary steps to put the laws into effect, he could assume all the executive powers of government.

246. It was therefore clear that the United Kingdom was doing everything it could to oppose the transfer of the attributes of independence to the people of the three Territories and that resolutions 1514 (XV), 1817 (XVII) and 1954 (XVIII) remained a dead letter there.

247. Another important factor was the economic and financial dependence of the three Territories on South Africa, to which they were agricultural appendages and with which they were united in a customs union. Customs duties were levied by South Africa, which remitted only 1.3 per cent of them to the Territories. South African currency was the legal tender. Because there was no work for them in their own Territories, thousands of inhabitants were obliged to go to work in South Africa. A considerable portion of the Territories' trade was with South Africa and was in the hands of Europeans, and trade with other countries depended on transit facilities across South African territory. The Republic of South Africa and the settlers thus had a powerful means of exerting pressure by threatening to strangle the Territories economically.

248. In resolution 1954 (XVIII), the General Assembly had reiterated its request that the administering Power take immediate steps to return to the indigenous inhabitants all the land taken from them, but no attention had been paid to that renewed appeal. In Swaziland, which had a total population of 280,000 people, 10,000 settlers held 42 per cent of the land. A similar situation existed in Bechuanaland. The Crown and 3,000 European settlers held as much land as the 450,000 indigenous inhabitants. Vast areas of land were leased to South African cattle-ranchers, while there was a shortage of land in the African reservations. The Territories were rich in minerals but, as all that wealth had been seized by foreign monopolies, the indigenous inhabitants derived no benefit from it. What was more, the wages of the African inhabitants were far below those of the Europeans.

249. The administering Power had done hardly anything at all in regard to public health and education or to vocational or administrative training. It seemed that the policy of the United Kingdom was aimed at aggravating the economic backwardness of the Territories so as to tie them more firmly to South Africa. As the Congress Party of Basutoland had said, the people could not take the measures needed to ensure their economic independence until Basutoland was free.

250. The situation of the Territories was further aggravated by the fact that they were complete or partial enclaves within the territory of the Republic of South Africa, whose annexationist ambitions concerning them were well known. In that connexion, attention should be paid to the Verwoerd Government's avowed designs to establish a system of South African trusteeship over those Territories. The Government of the Republic of South Africa was well aware that the grant of independence to Basutoland, Bechuanaland and Swaziland would be a blow to its plans, not only for

those Territories, but for South West Africa also. It was therefore bringing every possible means to bear in order to prevent those Territories from gaining their freedom and independence. The opponents of independence were trying to give the people of the Territories the impression that they had only two solutions to choose from: either to remain under the protection of the administering Power and embody the principle of that protection in the Constitution, or else to agree to the Territories' being turned into Bantustans and swallowed up in the Republic of South Africa. It was the duty of the Special Committee, not merely to unmask that colonialist theory, but also to draw the General Assembly's attention to the need to take measures designed to prevent any such plans from being carried out. It must call upon the administering Power to implement in the Territories, without delay, such measures as would ensure for the peoples of Swaziland, Basutoland and Bechuanaland, not imaginary, but real independence, as required by the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Soviet delegation would support any resolutions designed to attain that objective.

251. The representative of Ethiopia said that his delegation had given careful consideration to the situation in the three Territories in the light of the provisions of resolution 1954 (XVIII), of the Secretariat working paper (see paragraphs 2-198 above), of the petitions received from the three Territories, of the statement of the administering Power and of the position taken by the Heads of African States and Governments and the non-aligned countries. It had also noted with interest the report of the Secretary-General on the implementation of operative paragraph 5 of resolution 1954 (XVIII) (A/AC.109/98).

252. He noted that in Basutoland, the administering Power was reluctant to hand over powers in the fields of finance, budget and local administration, although the people were anxious to attain self-government as early as possible and legitimately felt that certain urgent matters could only be settled after independence. It was clear from petition A/AC.109/PET.220 that one of the main preoccupations of the indigenous inhabitants was the hostile attitude of the Republic of South Africa, which exercised control over the economic life of the Territories through the facilities afforded it by the administering Power and was seeking to exterminate the people.

253. The question of the independence of Bechuanaland was also far from settled. Consultations had apparently taken place in 1963 for the convening of a constitutional conference, and constitutional proposals had been submitted to the United Kingdom Government early in 1964. According to information received from the administering Power, elections would be held in March 1965 under the new Constitution. He hoped that they would be held on the basis of universal adult suffrage.

254. With regard to Swaziland, he noted that elections had taken place in June 1964 under a new Constitution and that the Imbokodwe Party had won ten out of the twelve national roll seats, and the United Swaziland Association the four European roll seats.

255. He was not so much concerned with the existence of traditional political institutions in the Territories, which were democratic and flexible enough to give the individual a great deal of personal freedom

and to enable him to participate in the conduct of public affairs, as with the fact that such participation was being hampered by the coalition of certain elements with the white settlers in a struggle for power to be used to oppress the nationalist parties and the people. In that connexion, the Special Committee should bear in mind that the three Territories were enclaves within South Africa, which regarded their future liberation as a direct threat to its policy of *apartheid*. On several occasions, the Pretoria Government had offered to take over the administration of the Territories with a view to establishing them as Bantustans, but the people of the Territories had not been unaware of the insidiousness of the offer. It was sad that the Republic of South Africa was not only flouting United Nations resolutions calling upon it to renounce its policy of *apartheid*, but was also attempting to foist that policy on neighbouring colonial territories. The Committee would recall that the first Conference of the Heads of African States and Governments, as well as the Conference of Non-Aligned Countries held at Cairo at the beginning of October 1964, had recommended that immediate measures should be taken within the framework of the United Nations to secure the early accession of Basutoland, Bechuanaland and Swaziland to independence and to guarantee their sovereignty.

256. The economic and financial position of the three Territories was also a matter of concern. According to the Secretariat working paper, out of a total population of 800,000 in Basutoland, 180,000 were employed in South Africa, and the bulk of trade was in foreign hands. In Bechuanaland, the Lobatsi abattoir alone, which was owned jointly by the Commonwealth Development Corporation, a trust of livestock producers and the Government, represented 95 per cent of the country's gross product, and trade was mainly in foreign hands. In Swaziland, the mineral resources and livestock were exploited by foreign interests.

257. Racial discrimination still prevailed, particularly in Swaziland, in the social, educational and health fields.

258. Some programmes of economic and social development had been undertaken with the help of the administering Power, but the representative of Ethiopia would welcome a firmer attitude on the part of the latter towards the hostile neighbours which dominated the economy of the three Territories. He hoped that the three Territories would win an independence without "strings", and he was gratified to note that they were receiving international technical assistance. He hoped that the various United Nations specialized agencies would intensify their participation in the development of the Territories.

259. The representative of the United Kingdom, in a subsequent statement, said that he wished to correct certain inaccuracies in the statements made concerning Basutoland, Bechuanaland and Swaziland both at the 293rd and 294th meetings.

260. The representative of Mali had asserted that the United Kingdom was allowing South Africa to play a predominant role in the affairs of the Territories. There was no corroboration for that assertion either in history or in the present situation. It should be remembered that Bechuanaland had been declared a protectorate in 1885 to protect the Bechuana tribes and their land from Boer incursions from the Transvaal and from Matabele depredations. Swaziland had been similarly protected from the Zulus. Basutoland had been separated from the Cape Colony by the Basutoland

Disannexation Act of 1883. One of the reasons why the United Kingdom Government had separated the three Territories from the republics which were later to become the Union of South Africa had been to prevent the disenfranchisement of the indigenous population. Since then, successive Governments in the United Kingdom had resisted the efforts of the Union of South Africa to annex the Territories and had pledged themselves to consult the people before any transfer of power took place. Today, the three Territories were on the way to independence, as he had told the Committee on 6 October 1964.

261. *Apartheid*, which, according to the representative of Mali, the United Kingdom administration had allowed to be introduced into the Territories, was neither practised nor tolerated there. All forms of racial discrimination were prohibited by law and were being systematically eliminated in practice.

262. With regard to South African political refugees who, according to the representative of Mali, had been extradited from the Territories, he pointed out that there had been no extradition treaty between South Africa and the Territories since South Africa had left the Commonwealth. In any event, political refugees would not be extradited even if there had been such a treaty. United Kingdom policy with respect to political refugees was very liberal and had the full support of the Executive Council in Basutoland, all four of whose unofficial members were Africans, and of the Executive Council in Bechuanaland, two out of the four unofficial members of which were Africans. According to a report by *Amnesty International* (published on 1 November 1963), which was far from being a mouthpiece of the United Kingdom Government, the United Kingdom considered itself bound not only by the United Nations Convention relating to the Status of Refugees, with which it strictly complied, but also and primarily by its traditional policy, which was even more liberal than the Convention. South African political refugees allowed to remain in the three Territories were of course required to refrain from political activity, but none of them had been turned back or handed over to South African authorities. They were free either to remain in the country or to go to any other country willing to have them. A few persons might have been illegally abducted and taken back to South Africa, but the United Kingdom Government had intervened in each instance, and where abduction could be established, the South African Government had returned the persons concerned.

263. The representative of Mali had said that the three Territories paid taxes to South Africa. That was not so: the only payments made by the Territories were for services rendered, which they could not provide economically themselves. The representative of Mali had also deplored the fact that the Territories were united in a customs union with South Africa and had a common currency with South Africa. The peoples of the three Territories were content with that arrangement and did not wish to change it. As the Committee was aware, the customs union arrangement relieved the Territories of the heavy administrative costs of collecting their own duties, and the free trade area established under the Customs Agreement enabled them to offer their exports at competitive prices on South African markets. The use of South African currency gave the three Territories access to the foreign exchange reserves of the Republic and, since the Reserve Bank of South Africa acted as a central bank for them, they

did not need a backing for their currency circulation. In addition, South African and other investors could take advantage of lower costs and other inducements to establish themselves in the Territories and sell their products in South Africa without fear of exchange difficulties.

264. The representative of Mali had further stated that all customs duties were collected by South Africa, which returned to the Territories 1.3 per cent of the total collected. Lest there should be any misunderstanding on the point, he wished to make it clear that the figure in question was 1.3 per cent of the total of all customs revenue collected by South Africa, in respect of South Africa itself and of the three Territories, and that it represented the amount which the three Territories would receive if they collected those revenues themselves. Under the existing arrangement, they were saved the cost of collection.

265. The representative of Mali had mentioned United Nations technical assistance, but had said nothing of the economic and social assistance from the United Kingdom, which was very much greater. As indicated in the working paper prepared by the Secretariat, United Kingdom aid to the three Territories in 1962-1963 had amounted to £6.6 million, or a little over \$18.5 million, while in the same year United Nations aid had totalled just under \$3 million, of which \$2.8 million had been accounted for by a loan to Swaziland from the International Development Association. Again, in 1963-1964, United Kingdom aid to the three Territories had totalled £7.8 million, or \$21.9 million, while United Nations technical assistance had amounted to \$168,000. The United Kingdom Government welcomed the assistance furnished by the United Nations, which played an important role in the Territories' development, but that should not blind one to what the United Kingdom Government had done and was doing.

266. He had given the Committee some details regarding constitutional progress at the 287th meeting (see paragraphs 203-213 above), when he had explained that, in Basutoland, the first elections under the independence Constitution would be held at the end of 1964 or the beginning of 1965, and that the Territory would achieve independence about one year later. He had also described the results of the Constitutional Conference on Bechuanaland, held at the end of 1963. He had explained that elections on the basis of universal suffrage, as provided for by the Constitution on which representatives of all political groupings in Bechuanaland had agreed, would be held in that Territory on 1 March 1965. Finally, he had described the elections held in Swaziland in June 1964. In was regrettable, therefore, that the representative of Mali had made no reference in her statement to those crucial developments.

267. In his statement at the 293rd meeting (see paragraphs 222-225 above), the representative of Iraq had said that the creation of Houses of Chiefs in Bechuanaland and Basutoland was hardly in keeping with democratic principles. Two comments might be made in that connexion. First, the Bechuanaland House of Chiefs was to be, not part of the Legislature, but a purely consultative body to advise on questions affecting tribal matters. Secondly, the proposals to establish Houses of Chiefs had been put forward by the peoples of the Territories themselves. He wondered whether the Committee was competent to criticize arrangements decided upon by the peoples of the Territories, or whether it was wise to do so.

268. The representative of Mali, in the exercise of her right to reply, said that the representative of the United Kingdom had offered no serious refutation to what he had called "errors" but which everybody knew to be patent facts.

269. The United Kingdom representative did not like his Government to be accused of complacency which had allowed the racist Government of South Africa to play a predominant role in the affairs of the three Territories. On this subject she quoted from the Secretariat working paper (see paragraphs 11-12 above) which needed no further comment.

270. The United Kingdom representative had reproached her for not having taken into account the reply made by the United Kingdom Government to Dr. Verwoerd when the latter offered to place the three Territories under the trusteeship of South Africa. She had, however, mentioned the statement made by the British Minister of State for Colonial Affairs on 14 November 1963, in which he affirmed that there could be no question of transferring responsibility to another authority without the consent of the population.

271. The United Kingdom representative did not like the use of the word *apartheid*. He had pointed out that the use of that word, in referring to racial discrimination, was a mistake. But when one considered the political role played by European settlers in South African commercial circles in the Territories, and when one realized that 3,000 settlers occupied 400 square miles in Bechuanaland and that many of the officials were South African, then it was correct to say that the situation favoured the expansion of *apartheid*, even if that policy was condemned by the United Kingdom.

272. The United Kingdom representative had sought to minimize incidents during which a number of persons had been illegally abducted from the Territories and taken to South Africa. It was, to say the least, curious that such operations could be carried out; they could only be due to negligence or complacency on the part of the administering Power.

273. She said if she had mentioned what the United Kingdom delegation had called "constitutional progress", it was only in order to denounce the dilatory tactics used to delay the granting of independence to the three Territories for as long as possible.

274. The Malian delegation was pleased with the technical assistance given to the three Territories by the United Nations, but it deplored the fact that the administering Power had done practically nothing to improve the situation with regard to medical services, teaching and professional training in commercial, technical and administrative matters.

275. Whether the colonialists liked it or not, the whole of Africa would soon be independent. The Special Committee therefore owed it to itself to request the United Kingdom to give immediate effect to all the resolutions of the General Assembly, in particular resolution 1514 (XV).

276. The representative of Yugoslavia, after recalling the terms of the resolution on the three Territories adopted by the Special Committee in 1963 (A/5446/Rev.1, chap. IX, para. 113), the main provisions of which had subsequently been incorporated in General Assembly resolution 1954 (XVIII), said that his delegation continued to believe that the recommendations of the preceding year must be applied without delay in the three Territories. The Committee had learnt from the representative of the administering Power

and from the working paper prepared by the Secretariat that some constitutional development had taken place in the three Territories. His delegation had also noted with interest certain assurances—although insufficiently precise—given by the United Kingdom representative in connexion with the future of the Territories. It was not, however, without serious preoccupation that his delegation viewed the prevailing situation and future prospects in the three Territories.

277. In the first place, the process of introducing constitutional changes which should lead the Territories to full self-government and finally to independence was still rather slow. The constitutional measures thus far adopted still did not give the peoples a sufficient degree of autonomy. They were still far from ensuring the effective participation of the peoples in the management of their affairs and their adequate representation in the organs of government. The representatives of the administering Power still retained most of the responsibility for external affairs, defence, internal security, finance and the Public Service, and they had broad powers in the field of legislation and government, quite apart from reserved powers. That situation prevailed, with slight variations, in all three Territories. Thus, there was no effective participation by the indigenous people in the performance of certain major functions which would enable them to discharge their responsibilities with greater ease later.

278. Secondly, the dominant position of Europeans and white South Africans remained intact, in both economic and political life. The Europeans retained key posts in the administration; many petitions received by the Committee drew particular attention to that fact. This question is one of the most important, in view of the very sympathetic attitude displayed by the Europeans with regard to the South African régime's designs on the three Territories; for the Europeans, and they alone, had welcomed Dr. Verwoerd's proposals for introducing *apartheid* into the Territories under the pretext of bringing them economic prosperity. His delegation therefore considered that the administering Power should take the necessary steps to rectify that situation, which represented a threat to the future of the Territories.

279. The economic situation of the three Territories, including Swaziland which was somewhat more developed, was a cause for grave concern. The colonial Power had done nothing to create the economic infrastructure which was so necessary to newly independent countries. The Territories had no industry of their own, and means of transportation were inadequate; trade and the existing enterprises were in the hands of foreign interests, primarily South African; white settlers played the dominant role in agriculture, while the indigenous peoples could barely meet the requirements of mere subsistence. For all those reasons, and because of their geographical location, the three Territories were economically almost completely dependent on the Republic of South Africa and, in the case of Bechuanaland, upon Southern Rhodesia also—or in other words, upon two countries whose intentions towards them were by no means friendly. The three Territories were united with the Republic of South Africa in a customs union; they were dependent on it for postal and telegraphic communications; they had the same currency as the Republic of South Africa, and South African capital dominated their economies. That being so, they were subject to constant pressure,

and such a situation encouraged the South African Government in its intentions.

280. In resolution 1954 (XVIII), the administering Power had been asked to take steps to return to the indigenous inhabitants land which had been taken from them. The implementation of that recommendation would make it possible to establish a solid basis for the independence of the Territories, particularly in the case of Bechuanaland and Swaziland. However, neither the statement of the administering Power nor the working paper prepared by the Secretariat mentioned whether any steps had been taken in that direction. The Yugoslav delegation considered that the General Assembly's recommendation still stood and should be implemented. During the pre-independence period, the administering Power should also increase its economic assistance, thus partially making up for its past mismanagement, particularly in the economic sphere. In that connexion, the representative of Yugoslavia was gratified to note the increase and diversification of the assistance given to the Territories by the United Nations and the specialized agencies.

281. His delegation also wished to stress the importance of guaranteeing the territorial integrity of the three Territories and the preservation of their sovereignty after independence. It considered that the Special Committee, as on previous occasions, should draft appropriate recommendations to the General Assembly. Far from receding, the threat to the territorial integrity of the three Territories from the Republic of South Africa had become even more serious. That fact had been recognized by the Heads of African States and Governments who, at their July 1964 conference, had recommended the States members of the Organization of African Unity to take steps to secure a guarantee by the United Nations for the territorial integrity, independence and sovereignty of the three Territories. The Heads of State or Government of Non-Aligned Countries who had met at Cairo in October 1964 had also recommended that the United Nations should guarantee the territorial integrity of the three Territories and undertake urgent measures to preserve their sovereignty after they attained their independence.

282. The Yugoslav delegation would support any draft resolution which took into account the principles it had advanced.

283. The representative of Denmark stated that his delegation had noted with satisfaction the constitutional changes which had been made or were about to be made in Basutoland, Bechuanaland and Swaziland. Those changes were important steps towards full independence for the Territories.

284. In that connexion, his delegation wished to stress that one of the prerequisites for any real independence was a sound economic structure. It was therefore of paramount importance that the United Kingdom and the United Nations should continue their efforts to stabilize the economic life of the three Territories and to improve their capacities.

285. The danger arising from the geographical position of the three Territories, and their economic dependence on the Republic of South Africa, were also cause for concern to his delegation. Reference had been made during the debate to the South African Government's offer to take Basutoland, Bechuanaland and Swaziland under trusteeship under the same conditions as South West Africa. Although the offer, as had been said, had been received with some enthusiasm

by European settlers in the Territories, that did not mean that the ambitions of South Africa had been encouraged by the United Kingdom, which had stated that it did not wish to withhold independence longer than the peoples of the Territories considered necessary. Consequently, there was no need to fear that the United Kingdom, so long as it held any responsibility, would take the offer made by the Republic of South Africa into consideration, and the Special Committee had just heard an assurance on that point from the representative of the United Kingdom.

286. The Danish delegation hoped that the Committee would take note of the constitutional progress in the three Territories and recommend the administering Power to continue its efforts to lead the three Territories, in accordance with the wishes of the populations, to an independence founded on stable government deriving from the will of all the people, freely expressed, and on a healthy economy.

287. The representative of the United Republic of Tanganyika and Zanzibar said that his delegation had found the working paper prepared by the Secretariat extremely useful. The statement of the representative of the United Kingdom had been generally satisfactory, in that it had given a factual account of the constitutional position in the Territories; yet his delegation was compelled to note the failure of the administering Power to act in certain spheres, and especially in the economic field. Nothing had been done to implement the provisions of resolution 1954 (XVIII), which had requested the administering Power to take immediate steps to return to the indigenous inhabitants the land taken from them.

288. Because of their geographical location, the three Territories were at present at the mercy of the racist régime in the Republic of South Africa. They used the same currency as the Republic of South Africa and were united with that country in a customs union which was detrimental to them. The European settlers and other interests, partly South African, controlled all economic activity and thus played a decisive role in shaping the political future of the three Territories. In Swaziland, for instance, the settlers, who comprised less than 4 per cent of the total population, owned more than 42 per cent of the arable land.

289. Because the economies of the Territories were dependent on the economy of the Republic of South Africa, the United Kingdom Government had tended to see an inevitable political link between the Territories and the Republic of South Africa. For instance, in a statement in the United Kingdom House of Lords, on 14 November 1963, the Minister of State for Colonial Affairs had said that each of the Territories would, at the appropriate time, need to find through negotiations with South Africa a basis for their future relations with that country. That statement had appeared to indicate that the United Kingdom Government was trying to abdicate its responsibilities with respect to the ultimate status of the Territories. The United Kingdom Government was to be congratulated on its declaration that it was determined to bring about rapid changes designed to give the three Territories self-government and eventually independence.

290. The delegation of the United Republic of Tanganyika and Zanzibar felt some apprehension, however, regarding the structure of government which the administering Power seemed to be preparing for the Territories. The United Kingdom was paying undue attention to the so-called tribal or traditional insti-

tutions. It was preparing to set up a parliament in which the Upper House, the House of Chiefs, would have the power to frustrate the will of the people. In the context of present-day Africa, it was incongruous to reinstitute or strengthen archaic institutions. Provisions had been included in the constitutions of the three Territories to promote the interests of the tribal chiefs, most of whom were in fact paid civil servants. In Swaziland, the new Constitution went so far as to introduce traditional methods for some elections; yet the traditional ruling group, supported by the European settlers, was in favour of a political merger with the Republic of South Africa, to which the vast majority of the peoples of the three Territories was violently opposed. He wondered what, in the tribal traditions of the three Territories, was so valuable that they must be preserved at all cost. In Africa, as elsewhere, the archaic systems of government based on tribal traditions and chieftaincy tended to run counter to efficiency in government and were antagonistic to the nationalist movement.

291. The delegation of the United Republic of Tanganyika and Zanzibar therefore urged the new Government of the United Kingdom to make the necessary changes in the plans for the political future of the three Territories, and to institute such economic, political and constitutional arrangements as would accelerate their progress towards full independence without the danger of any interference, economic or other, from the racist Government of South Africa.

292. The representative of Sierra Leone recalled that, since the Committee's last session, the General Assembly had adopted resolution 1954 (XVIII) on the question of Basutoland, Bechuanaland and Swaziland which, *inter alia*, requested the administering Power to convene immediately a constitutional conference for each of the three Territories, in which all groups representing all opinions would participate with a view to devising democratic constitutional arrangements which would lead to general elections based on universal suffrage and, thereafter, to immediate independence.

293. From the statements made by the representative of the administering Power, it would appear that some constitutional progress had been made in all three Territories. In Basutoland, the report of the Constitutional Commission had been adopted in February 1964, a Constitutional Conference had been held in London in April and May 1964, and elections were soon to be held on the basis of universal adult suffrage, with independence to follow about a year later. While his delegation was gratified to note that the new Constitution of Basutoland preserved the finer elements of traditional government, it felt that the powers of delay and review given to the Senate could easily render ineffective the legislative function of the popularly elected National Assembly.

294. As far as Bechuanaland was concerned, elections would be held early in 1965, although no date had yet been fixed for independence. He noted, however, that the administering Power had declared that Bechuanaland's independence would be delayed no longer than necessary.

295. With regard to Swaziland, the representative of the administering Power had stated that the elections held in June under the new Constitution constituted a very substantial step forward in the direction of full internal self-government. However, according to the working paper prepared by the Secretariat (see paragraphs

142-198 above), although Her Majesty's Commissioner would, in exercising his powers, normally consult the Executive Council, he was empowered to act contrary to its advice. The Legislature would consist of the Commissioner and a Legislative Council composed of a Speaker appointed by him, twenty-four elected members, the four official members of the Executive Council and an unspecified number of other members to be nominated by the Commissioner at his discretion. Furthermore, the allocation of the seats of the elected members by race was indefensible by any democratic standards. He therefore thought that further urgent constitutional steps should be taken in accordance with General Assembly resolution 1514 (XV).

296. In the economic field, he was gratified to note that, in pursuance of resolution 1954 (XVIII), the Secretary-General was providing the three Territories with economic, financial and technical assistance through the United Nations programmes of technical co-operation and the specialized agencies. He hoped that effort would be continued. What he found disquieting was the close trade links that existed between the three Territories and the Republic of South Africa. His delegation was opposed to any arrangement whereby the economies of the Territories would be dependent on continued trade with South Africa after independence. It was because of South Africa's obvious designs to annex those Territories that the Assembly of Heads of State and Government of the Organization of African Unity, meeting at Cairo in July 1964, had urged that the United Nations should take the necessary steps to guarantee their territorial integrity, independence and sovereignty. The same recommendation had been made by the Conference of Heads of State or Government of Non-Aligned Countries, held at Cairo at the beginning of October 1964, and the General Assembly, in resolution 1954 (XVIII), had solemnly warned the Government of the Republic of South Africa that any attempt to annex or encroach upon the territorial integrity of those three Territories would be considered an act of aggression.

297. There was also much to be done in other fields. With regard to education, for example, figures published by UNESCO showed that the Territories had one of the highest illiteracy rates in Africa. As to the question of the restitution of land alienated from the indigenous people, a matter dealt with in one paragraph of resolution 1954 (XVIII), he noted that, while all land in Basutoland was owned by the indigenous inhabitants and was inalienable, the situation was unfortunately not the same in the other two Territories. In Bechuanaland, tribal reserves comprised only half of the total area, and in Swaziland, 42 per cent of the Territory's total area was owned by Europeans and Euraficans.

298. His delegation urgently renewed its plea to the administering Power to apply resolution 1954 (XVIII) strictly and without delay as part of a programme to implement the Declaration on the Granting of Independence to Colonial Countries and Peoples.

299. The representative of Poland said that the position of his delegation with regard to Basutoland, Bechuanaland and Swaziland, which had been explained on numerous occasions both in the Special Committee and in the General Assembly, rested on two main premises: that the Declaration on the Granting of Independence to Colonial Countries and Peoples should be implemented in the Territories in the best possible

conditions and with all possible speed, and that the particular problems of the Territories arising from their geographical position of being surrounded by the hostile Republic of South Africa should be solved.

300. In September 1963, the racist régime at Pretoria had offered to take over the administration of the three Territories in place of the United Kingdom. That offer had been rejected by the African political parties but had been warmly supported in Swaziland by the European settlers and commercial circles, mainly of South African origin. In that regard, his delegation had taken note of the United Kingdom Government's commitment not to transfer its responsibility for the Territories without the consent of the indigenous population.

301. His delegation had listened carefully to the statement made on 6 October 1964 (see paragraphs 203-213 above) by the representative of the administering Power on the constitutional development of the three Territories. Technically and from the purely juridical point of view, some of the steps taken by the United Kingdom Government might seem to be an advance, but there was nothing either in the statement by the United Kingdom representative or in the working paper prepared by the Secretariat to show that the administering Power had taken steps to implement that provision of resolution 1954 (XVIII) in which the General Assembly had requested it to convene immediately a constitutional conference for each of the three Territories, in which all groups representing all opinions would participate with a view to devising democratic constitutional arrangements which would lead to general elections based on universal suffrage and, thereafter, to immediate independence. The administering Power continued to retain all the effective powers of government and to have the final say in legislative matters.

302. The Constitution of Swaziland had been introduced against the wishes of the indigenous population. By providing for separate racial representation in the Legislature, it discriminated against the indigenous voters and entrenched the power of a handful of European settlers and of the traditionalist elements. Nevertheless, the administering Power did not intend to review it before 1967. The new constitutional changes in Basutoland and Bechuanaland would strengthen the position of the tribal chiefs. The Basutoland Senate and the Bechuanaland House of Chiefs, both of which would be composed of nominated members, would be able to limit the powers of the elected parliaments on a number of issues of great importance for national progress.

303. In the economic field, the administering Power had done nothing to return to the indigenous inhabitants the lands which had been taken away from them, and the three Territories continued to be economically dependent on South Africa. The assistance provided to them by the administering Power was very inadequate to cope with their accumulated economic, social and educational needs. It was because of the failure of the United Kingdom, during its more than 100 years' rule, to develop and diversify the economy of the Territories that they were now almost entirely at the mercy of the Republic of South Africa. They were joined to South Africa by a customs union; their currency was the currency of South Africa; and the Reserve Bank of South Africa acted as their central bank. The lack of employment opportunities forced the African population to seek work in South Africa. The European settlers, most of whom were South

African nationals, controlled the economy, and many of them occupied key positions in the Civil Service.

304. Enclaves in a hostile South Africa, they were exposed to all kinds of threats, and it was easy to understand the concern expressed by the Organization of African Unity and the recent Conference of Non-Aligned Countries held at Cairo. The only true and lasting solution was the strict implementation by the administering Power of resolution 1954 (XVIII), in consultation with the people, who must be guided towards independence as soon as possible.

305. The Polish delegation would support any recommendation the Special Committee might adopt for the speedy attainment of the objectives of resolution 1514 (XV).

306. The representative of Iran said that it was clear from the Secretariat working paper and the statements made by the representative of the administering Power that, since the adoption of resolution 1954 (XVIII) by the General Assembly, important constitutional and political changes had taken place in the Territories of Basutoland, Bechuanaland and Swaziland. It was his opinion that those changes could be regarded as positive measures designed to lead the Territories towards self-determination and independence.

307. With regard to Basutoland, a Constitutional Conference held in London in April and May 1964 had brought together the Paramount Chief and the representatives of various political parties. A new Constitution had been adopted by the Conference, and soon after it came into force the Territory would attain its independence. The Iranian delegation had welcomed the statement made at the Conference by the Secretary of State for Commonwealth Relations and for the Colonies, according to which the United Kingdom Government did not wish to withhold independence longer than the people of Basutoland considered necessary. It regretted, however, that the people of the Territory had not been consulted regarding the new Constitution, on which their political future depended. The views of the traditional chiefs and the representatives of a few political parties obviously did not represent the freely expressed wishes of the people.

308. The same comment applied to Bechuanaland and Swaziland. It was imperative for the people to be consulted in view of the non-representative character of the legislative bodies provided for in the new constitutions. The composition of the Legislative Council of Swaziland provided a particularly significant example in that connexion. In that Territory, where the Africans represented 97 per cent of the population and the Europeans only 2.4 per cent, the Legislative Council provided for in the new Constitution would be composed of a Speaker appointed by Her Majesty's Commissioner, the four official members of the Executive Council, an unspecified number of other members chosen by the Commissioner at his discretion, and twenty-four elected members comprising eight Swazis elected by the traditional methods, eight Europeans and eight other members chosen from among any of the various ethnic groups. The Constitution of Swaziland therefore merely transferred to the political level the economic privileges which the European minority enjoyed in that country.

309. Moreover, the fact that the three Territories were economically dependent on South Africa constituted a threat to their political future. A study of means

of guaranteeing their economic independence after they had attained their political independence would therefore, in his delegation's opinion, be extremely useful. Such a study was all the more necessary because the South African Government did not appear to have renounced its annexationist ambitions.

310. His delegation was also greatly concerned by the racial discrimination which, as was shown by numerous petitions, continued to be practised to the detriment of the African population in the three Territories.

311. It was the view of his delegation that the administering Power should be invited to take the necessary measures to give the people of the three Territories an opportunity to express their views regarding their political future and the related constitutional acts; that should be done before they attained independence and within the framework of the provisions of resolution 1514 (XV). The administering Power should also be invited to take urgent measures to eliminate discriminatory practices before the Territories attained their independence. Finally, the Secretary-General should be thanked for his efforts and be invited to undertake a study of the means of guaranteeing the economic independence of the Territories after they had attained their political independence.

312. The representative of Bulgaria said that the first fact to be noted in connexion with Basutoland, Bechuanaland and Swaziland was that the previous United Kingdom Government had done nothing to implement resolution 1514 (XV) as far as those Territories were concerned, or to apply the special provisions on those Territories included in the resolutions adopted by the General Assembly at its seventeenth and eighteenth sessions.

313. Since the adoption of resolution 1514 (XV), the United Kingdom, while pretending to work for the implementation of the provisions of that resolution, had sought out new ways to perpetuate British and European domination in the three Territories. It was setting up institutions that were so dissimilar and so contrary to contemporary ideas that it might be wondered whether it did not intend to intervene, with armed force if necessary, in order to protect certain interests.

314. At its seventeenth session the General Assembly had adopted a resolution (1817 (XVII)) specifically inviting the administering Power to proceed without delay to hold elections in the three Territories on the basis of universal adult suffrage and to convene constitutional conferences in order to determine, in accordance with the wishes expressed by the bodies constituted by universal suffrage, the date on which each country should accede to independence. Instead of complying with that resolution, the administering Power had made arrangements under which the new State of Basutoland, for example, would have the status of a Protectorate and would not attain its independence until twelve months after the first elections. Moreover, the Constitution drawn up for that country provided that the representative of the United Kingdom Government would retain responsibility for foreign affairs, defence and internal security. The representative of the United Kingdom Government could refer to Her Majesty any bill passed by the Basutoland Parliament if, in his view, that bill prejudiced the discharge of his responsibilities. The administering Power had followed the same procedure for Bechuanaland, where the United Kingdom Commissioner also retained

certain responsibilities and powers. Similarly, in Swaziland the Legislature was composed of Her Majesty's Commissioner and a Legislative Council consisting of a Speaker appointed by the Commissioner, twenty-four elected members, the four official members of the Executive Council and an unspecified number of members chosen by the Commissioner at his discretion. The administering Power had thus created a system of institutions under which the administration of the three Territories would be controlled by certain influential groups in the Territories or by neighbouring countries.

315. In view of that situation, the United Nations should condemn the attitude of the administering Power and invite it to implement immediately and strictly the provisions of the Declaration and the other relevant resolutions. The United Kingdom Government had obviously wished to delay the independence of the three Territories. That was proved by the statement made by the United Kingdom representative at the 287th meeting of the Committee (see paragraphs 203-213 above), namely, that if, at any time not earlier than one year after the new elections, the people of Basutoland, by resolutions of Both Houses of the Basutoland Parliament—or, in the event of disagreement, by a majority vote on a referendum—should ask for independence, the United Kingdom Government would seek to give effect to their wishes as soon as possible. Independence was thus being delayed for a year and favourable conditions created for the maintenance of the colonial system. That was exactly the opinion expressed in the petitions received from the three Territories.

316. Moreover, the measures taken were based on racial discrimination, as could be seen from those applying to Swaziland (paragraph 147 above). Precisely when the United Kingdom delegation was saying that legislative measures had been taken to eliminate racial discrimination, it was being observed that the proposed constitutional provisions gave the European elements the largest representation, at the expense of the indigenous inhabitants. The method used to constitute the Legislature in each of the three Territories was no different from the worst methods of the past.

317. Another important question was that of the permanent danger which the policies of the Republic of South Africa represented for Basutoland, Bechuanaland and Swaziland. That danger became alarmingly apparent after the statements by the Prime Minister of the Republic of South Africa concerning the way in which the three Territories should be led towards independence. The offer by the South African Government, mentioned earlier (see paragraph 3 above), had been enthusiastically received by some European elements in the three Territories. The Republic of South Africa did not want the liberation of those Territories, fearing that it would give new impetus to the struggle for national liberation waged by the African population of South Africa. The Republic of South Africa was already trying to bring the three Territories and their economies under its sway. Consideration should therefore be given to measures enabling the United Nations to guarantee—and even to defend, if necessary—the independence of the three countries and to give them the necessary means and facilities so that they could continue to develop in independence. The Special Committee should examine that question and make recommendations along those lines. It would perhaps be useful to ask the Security

Council to envisage measures to safeguard the future independence of the three countries.

318. The administering Power should turn over a new leaf and apply the United Nations resolutions immediately and strictly, so that the populations would be able to express their will freely and decide on the form of their institutions themselves. In addition, the Government of the Republic of South Africa should be warned that any measures it might take to thwart the independence of the Territories under consideration would constitute an act of hostility towards the United Nations and the whole of humanity and that steps would be taken to guard against such a possibility. Lastly, the administering Power should make arrangements to return immediately to the people the land taken from them by the Europeans.

319. The representative of India recalled that, when the General Assembly had adopted resolution 1954 (XVIII), the situation had been far from satisfactory in the three Territories in question. Much had changed since then and the constitutional situation had improved. That did not mean, however, that the constitutional reforms described by the United Kingdom representative met the requirements of resolutions 1514 (XV) and 1954 (XVIII). The economic situation was worrying and the proximity of a hostile neighbour could not but cause alarm, since the Republic of South Africa still had designs on the three Territories. That was why the Conference of Heads of State or Government of Non-Aligned Countries, held at Cairo at the beginning of October 1964, had recommended that the United Nations should guarantee the territorial integrity of the three Territories and take measures for their speedy accession to independence and for the subsequent safeguarding of their sovereignty.

320. His delegation was encouraged by the fact that at the Meeting of Commonwealth Prime Ministers, held in London in July 1964, the United Kingdom had said that Basutoland had been promised that it could have independence in about eighteen months, that Bechuanaland could follow when it wished and that Swaziland's new Constitution had set it on the same course.

321. The constitutional reforms did not give the inhabitants of the three Territories full control over their destiny, even in internal matters. In Bechuanaland, for example, Her Majesty's Commissioner would enjoy vast powers with regard to day-to-day administration. In addition, there was too much emphasis on traditional electoral methods and a tendency to safeguard the interests of feudal elements of society. The constitutional arrangements mentioned by the United Kingdom representative constituted an important step towards self-government and independence, but his delegation hoped very much that even greater progress would soon be achieved. It was the duty of the Special Committee to see that resolution 1514 (XV) was applied, and the co-operation of the administering Power was paramount in that connexion.

322. In conclusion, the representative of India said that his delegation had taken note of the report of the Secretary-General (A/AC.109/98) and was glad that the specialized agencies had started to give assistance to the three Territories. It was to be hoped that their aid would be increased.

323. The representative of Tunisia said that, since the members of the Committee were familiar with the situation in the three Territories, he would confine

himself to a review of the events which had occurred since the Committee's last debate on the subject.

324. The United Kingdom representative had told the Committee that striking constitutional progress had been made. It was therefore interesting to see what the indigenous inhabitants of the Territories thought about that and about the situation in general.

325. According to the periodical *Africa Today*, Mr. Timothy Zwane, President of the Swaziland Students Union, had said before the Constitution of Swaziland had been adopted that the whites had taken the initiative in making constitutional changes to forestall local nationalist initiative, so that they would be acclaimed as the sole champions of the public interest and force the United Kingdom to concede their designs. The European Advisory Council under the leadership of Mr. Todd, a wealthy South African businessman, was aware of the loyalty of the Swazi people to Chief Sobhuza and had found in the Chief a convenient tool. The constitutional proposals had been drawn up long before 1960 by the European Advisory Council and the traditionalists, with the assistance of a South African Nationalist Party lawyer. The traditionalists, exploiting the loyalty of the people to their Chief, had conducted their own referendum on the constitutional question which, despite its misleading nature, had given them tremendous moral backing and placed the nationalist groups and the United Kingdom Government in an uncomfortable position. The United Kingdom Government therefore had either to ignore the referendum and assume the role of tyrant, in which case Verwoerd would not lose the opportunity to present himself as the champion of the interests of the people, or to concede and lose the support of the nationalists.

326. A few months later, after the adoption of the Constitution, Mr. Zwane had expressed the concern aroused by the United Kingdom's adoption of a Constitution which took little interest in the demands of the people and defended the interests of the settlers and the traditionalists, who were working with the South African Government. South Africa was trying to make the country into a kind of Bantustan dominated by tribal institutions, which naturally precluded participation by any progressive elements.

327. On 15 June 1964, Mr. Zwane had sent the Secretary of State for Commonwealth Relations and for the Colonies a letter in which he had warned the United Kingdom Government of the dangers inherent in a political situation dominated by the interests of the traditionalists and the white settlers, united in their opposition to the progressive elements. Mr. Zwane had stated that, unless positive steps were taken to prevent the ascendancy of that diabolical coalition, the future of Swaziland would be wrought with blood, through the fault of the United Kingdom Government. Mr. Zwane had therefore asked that a date should be fixed for a constitutional conference, which would make a complete revision of the Constitution.

328. On the subject of Basutoland, the representative of Tunisia quoted from the petition of Mr. Josiel Lefela (A/AC.109/PET.220/Add.1), which protested against the fact that the report of the Constitutional Commission was sent to London without the people's consent in spite of protests by members of the National Council, and he declared that, under those conditions, the report could not be considered as representative of the opinion of any section of population, and mentioned the persecution to which a member of the

Lekhotla la Bofo movement was subjected during the electoral campaign.

329. A petitioner from Bechuanaland, Mr. Maruping, denounced (A/AC.109/PET.221) the United Kingdom's delaying tactics in taking a census of voters in Bechuanaland and its efforts to support the Administration's candidates by directing exceptional measures against the members of the Bechuanaland People's Party.

330. In another petition (A/AC.109/PET.221), the Bechuanaland People's Party had condemned the adoption of the Conspiracy Act and the Prevention of Violence Abroad Act, which were endorsements of the South African laws on sabotage and maintenance of public order, had protested against the provocation given by the arrest and persecution of members of that Party, and had stated it was in favour of immediate independence.

331. The Tunisian delegation wished to bring these eloquent statements to the attention of the members of the Committee.

332. The constitutional measures taken after the long British occupation were clearly insufficient. They were apparently designed to appease international opinion while humoring South Africa's expansionist aims. The Tunisian delegation deplored the unjustifiable slowness of the administering Power in applying the Declaration on the Granting of Independence to Colonial Countries and Peoples.

333. The economic position of the three Territories was not a bright one and their dependence on the economy of South Africa, as described in the Secretariat working paper, was one more cause of concern. That dependence and the hesitation of the administering Power to promote the political emancipation of those Territories had whet the South African Republic's appetite for annexation. This was clear from Dr. Verwoerd's proposal regarding the taking over of the Territories by the Republic of South Africa, which had been rejected both by the populations concerned and by the United Kingdom. Not content, however, with making those claims, the Republic of South Africa had, with the connivance of the local police, organized raids and kidnappings, for example that of Dr. Abrahams in Bechuanaland and Mr. Anderson in Basutoland.

334. Such a complicated situation had not escaped the attention of the Heads of African States and Governments or of the participants in the Conference of Non-Aligned Countries, who had declared their complete solidarity with the peoples of both Territories in their struggle for independence and had declared themselves ready to help protect and strengthen that independence once it was acquired.

335. The Tunisian delegation paid tribute to the efforts of the Secretary-General to provide the Territories with adequate assistance and it hoped that those efforts would be increased in the future.

336. The Tunisian delegation thought that the application of resolution 1514 (XV) and the other resolutions relating to the three Territories should not present any particular difficulty, and that any delaying tactic would be reprehensible and open to condemnation.

337. The representative of Italy stated that the situation in Basutoland, Bechuanaland and Swaziland should be assessed within the context of the general situation in southern Africa. Almost all members of the Special Committee had expressed concern regarding the economic position of the three Territories and the

factors endangering their future. In the circumstances, his delegation thought it inadvisable to seek independence for them at that stage. Indeed, independence might isolate them precisely at a time when their future was uncertain. Consequently, resolution 1514 (XV) could only be implemented with due regard for all the circumstances prevailing in the area.

338. Not all those circumstances were unfavourable. Two new independent countries, namely, Malawi and Zambia, had recently emerged in the area and it was to be hoped that their presence would act as a stabilizing influence in that part of the world. Furthermore, it had just been learnt that the Southern Rhodesian Government had decided not to carry out its intention of unilaterally proclaiming that Territory's independence. Lastly, there was a newly elected Government in the United Kingdom which could be expected to modify that country's policy on colonial problems. It was only fair to give the new team time to make the necessary survey of the situation and, in a general way, to make its task easier.

339. The Italian delegation accordingly considered that the members of the Committee would be demonstrating their sense of responsibility by holding in abeyance any decision with respect to Basutoland, Bechuanaland and Swaziland for at least two weeks. There was no danger that their attitude would be misconstrued, since their views were well known and there was wide agreement among them on the approach to the problem. In any case, there would be no harm in a delay since, with the session of the General Assembly being postponed, the Committee could continue its work beyond the scheduled date.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

340. At the 297th meeting, on 29 October 1964, Cambodia, Ethiopia, India, Iran, Mali, Sierra Leone, Syria, Tunisia, United Republic of Tanganyika and Zanzibar, and Yugoslavia submitted a joint draft resolution which was subsequently co-sponsored by Iraq, Ivory Coast and Madagascar (A/AC.109/L.156 and Add.1).

341. The representative of Syria, introducing the draft resolution, said that the text, which reflected the general sentiments and views expressed during the discussion, was clear both in its preamble and in its operative paragraphs, and therefore required no explanation of specific details. He hoped that the Special Committee would adopt it unanimously.

342. At the 298th meeting, on 30 October 1964, the sponsors submitted oral revisions to the draft resolution (A/AC.109/L.156/Rev.1).

343. At the 299th meeting, on 2 November 1964, the sponsors submitted an additional preambular paragraph to the revised draft resolution.

344. The representative of the United Kingdom, explaining his vote on the revised joint draft resolution (A/AC.109/L.156/Rev.1), said that his delegation considered the text to be unbalanced and unrealistic, reflecting neither recent events nor the basic geographical, demographic and economic realities of the situation in the three Territories under discussion. Moreover, it did not appear even to reflect the statements made during the debate. Of the sixteen members who had spoken—excluding his own delegation—ten had recognized that constitutional changes had been made in the direction of self-government and independence during

the past year, although several speakers had registered certain reservations usually to the effect that, in their view, progress had not been rapid enough. He could not, therefore, agree with the representative of Syria who, in introducing the original text of the draft resolution (A/AC.109/L.156) at the 297th meeting, had stated that it reflected the general sentiments and views expressed during the debate. The fifth preambular paragraph and operative paragraph 2 did not appear to reflect the general debate, and there was no reference in the draft resolution to the constitutional progress achieved during the past year.

345. The sixth preambular paragraph was quite unrealistic, for the Territories were no more "under-developed" than many other parts of Africa, and United Kingdom aid to them was substantial. With respect to the eighth preambular paragraph and operative paragraphs 4 and 5, his Government, which remained fully responsible for the territorial integrity and the administration of the Territories as long as they were not self-governing, would continue to seek solutions to the economic and other problems resulting from their geographical situation, in the interests of, and in consultation with, the peoples themselves. Furthermore, his delegation could not subscribe in advance to the definition of a hypothetical situation, as in operative paragraph 4, especially when drafted in such a way as to relate to a situation which would be for the consideration of the Security Council rather than the Special Committee. As for operative paragraph 5, the facts of geography inevitably led to a high degree of economic interdependence between the Territories and the Republic of South Africa, but that did not imply political dependence.

346. The comments made by the representative of Italy on the danger of moving too rapidly in the three Territories were both wise and timely. The recognition of that danger by the peoples of the Territories was one of the factors that the United Kingdom Government had taken into account when considering the question of constitutional progress, which it believed should occur at the pace agreed upon with those peoples themselves. His Government was determined to fulfil its responsibilities towards Basutoland, Bechuanaland and Swaziland, and his delegation was unable, for the reasons stated, to support the revised draft resolution.

347. The representative of Australia said that his delegation would not vote against the revised draft resolution (A/AC.109/L.156/Rev.1) because of its respect for many of the purposes of the sponsors, its sympathy with the Territories whose circumstances constituted a most particular problem, and its support for certain paragraphs. On the other hand, his delegation's reservations concerning some important parts of the draft resolution would prevent it from voting in favour.

348. The Australian Government's thorough understanding of the importance of land and land policies to economic, social and political development was apparent from the policies it pursued in New Guinea, where less than 3 per cent of the land had been alienated from indigenous ownership and much of that acquisition had been for public purposes. His delegation nevertheless considered that operative paragraph 3 was far too wide in its implications of blame and that its implementation might cause insoluble practical problems.

349. With regard to operative paragraph 4, his delegation had serious reservations concerning the competence of the Special Committee. While it was vitally necessary to maintain the territorial integrity of the

three Territories, the actual determination of what constituted an act of aggression was clearly a matter for other United Nations organs.

350. The fifth preambular paragraph and operative paragraph 2 had the serious defect of failing to recognize certain vital factors in the existing situation. Those factors had been referred to at the 202nd meeting by the Australian representative, who had stressed that the United Kingdom was trying to move forward peacefully by reconciling the various interests and that progress was being achieved. That was even truer at the present time when, as the United Kingdom representative's statement had indicated, swift progress was being made towards independence. The revised draft resolution did far less than justice to what had been achieved in the three Territories through a process which offered the greatest possibility of promoting political stability and the common good. His delegation considered that any resolution adopted by the Committee must be not only a firm and indicative statement of the purposes to which all subscribed, but a balanced record of achievements as well as shortcomings.

351. The representative of Venezuela stated that his delegation would vote in favour of the revised draft resolution as a whole, but would request a separate vote on operative paragraph 4, on which it would abstain. That paragraph was vaguely worded; it did not state who was making or might make an attempt to annex the Territories, nor did it mention who would be the victim of the act of aggression resulting from such an attempt. In 1963, his delegation had abstained from voting on operative paragraph 3 of the Special Committee's draft resolution on South West Africa (A/AC.109/L.54/Rev.1) for the reasons stated in the Committee's report (A/5446/Rev.1, chap. IV, para. 190) which were entirely applicable to paragraph 4 of the draft resolution under discussion.

352. The representative of the United States of America said that a major defect of the revised draft resolution was its failure to recognize the significant constitutional developments which had taken place in the Territories. The fifth preambular paragraph was belied by the facts, which testified to the good faith of the United Kingdom. In consultation with representatives of the peoples of the Territories, the United Kingdom had granted constitutions to each of them and had guaranteed internal self-government and fundamental human rights; popular elections under the new Constitutions had been held or were scheduled; and the United Kingdom continued to provide the major proportion of economic, financial and technical assistance.

353. His delegation was also concerned about the import of operative paragraph 4. While the General Assembly had an important competence in the maintenance of international peace and security, the responsibility for determining the existence of any threats to the peace or acts of aggression was vested in the Security Council under Article 39 of the Charter, and the Special Committee would be exceeding its powers if it adopted such a provision. He doubted the need for a new economic study, as proposed in operative paragraph 5, which would impose an inordinate burden on the Secretariat. The United States Government wholeheartedly supported the tenor of operative paragraph 6 and hoped that the increased assistance would be made available on a priority basis, as in the case of other emerging areas. He drew attention, in that connexion, to the allocation of \$100,000 in United States foreign

aid for scholarship grants to the University of Basutoland, Bechuanaland and Swaziland.

354. Because of the reservations he had expressed, his Government could not support the revised draft resolution as it stood.

355. The representative of Italy said that his delegation would abstain in the vote on the revised draft resolution for three reasons. First, the statement by the United Kingdom representative to the effect that Basutoland had been promised independence in eighteen months' time, and Bechuanaland and Swaziland when they wished, deprived the fifth preambular paragraph of much of its meaning. In his opinion, it would be more appropriate for that paragraph to read: "*Noting* that the administering Power has not yet taken all measures to implement General Assembly resolution 1514 (XV) . . .". Secondly, his delegation felt that it was inappropriate to refer in a United Nations document to a declaration adopted by an organization which could not be considered a regional arrangement within the meaning of Chapter VIII of the Charter and that such a reference might create an undesirable precedent for future resolutions. Thirdly, the reference to aggression in operative paragraph 4 was unacceptable to his delegation both because the concept of aggression was difficult to define and because it was the exclusive responsibility of the Security Council to determine whether or not aggression had been committed on any given occasion.

356. The representative of Poland, replying to the United Kingdom representative, pointed out that at the 296th meeting (see paragraph 301 above) he had said that the constitutional changes in the Territories did not meet the requirements of resolution 1954 (XVIII) and that the situation in all three Territories had remained basically the same. That was why the sponsors wanted the fifth preambular paragraph to express regret that the administering Power had not yet taken effective measures to implement the General Assembly resolutions.

357. The representative of Sierra Leone observed that, although his delegation had laid stress on the activities of the administering Power in the three Territories during the past year, it had not meant to create the impression that any substantial constitutional progress had been made.

358. Although the draft resolution had been described as "unbalanced", his delegation felt that it asked for the minimum that could be expected in the implementation of resolution 1514 (XV).

359. At the same meeting, the Special Committee, in a separate vote, adopted operative paragraph 4 of the draft resolution by 17 votes to none, with 6 abstentions.

360. The draft resolution as a whole (A/AC.109/L.156/Rev.1), as orally revised, was then adopted by 18 votes to none, with 5 abstentions.

361. The representative of Denmark, explaining his vote, said that his delegation fully supported the ideas and principles underlying the resolution just adopted but had abstained in the vote because it felt that the resolution did not fully reflect all aspects of the situation in the three Territories. The resolution failed to mention the progress made in the constitutional field, which his delegation had noted with satisfaction. Moreover, his delegation would have preferred operative paragraph 2 to be worded as an invitation to the United Kingdom to continue without delay its efforts to lead the three

Territories to independence through the creation of a truly democratic constitution and a stable and healthy economy.

362. The representative of Chile explained that his delegation had voted in favour of the draft resolution in the hope that it would contribute to the development of the three Territories to the point where the objectives set forth in the United Nations Charter and in General Assembly resolution 1514 (XV) would be achieved. It also hoped that the resolution would prevent the Government of the Republic of South Africa from carrying out its designs against those Territories.

363. At the same time, it would have liked the draft resolution to refer to the specific constitutional progress made by the administering Power in the previous year, even though the steps taken had been limited and needed to be brought into conformity with resolution 1514 (XV). Such a reference would have made the resolution more balanced.

364. His delegation understood that operative paragraph 4 did not in any way encroach upon the power vested in the Security Council by Article 39 of the Charter to determine whether an act of aggression had been committed.

365. The text of the resolution on Basutoland, Bechuanaland and Swaziland (A/AC.109/103) adopted by the Special Committee at its 299th meeting, on 2 November 1964, reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the situation in the Territories of Basutoland, Bechuanaland and Swaziland,

"Having taken note of the statement of the representative of the administering Power,

"Taking into account the principles contained in General Assembly resolution 1514 (XV) of 14 December 1960,

"Recalling General Assembly resolutions 1817 (XVII) of 18 December 1962 and 1954 (XVIII) of 11 December 1963 relating to these Territories,

"Recalling the resolution adopted in July 1964 at the first session of the Assembly of Heads of State and Government of the Organization of African Unity and the Declaration adopted in October 1964 by the Second Conference of Heads of State or Government of Non-Aligned Countries concerning these Territories (A/5763),

"Regretting that the administering Power has not yet taken effective measures to implement General Assembly resolutions 1514 (XV), 1817 (XVII) and 1954 (XVIII),

"Taking into account the fact that the economic and social situation in the three Territories is critical,

"Noting with appreciation the action taken by the Secretary-General, through the United Nations programmes of technical assistance and the specialized agencies, to provide economic, financial and technical assistance for these Territories,

"Taking into account that the policy of the Government of the Republic of South Africa continues to

constitute a threat to the economic stability and to the territorial integrity of these Territories,

"1. *Reaffirms* the inalienable right of the peoples of Basutoland, Bechuanaland and Swaziland to self-determination and to independence;

"2. *Invites* the administering Power to take immediate steps for the transfer of powers to freely elected representatives of these three Territories, in accordance with provisions of General Assembly resolutions 1514 (XV), 1817 (XVII) and 1954 (XVIII);

"3. *Reiterates* its requests that the administering Power return to the indigenous inhabitants all the land taken from them;

"4. *Declares again* that any attempt to annex or encroach upon the territorial integrity of these three Territories will constitute an act of aggression;

"5. *Requests* the Secretary-General, in consultation with the administering Power, to undertake a study as to the ways and means of ensuring the economic independence of these Territories vis-à-vis the Republic of South Africa and to submit a report to the Special Committee and the General Assembly;

"6. *Requests* the Secretary-General to intensify, in co-operation with the specialized agencies, programmes of economic, technical and financial assistance to these Territories."

CHAPTER IX

FERNANDO POO, RIO MUNI, IFNI AND SPANISH SAHARA

A. CONSIDERATION BY THE SPECIAL COMMITTEE IN 1963

1. The Special Committee considered Fernando Póo, Ifni, Río Muni and the Spanish Sahara at its 206th and 213th to 215th meetings between 9 and 20 September 1963. The Special Committee invited the representatives of Spain, Morocco and Mauritania, who had so requested (A/AC.109/52, A/AC.109/55 and A/AC.109/56), to attend its meetings during the consideration of these Territories. Statements were made by the representatives of Bulgaria, Iraq, Mauritania, Morocco, Spain, the United Kingdom and the Union of Soviet Socialist Republics. Since the Committee lacked the time to continue the general debate on the situation in those Territories, it decided to postpone further consideration of the item until its next session.

B. INFORMATION ON THE TERRITORIES

2. Information on these Territories is contained in the report of the Special Committee to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. XIII). Information on recent development is set out below.

1. FERNANDO POO AND RIO MUNI

Introduction

3. Under the Basic Law (*Ley de Bases*) of 20 December 1963, Equatorial Guinea is made up of the Territories of Fernando Póo and Río Muni. The Territory of Fernando Póo comprises the island of that name, adjacent islets and the island of Annobón; the Territory of Río Muni includes the continental area, the islands of Corisco, Elobey Grande and Elobey Chico and the adjacent islets. The area of the Territory of Fernando Póo is 2,034 square kilometres, and that of the Territory of Río Muni 26,017 square kilometres.

Population

4. According to the 1960 census, the population of Fernando Póo and Río Muni was as follows:

Fernando Póo:	
Africans	58,390
Europeans	4,222
Río Muni:	
Africans	171,240
Europeans	2,864

This number includes 13,155 transients. Nearly all transients are workers from neighbouring countries, who do not reside in the Territory for more than two years. The annual rate of population increase from 1950 to 1960 was 2.3 per cent. The population density is 31 per square kilometre in Fernando Póo and 7 in Río Muni. In 1961, the total population of the two Territories was estimated at 249,000.

Government

5. The political and administrative structure of Fernando Póo and Río Muni, established by the Act of 20 July 1959 which was in force until the introduction of a new system in 1963-1964, is described in the report of the Special Committee to the General Assembly at its eighteenth session.

6. A new political and administrative structure was initiated by declaration of the Spanish Government following a decision taken in the Council of Ministers on 9 August 1963 regarding the granting of self-government to Fernando Póo and Río Muni. A Commission of the Spanish *Cortes*, in whose work representatives of Fernando Póo and Río Muni participated, drew up a bill for a Basic Law providing for a new system of government. The bill was approved by the *Cortes*. Before being sanctioned by the Head of State, the Basic Law was to be submitted to a plebiscite in which all the inhabitants of the Territory over the age of twenty-one were entitled to participate.

Plebiscite

7. The plebiscite was held on 15 December 1963. The number of registered voters was 126,378, of which 17,699 were in Fernando Póo and 108,679 in Río Muni. The results of the voting were as follows:

	Votes cast	In favour	Against
Fernando Póo	12,500	5,340	7,150
Río Muni	82,317	53,940	28,387
TOTAL	94,817	59,280	35,537

The law was promulgated on 20 December 1963.¹

8. The Basic Law establishing the new political and administrative structure for these Territories, in its preamble, states that "it is based on the right of self-

¹ The full text of the Basic Law is contained in document A/AC.109/71, annex.

determination of their peoples". The Law repeals the Act of 30 July 1959 by which Fernando Póo and Río Muni were administered as provinces.

9. The Basic Law establishes that the inhabitants of Equatorial Guinea have the same rights and duties as other Spaniards under the Fundamental Laws. They include the right of representation in the Spanish *Cortes*.

10. The Law provides that the government and administration of Equatorial Guinea will be representative in character and will be entrusted to a General Assembly and a Governing Council.

(i) General Assembly

11. The General Assembly will consist of the *diputaciones* (territorial councils) of Fernando Póo and Río Muni (see paragraphs 17 and 21 below). The General Assembly is empowered to draw up laws and regulations at the territorial level which supplement and develop legislation, to examine national laws before they come into force in Equatorial Guinea, to request, by a two-thirds majority, changes in existing legislation and to approve the budget of the Territory drawn up by the Governing Council, without prejudice to the provision that whenever the State directly or indirectly subsidizes the economy of Equatorial Guinea, the budget relating thereto shall be submitted annually to the Spanish *Cortes* for approval.

(ii) Governing Council

12. The Governing Council will consist of a President and eight members, four from Fernando Póo and four from Río Muni. The members of the Council will be chosen by the Assembly and appointed, on its recommendation, by decree. The President will be appointed by decree from a list of three candidates proposed by the Governing Council.

13. The Governing Council will exercise the functions of the autonomous administration and those for which the Governor-General was formerly responsible, with the exception of those assigned to the Commissioner-General. The Governing Council may appoint a delegate to represent it at Madrid.

(iii) Commissioner-General

14. The Government of Spain will be represented in Equatorial Guinea by a Commissioner-General appointed by decree. The functions of the Commissioner-General will include the following: to co-ordinate the autonomous administration with the central administration; to assent to the legislation passed by the General Assembly; to defend the integrity of the Territory and maintain law and order, for which purpose the armed forces will be under his control; and to assume responsibility for relations with any authority external to Equatorial Guinea.

(iv) Civil Governors

15. Each of the Territories of Fernando Póo and Río Muni will have a Civil Governor. The Civil Governors will be representatives of the Governing Council in their respective Territories and will be appointed upon the proposal of the Council.

Organs of local government

16. The *diputaciones* (territorial councils) of Fernando Póo and Río Muni, the *ayuntamientos* (municipal councils) and the *juntas vecinales* (village councils) will be organized according to the principles of corporate

representation. To be elected as a member of any of these bodies it will be necessary to be a national and resident in the respective Territory.

17. According to the Decree of 7 April 1960, half the membership of each *ayuntamiento* is elected by a vote of heads of families and the other half by various local corporative bodies (economic, cultural, professional and co-operative organizations). Half the membership of each *diputación* is elected by the *ayuntamientos* and the other half by the corporative bodies.

Public finance

18. With regard to financial matters, the Basic Law provides that Equatorial Guinea shall be exempt from contributions to the State and shall have its own budget. Revenue derived from their own resources will be invested in Fernando Póo and Río Muni without prejudice to indirect subsidies granted by the State or to direct subsidies for which provision may be made in the general budget of the State to supplement local financial resources. Expenditure for the administration of justice, the armed forces and the Office of the Commissioner-General shall be met out of the general budget of the State.

Justice

19. Justice will be administered by judicial organs, independent of the government organs. A High Court will have the powers and jurisdiction conferred by law on the *Audiencias Territoriales* (Territorial High Courts) and on the Central Labour Court. Appeals from the High Court will be to the Supreme Court of Spain.

Elections

20. According to the Basic Law, the new system established by it was to come into force after 1 January 1964, upon the establishment of the General Assembly and the Governing Council following elections for the *juntas vecinales*, the *ayuntamientos* and the *diputaciones*.

21. According to the information transmitted by the administering Power, on 2 March 1964, elections were held for municipal councillors representing professional, cultural, economic and co-operative organizations. On 15 March, municipal councillors representing families were elected. The *ayuntamientos* came into being at once. The *diputaciones* of Fernando Póo and Río Muni convened early in May 1964 in order to organize themselves and elect their Presidents, and later they met in joint session to constitute the General Assembly.

22. On 15 May 1964, the members of the Governing Council were appointed on the recommendation of the General Assembly, and on 27 May, Mr. Bonifacio Ondo Edou was designated President of the Governing Council. On 24 July 1964, Mr. Simón Nogomo Ndumu and Mr. Pablo Góbená Mendo were appointed Civil Governors of Río Muni and Fernando Póo respectively.

Political parties

23. The following organizations were reported to have undertaken considerable political activity prior to and during the referendum:

(a) The *Idea Popular de la Guinea Ecuatorial* (IPGE), led by its President, Mr. Luis Maho, campaigned against the adoption of the Basic Law and advocated instead the granting of immediate independence and subsequent union with Cameroon.

(b) The *Mouvement national de libération de la Guinée équatoriale (MNLGE)*, the Secretary-General of which is Mr. Atanasio N'dong, advocated, in Río Muni, the acceptance of the Basic Law as a first step towards independence, but with strong reservations. In Fernando Póo, the local leaders of this party, in protest, *inter alia*, against the powers to be accorded to the Commissioner-General, opposed on the grounds of inadequacy the extent of the autonomy envisaged under the Basic Law.

(c) The *Unión Popular de Liberación de la Guinea Ecuatorial (UPGE)*, with Mr. Bonifacio Ondo Edou as its President, expressed itself in favour of the Basic Law. It is reported that it did so partly as a means of warding off incorporation into Cameroon.

(d) The *Movimiento Nacional de Unión (MNU)*, led by the former Secretary-General of IPGE, Mr. Jaime Nseng, rejected the idea of amalgamation with Cameroon and urged the ratification of the Basic Law as a first step towards independence and full sovereignty.

(e) *La Cruzada*, based on Fernando Póo, preferred the maintenance of the *status quo* and advocated the rejection of the Basic Law.

24. Following the approval of the Basic Law and prior to the municipal elections, a new political organization, *Movimiento de Unión Nacional de la Guinea Ecuatorial (MUNGE)*, was constituted. According to unofficial reports, among the principal leaders of this movement is Mr. Bonifacio Ondo Edou, as well as other members of the UPGE and the MNLGE. This movement is pledged to peaceful evolution towards independence, the timing of which should be determined in consultation with Spain.

Economic conditions

25. The economy of the Equatorial Region is based principally on agriculture and forestry, its most important products being cacao in Fernando Póo and coffee and timber in Río Muni. Bananas and yucca are also cultivated. In 1962 the value of exports, represented mainly by cacao, coffee and timber, amounted to 1,398 million pesetas.² Imports, which include such items as construction materials, agricultural machinery, fertilizers, fuels, motor vehicles, preserves, rice and so on, were valued at 1,151 million pesetas in 1962.

26. In 1962, the total income of the Region amounted to 2,036.5 million pesetas, of which Fernando Póo accounted for 999.9 million and Río Muni for 1,036.6 million pesetas. *Per capita* income for that year amounted to 7,922 pesetas for the Region considered as a whole, the figures for Fernando Póo and Río Muni being 14,737 pesetas and 5,478 pesetas respectively.

27. The gross regional product, which amounted to 1,501.5 million pesetas in 1954, reached 2,300.8 million pesetas in 1962. Between 1954 and 1962 the mean annual cumulative rate of growth, reckoned in pesetas of constant value, amounted to 5.5 per cent.

28. The resources available in 1962 were utilized as follows:

	(Million (1962) pesetas)
Gross regional product.....	2,301
Goods and services imported.....	1,151
<i>Available resources</i>	3,452

	(Million (1962) pesetas)
Private consumption	1,450
Public consumption	235
Gross domestic investment.....	369
Goods and services exported.....	1,398
<i>Utilisation of resources</i>	3,452

29. As regards public expenditure, certain general services are financed from the general budget of the State while the rest are provided for in the budget of the Equatorial Region. The budget of the Territory, which amounted to 53 million pesetas in 1950, totalled 367 million pesetas in 1962 and 462 million pesetas in 1963. The main heads of expenditure provided for in the 1962 budget were public works, health, education and assistance to local administrative organs (*diputaciones* and *ayuntamientos*). These items accounted for 83.7 per cent of the budgetary expenditure. Local financial sources were supplemented by a grant of 40 million pesetas from the Central Administration.

30. The Economic Development Plan for the Equatorial Region, 1964-1967, is designed to encourage crop diversification, the establishment of processing industries, improvements in communications and increased availability of medium and long-term credit.

31. Under the Plan, a target figure of 7.56 per cent has been set for the annual cumulative rate of increase in gross domestic product throughout the Region during the period 1964-1967. The results anticipated under the Plan are reflected in the following table.

	1964 (Million (1962) pesetas)	1967 pesetas)
Gross regional product.....	2,662	3,311
Goods and services imported.....	1,356	1,723
<i>Available resources</i>	4,018	5,034
Private consumption	1,709	2,185
Public consumption	291	371
Gross domestic investment.....	525	761
Goods and services exported.....	1,493	1,717
<i>Resources utilised</i>	4,018	5,034

Social conditions

Labour

32. In 1960, the Equatorial Region had a total active population of 138,000. Few indigenous workers in the Territory contract for paid employment. During the five years that ended in 1960, the number of indigenous workers remained substantially unchanged, whereas the number of workers coming from abroad rose by approximately 50 per cent. At the end of the five-year period immigrant workers accounted for about 57 per cent of the total labour force, the proportion being much higher in Fernando Póo. Of the 37,312 workers employed in private undertakings in 1962, 23,478 were employed in agriculture, 5,991 in forestry, 4,860 in industry, 630 in transport and 2,353 in trade and services. A total of 3,946 persons were working for the Government, as civil servants, in the armed forces or in public works.

33. The Labour Ordinance enacted in 1962 applies to work of a manual or intellectual nature performed against payment for another person, in agriculture, forestry, transport, commerce or any other field. It applies also to workers employed by public undertakings, with the exception of workers enjoying the status of public officials.

² The local currency unit is the Spanish peseta, which is equal to \$US0.0168.

34. The Ordinance regulates the contract and conditions of employment. The maximum hours of work are eight hours a day or forty-eight hours a week. The employment of minors under fifteen years of age is forbidden, and minors from fifteen to sixteen years of age may only work as apprentices to a trade or profession. The Labour Delegations are empowered to raise minimum wages within the limits laid down in the law. The Labour Judicature has authority to hear and settle any contentious claims regarding the exercise of the rights recognized in the labour legislation.

35. The administration of the labour legislation is the responsibility of the Labour Delegations, whose functions include inspection, the conciliation of disputes prior to the lodging of claims before the Labour Judicature, the approval of contracts of employment and the implementation of provisions concerning minimum wages.

36. The contracts and conditions of employment of the Nigerian workers in the Territory, who represent the majority of the workers coming from abroad, are regulated by agreements concluded between the Nigerian authorities and those of the Territory. These agreements also contain provisions relating to the powers of the Nigerian Consul and the Labour Agent, who are responsible for looking after the interests of the Nigerian workers in the Territory.

Public health

37. In the Equatorial Region as a whole, the birth-rate in 1962 was 28.7 per thousand inhabitants and the death-rate 7.8 per thousand inhabitants. The rate of infant mortality (death-rate of children less than a year old) was 40.1 per thousand.

38. The health and hygiene services are the responsibility of the Health Department, which has under its direction the Institute of Hygiene. The Institute includes a medical training school, and the hospitals and health sections responsible for the campaign against endemic disease.

39. There are general hospitals at Santa Isabel, San Carlos, Bata and Puerto Iradier; a leprosy hospital at Nícomeseng; and local hospitals in the eleven health sections, which coincide with the *ayuntamientos*. In 1962, a total of 1,401 beds were available in the sixteen hospitals. In that year there was one doctor per 3,500 inhabitants in Fernando Póo and one per 9,600 inhabitants in Río Muni.

40. In 1962, 27,356 persons received treatment in the hospitals and there were 100,620 consultations. The maternity centres provided assistance to 4,053 women. The child health and welfare centres at Santa Isabel and Bata dealt with 19,064 cases. The leprosy hospital at Nícomeseng, which had housed 3,348 patients in 1954, had only 1,434 patients in 1959, and by 1962, their number had dropped to 623.

41. Public health expenditure amounted to 32.2 million pesetas in the 1962 budget and rose to 39.3 million pesetas in the 1963 budget. Under the 1964-1967 Development Plan, it is anticipated that government expenditure on public health during the four years covered by the Plan will reach 229 million pesetas.

Educational conditions

42. The primary education course requires five years of attendance at school and is compulsory for all children living within five kilometres of a school. These five

years of tuition, leading to the elementary school certificate, are followed by a further two-year course constituting what is known as the intermediate stage. In 1960 it was estimated that there were about 34,506 children between the ages of six and fourteen in the Territory. In 1960, the number of children attending school was 20,631. The enrolment rose to 23,570 in 1962.

43. Secondary education of the academic type, leading to studies at the university level, entails a six-year course divided into two stages, the *bachillerato elemental* and the *bachillerato universitario*. The *bachillerato elemental* may be followed either by the *bachillerato universitario* or by vocational studies. There is also a *bachillerato laboral*, with the emphasis on agriculture or industry, consisting of a five-year course in which tuition is provided in the fundamental branches of secondary education, as well as in practical subjects. In 1962 a total of 1,006 students were attending courses of secondary education. Of these, 452 were studying for the academic type of *bachillerato*, 429 for the *bachillerato laboral* and 125 for the *bachillerato elemental*, to be followed by vocational training.

44. The primary school teachers are trained at the St. Thomas of Aquinas School of Education in Fernando Póo, which provides a five-year course for resident students. In 1963, two teacher-training colleges, modelled upon similar establishments in the Peninsula, were established, one in Fernando Póo and one in Río Muni. In 1962, a total of 433 teachers were employed in State and private schools.

45. Vocational training is provided by the Medical Training School of the Institute of Hygiene, which makes use of the facilities of the general hospital at Santa Isabel; the Agricultural Training School, which provides general or specialized courses in agriculture; and the Catholic School of Arts and Crafts, which operates printing, carpentry, mechanical and other workshops. Two industrial training schools were established in 1963.

46. Courses in higher education are provided in the Peninsula. The Government-General, the *diputaciones* and the *cámaras agrícolas* grant scholarships for the study of medicine, law, political science and government administration. In 1962, there were 113 students following courses under such scholarships and a further 100 students not holding scholarships were attending universities or higher technical schools in the Peninsula.

47. In 1962, expenditure on education, other than for the construction of schools, amounted to 26,328,563 pesetas. This sum includes the appropriation for education in the regional budget, contributions by local administrative organs, State aid and contributions from private sources. In the programmes of public expenditure under the 1964-1967 Development Plan, provision is made for a total expenditure of 331 million pesetas on education during the four years covered by the Plan.

2. IFNI

General

48. The Territory of Ifni covers an area of 1,500 square kilometres on the spurs of the Anti-Atlas range. Its relief is rugged and mountainous. The population, according to the 1960 census, amounted to 49,889; of these 8,219 were Europeans and 41,670 were autochthons.

Government

49. No information on the Government of the Territory other than that contained in the Special Committee's report to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. XIII) is available.

Economy

50. The principal crops are barley, wheat and maize. In 1962, some 27,000 hectares were under cultivation; the barley crop amounted to 16,123 metric quintals, that of wheat to 850 metric quintals, and that of maize to 308 metric quintals. There are also a few varieties of fruit trees and bushes, in particular the prickly pear. The main species of livestock were camels (3,560), cows (18,680), sheep (31,800), asses (6,600) and goats (70,500).

51. The trade figures are small. In 1962, imports were valued at a total of 76 million pesetas, and there were no exports. Foodstuffs constituted the main import and amounted to 49 million pesetas.

52. The budget of the Territory, which in 1960 amounted to 46 million pesetas, rose to 55 million pesetas in 1963. This amount included a subsidy of 42 million pesetas provided in the general budget of the State to supplement local financial sources.

Public health

53. In Sidi Ifni there is a central hospital and a dispensary staffed by 7 doctors, 19 auxiliaries and 12 assistants. The hospital comprises wards for surgery, medicine, x-ray and maternity. The dispensary includes general medicine and child health services.

Education

54. In 1962 there were seventeen sections in establishments for primary education, a school of arts and crafts, a post-primary school providing education in practical subjects, and a secondary school offering the academic course which leads to university studies. About 600 children were enrolled in the primary sections of government schools and 200 in the secondary school.

3. SPANISH SAHARA

General

55. The Spanish Sahara covers an area of 280,000 square kilometres. Its total population, according to the 1960 census, was 23,793, of whom 6,212 lived in El Aaiun and Villa Cisneros. The remaining population is scattered throughout the Territory and is for the most part nomadic. The population density is 0.09 per square kilometre.

56. The inhabitants of European origin totalled 5,304, of whom 3,236 lived in El Aaiun and Villa Cisneros. The inhabitants of indigenous origin totalled 18,489; belonging to four groups: the Chorfa, the Arabs, the Tekna and the Znaga.

Government

Information on the Government of the Territory is contained in the Special Committee's report to the General Assembly at its eighteenth session. By a Decree dated 29 November 1962, the following organs of local government were established or recognized: (a) the village councils, composed of four members elected by

the heads of families of the village; (b) the *Yemáas* or councils of nonadic sections, composed of the traditional leader of the section and a number of council members proportionate to the number of heads of families within each section; (c) the municipal councils, composed of councillors (between eight and twelve), half of them elected by the heads of families and the other half by the economic, professional and cultural organizations; and (d) the *Cabildo Provincial* (Provincial Council), composed of fourteen members of whom two represent the municipal and village councils, six represent the nomadic sections and six represent industrial, commercial, cultural and professional organizations. The latest information transmitted by the administering Power points out that the object of the present administrative structure of the Territory, as embodied particularly in this Decree, "is to create some solid bases to support legal representative organs; this will lead to the establishment of a system culminating in other representative organs which will be called upon to assume responsibilities whose possible future scope will be unlimited" (A/AC.109/71, p. 6).

Economy

58. The soil is almost completely arid and only a few scattered areas are under cultivation. In the last few years, underground sources of water have been tapped and farming has been introduced in certain areas. There is a fair amount of livestock, and the fishing industry is being developed. Prospecting for oil and minerals has been carried out for some years; the existence of deposits of phosphates is known and the possibility of their mining is being investigated.

59. The budget of the Territory, which in 1960 amounted to 53 million pesetas, rose to 238 million pesetas in 1963. This amount included a subsidy of 80 million pesetas provided in the general budget of the State to supplement local financial sources.

Labour

60. Until 1958, the fishing industry occupied most of the workers in paid employment, which totalled a little over 1,000. In 1962, the number of workers in public works and private enterprise had increased. Legal provisions regarding the contract and conditions of employment, maximum hours of work, minimum wages and the family aid system are the same or equivalent to those in force in Spain. The Labour Office is responsible for the administration of labour legislation and the Labour Judicature is the jurisdictional institution which intervenes in labour disputes.

Public health

61. There are hospitals in El Aaiun, Villa Cisneros and Güera, medical centres and dispensaries in seven smaller population centres, and health posts in eight areas of more scattered population. According to the figures for 1962, there were eighty-eight doctors and medical auxiliaries working in the hospitals and dispensaries. Public health expenditure amounted to 18,571,204 pesetas in the 1963 budget.

Education

62. In 1962, there were twenty-six primary schools with 1,350 pupils enrolled. Five other primary rural schools are being built; they will admit 500 pupils. In 1962 there was a secondary school in El Aaiun with separate sections for boys and girls. Another secondary

school was established in Villa Cisneros in 1963. Expenditure on education, other than for the construction of schools, amounted to 12,474,897 pesetas in the budget for 1963.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

63. The Special Committee considered Fernando Póo, Río Muni, Ifni and Spanish Sahara at its 284th, 285th and 289th to 291st meetings between 30 September and 16 October 1964.

Participation by the representatives of Spain, Morocco and Mauritania in the consideration of the Territories of Fernando Póo, Río Muni, Ifni and Spanish Sahara

64. At the request of the Permanent Representative of Spain (A/AC.109/93), the Special Committee, at its 280th meeting, decided, without objection, to invite the representative of Spain to attend its meetings during the consideration of these Territories.

65. At the request of the Deputy Permanent Representative of Morocco (A/AC.109/94), the Special Committee, at its 284th meeting, decided, without objection, to invite the representative of Morocco to take part in the consideration of these Territories.

66. At the request of the Permanent Representative of Mauritania (A/AC.109/95), the Special Committee, at its 284th meeting, decided, without objection, to invite the Permanent Representative of Mauritania to take part in the consideration of these Territories.

Written petitions

67. The Special Committee had before it the following written petitions concerning Fernando Póo and Río Muni:

<i>Petitioner</i>	<i>Document No.</i>
Mr. Clemente Ateba, General Secretary, Partido Político, Idea Popular de la Guinea Ecuatorial (IPGE)	A/AC.109/PET.254
Mr. Luis Maho on behalf of the Nationalistes de la Guinée équatoriale..	A/AC.109/PET.255
Mr. Atanasio N'dong on behalf of the Mouvement national de libération de la Guinée équatoriale (MNLGE)	A/AC.109/PET.256

General statements

68. The representative of Spain said that by letter addressed to the Chairman (A/AC.109/71), the Permanent Representative of Spain had informed the Committee that, in accordance with a law approved by a referendum and motivated by the right of peoples to self-determination, the two Territories of Fernando Póo and Río Muni had become Equatorial Guinea, under a self-governing system enjoying its own Government and dynamic legislation which enabled its inhabitants freely to determine their future. That reform, which the Spanish delegation had announced one year previously, had been carried out without the slightest incident. With regard to the other Territories under consideration, he thought that the letter from the Permanent Representative of Spain provided all the necessary details. In the view of his delegation, direct negotiations were the best means for solving outstanding problems between countries if those countries, as was the case in the present instance, really

wished to come to an understanding. In that connexion, he referred to the unforgettable meeting of the two Heads of State in May 1953 and the visit to Rabat by the Spanish Minister for Foreign Affairs in July 1964, as evidence of the excellent relations that existed between his country and Morocco. There was therefore reason to hope that the two countries would be able to settle their differences in a spirit of understanding and mutual trust.

69. The representative of Morocco said that he intended to remain faithful to the spirit of friendship which had inspired earlier statements by the delegations of Morocco and Spain in the competent bodies of the United Nations, especially in view of the fact that, since the meeting of the two Heads of State and the conversations between important members of the two Governments, relations between the two countries were developing in an atmosphere of mutual trust which should create the necessary conditions for an amicable settlement of all Spanish-Morocco claims. The Moroccan delegation was convinced that, as a result of that happy development, Spain would be able to write *finis* to the colonial chapter of its African policy and that Morocco would no longer have to suffer from a situation inherited from a colonial past which hampered its long-term policy of friendship and co-operation with its great neighbour to the north. Morocco had decided to settle its national problems through bilateral negotiations with Spain, and he was taking part in the present discussion mainly as a matter of principle and because he wished to avail himself of the opportunity of asserting the legitimate rights of his country. He recalled the statement which the representative of Spain had made the previous year that Spain was co-operating with the United Nations in order to promote the process of decolonization. Naturally Morocco welcomed that realistic policy which, in its view, should be reflected in the restoration of the Territories in question. It also considered that, by liberating its African colonies, Spain would be able to play a role which was worthy of its traditions of liberty and justice, and which would earn it the gratitude of the African-Asian world.

70. The co-operation of Spain with the United Nations had begun to manifest itself concretely in the structural reforms introduced in Fernando Póo and Río Muni. The Moroccan people had strong reason to hope that Spain would act in the same spirit of co-operation and understanding in the case of so-called Spanish Sahara and Ifni. Those Territories were inhabited by a population which was typically Moroccan in ethnic origin, language and religion. Prior to their actual occupation by Spain, they had been administered on behalf of the Moroccan State, and their inhabitants had claimed Moroccan nationality; although separated geographically, they had always been placed by the administering Power under a single authority until the administrative reform decided upon by the Spanish authorities three years earlier, and that explained why they were mentioned separately in the agenda item. In the view of the Moroccan delegation, that was not necessarily incompatible with the need to envisage a settlement that would apply to the status of both Territories.

71. The Moroccan delegation therefore asked the members of the Committee to consider, in connexion with the question of so-called Spanish Sahara and Ifni, that negotiations would be taking place between Morocco and Spain with a view to settling the future of the

two Territories, and to express the hope that negotiations would be successful in the near future.

72. The representative of Mauritania said that his delegation was glad that Spain and Morocco had expressed their willingness to settle their dispute over the Territory of Ifni by direct negotiation and in a spirit of friendship. There should also be no problem in settling the question of the so-called "Spanish Sahara", which, as was stated in the White Paper published by the Moroccan Ministry of Foreign Affairs in 1960, had until recently been known as Spanish Mauritania. The President of Mauritania had stated at the 1241st meeting of the General Assembly on 14 October 1963 that Mauritania hoped to re-establish its sovereignty over the "Spanish Sahara" through friendly negotiations; he had stated in the Mauritanian National Assembly on 28 November 1963 that the friendly relations between Spain and Mauritania and the Spanish Government's progressive attitude on the colonial question held out hope for an amicable solution of the problem of the "Spanish Sahara". The Spanish representative had said at the 284th meeting of the Committee that direct negotiations were the best means of solving outstanding problems between two countries if those countries really wished to come to an understanding. It was to be assumed that that statement applied also to the question of the "Spanish Sahara". He would supplement the suggestion made by the Moroccan representative at that meeting by proposing that the Committee should confine itself to expressing the hope that the parties concerned—Spain and Morocco in the case of Ifni, and Spain and Mauritania in the case of Spanish Mauritania—would conduct successful negotiations in the spirit of the positive statements they had made and the friendly relations existing between them.

73. Although there was no need to demonstrate the Mauritanian character of the "Spanish Sahara", he would like to give the Committee further information on that territory. The "Spanish Sahara" constituted the north-western coastal region of Mauritania. Indeed, a visit to the territory would be enough to show the Committee that in physical characteristics, customs and language it did not differ in any way from the rest of Mauritania.

74. Unlike Morocco, which Spain's generosity had enabled to extend its sovereignty to former Spanish Morocco, Mauritania had not gained unification at the same time as independence. He was therefore certain that Morocco felt the greatest sympathy for the cause of Mauritanian reunification. In that connexion, he recalled that the 1960 Moroccan White Paper, published before Mauritania's attainment of independence, had contained a map described as "showing the portion of Mauritania territory under French rule and that under Spanish rule". That was the clearest possible reference to the unity of the entire area.

75. Mauritania felt that it must lose no time in achieving unification in friendly co-operation with Spain just as earlier it had won independence in friendly co-operation with France. It hoped to achieve that end in a spirit of good-neighbourliness with Morocco and the other Saharan countries. Mauritania was prepared to go as far as the preservation of its national sovereignty would permit in co-operating with its northern neighbours, as it already was with its southern neighbours, within the framework of the Organization of African Unity.

76. The representative of Morocco said that the previous year the representative of the "Mauritanian authorities"—whose existence Morocco did not recognize—had tried to deny Morocco its national rights to Moroccan territories administered by Spain. That representative now claimed that those territories should be reunited with the other territories which were under the existing *de facto* authority in Mauritania. The Committee would undoubtedly agree that that was not the way in which the problem should be approached.

77. The correspondent of *Le Monde* had reported, in issue No. 6053 dated 2 July 1964, that the Mauritanian Government had on various occasions made known its claims to Río de Oro and that unofficial dispatches from Nouakchott seemed to indicate that only Morocco's recognition of Mauritania would induce the latter to relinquish its interest in the matter.

78. The representative of the Mauritanian authorities had quoted a passage from the statement made by the representative of Spain at the 284th meeting, but it was clear from the rest of the statement that that passage referred to Morocco and Spain; there had never been any question of Spain negotiating the return of the territories to any country other than Morocco.

79. He agreed with the Venezuelan representative that the only form of decolonization that could be applied to colonial territories that had been wrested from other States was reintegration into the State from which they had been taken. Before the European colonization, Morocco had always been an independent and sovereign country with well-defined national boundaries. It was now trying by peaceful means to recover its sovereignty over all the territories which had been cut off from its national soil.

80. The representative of Mauritania said that the Moroccan White Paper to which he had referred earlier was an official document published by the Ministry for Foreign Affairs in Rabat in 1960, and it stated clearly that the Spanish Sahara was part of Mauritanian territory. He would like to know whether that was still the Moroccan view or whether new ethnical, linguistic, human or historical arguments had now established the contrary.

81. With regard to the passage he had quoted from the Spanish representative's statement, it had been his understanding that the Spanish Government was ready to engage in conversations with Morocco on Ifni, but he had not understood that to be the case where the Spanish Sahara was concerned.

82. The views expressed in *Le Monde* were simply the personal views of that newspaper, which had always been favourable to the Rabat régime. In any case, the Mauritanian Government would not stoop to such bargaining and would not give up one iota of its national territory in order to obtain recognition of its Government by Morocco or by any other State.

83. The representative of Syria recalled that at the 284th meeting, the representative of Spain had mentioned "a law approved by a referendum and motivated by the right of peoples to self-determination", under which "the two Territories of Fernando Póo and Río Muni had become Equatorial Guinea, under a self-governing system enjoying its own Government and dynamic legislation . . .".

84. The Syrian delegation had noted that new fact with interest but it wondered why the names of the two Territories had been changed and whether the

inhabitants of those Territories had been consulted on the matter. The Syrian delegation would also like more information on the "dynamic legislation" to which the Spanish representative had referred. Pending such clarification, it welcomed that new approach and expressed the hope that the principle of self-determination would be applied in those Territories within the shortest possible time.

85. On the question of Ifni and Spanish Sahara, the Syrian delegation welcomed the friendly statements of Spain and Morocco. It hoped, as did 80 million Arabs, that the negotiations already in progress would bring about the immediate liberation of those Territories, so that no foreign elements would remain on Arab North African soil. At a previous meeting, the Syrian delegation had supported Spain without reservation on the question of Gibraltar; it therefore felt that it would not be asking too much if it now invited Spain to accelerate those negotiations in the friendliest spirit and with one objective in mind: the return of Ifni and Spanish Sahara to Morocco.

86. The representative of the Union of Soviet Socialist Republics recalled that in the Soviet representative's statement of 20 December 1963 concerning Spain's colonial territories in Africa—Fernando Póo, Río Muni, Spanish Sahara, Ifni, Ceuta, Melilla and Spain's island possessions off the coast of the African continent—his delegation had arrived at two basic conclusions: (a) that the Declaration on the Granting of Independence to Colonial Countries and Peoples was fully applicable to the Territories in question; and (b) that Spain should without delay give up its African colonies. It had also indicated that the Committee should unanimously and firmly demand that Spain should immediately and effectively implement the provisions of the Declaration.

87. The sum of events in the past year had been clearly disturbing. The activities of Spanish diplomacy with regard to Spain's colonial possessions in Africa had revealed a tendency to engage in manoeuvring and in attempts to give the impression that the policy of the Franco régime towards its colonial possessions had undergone changes intended to clear the way for the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. In fact, however, the situation had not changed; Spanish colonialism persisted in Africa, and the General Assembly's Declaration had still not been implemented in the Spanish Territories. It was not out of place to make a general observation with regard not only to the Spanish colonialists but to colonialists of every stripe. Co-operation with the United Nations meant something more than mellifluous speeches in United Nations bodies or isolated concessions and minor reforms in the colonial Territories, many of which were aimed at strengthening the position of the colonial authorities in those places; it meant the adoption of speedy and decisive measures to eliminate the remnants of the colonial domains and, in the present instance, the colonial domination of Spain in its territories. About four years had passed since the adoption of the Declaration. That was a long time, long enough for the adoption of measures to implement the Declaration. The colonialists should understand that it was high time to put an end to the policy of delay and procrastination in granting freedom and an independent existence to colonial peoples. The patience of those peoples would not last forever. The colonialists should stop trying to hamper

the work of the Special Committee. For its part, the Committee should, in its attitude towards the policy of the colonial Powers in their dependent territories, continue to be guided not by their words, but by their deeds and by the way in which they gave effect to the principles of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

88. The Spanish colonialists had not in principle changed their attitude towards the Declaration on the Granting of Independence. That that was no mere coincidence was apparent from the colonial philosophy which governed Franco Spain's colonial policy. In his speech in the *Cortes* on 3 June 1961, General Franco had stated: "Our country has never pursued a policy of colonialism". Such a philosophy was necessary to Franco and his assistants as a cover and justification for the refusal of the Spanish colonialists to grant, in accordance with the Declaration, immediate freedom and independence to the people languishing under their domination. That was borne out by the following statement made by Franco in the same speech of 3 June 1961: "Independence should be like a ripe fruit which detaches itself without violence or force when its time comes. To call it into being by force, linking it to political caprice, base ambition, rashness and an attempt to impose certain principles and a political and social order which in most cases are contrary to the will and aspirations of these people—to do this is to commit a crime against humanity".

89. That was a challenge to the whole United Nations and its call for the unconditional and immediate liberation of the dependent peoples from all forms and manifestations of colonialism. The noble aims and principles of the Declaration concerning the transfer of all powers to the colonial peoples and the granting of freedom and independence to them were, according to that philosophy, "a crime against humanity". That colonial philosophy, which was worthy of its authors, was recognized as having one aim, namely, to prove that the time for independence for the colonial peoples had not yet come and to justify the continued domination of the colonialists over their colonies. The practical consequence of that philosophy was that Ceuta and Melilla, as well as Spain's island possessions off the coast of the African continent, continued to be military bases and bastions of colonialism on the soil of Africa, and constituted the same kind of threat to peace and security in Africa as the United Kingdom base in Gibraltar. In his speech of 3 June 1961, General Franco had said that Ceuta and Melilla were as Spanish as any city in Spain. Ifni and Spanish Sahara were regarded by the Spanish Government—in the words of General Franco—as an extension of the Canary Islands. With regard to Equatorial Guinea, the Spanish colonialists represented the few fragmentary reforms they had carried out in the past year as being almost revolutionary changes, although those reforms were far from satisfying the demands made on the Spanish authorities by the Declaration on the Granting of Independence. The administrative and financial autonomy introduced by Madrid for Spanish Guinea by the Act of 21 January 1964 was very limited. Although the office of Governor-General had been abolished, the executive body for the Territory—the Government Council—was headed by a President appointed by the Spanish Government. The Commissioner, who represented the Spanish Government, also retained very wide powers. On the whole, those so-called reforms were only one link in the series of measures taken by Spain in its colonies with a view

to weakening the national liberation movement and misleading international public opinion. That small concession to the African population of Equatorial Guinea affected only the façade of the colony. The fact was that Spain had in no way weakened its control over the political and economic life of the country.

90. In that connexion, special significance must be given to the statements that had been made by the representatives of the political parties of Equatorial Guinea. In a cable addressed to the Committee, Mr. Luis Maho, one of the leaders of the national liberation movement of that Territory, had said with regard to the referendum held in Equatorial Guinea on 15 December 1963, that the consultation had not taken place in free and democratic conditions; that the Spanish authorities had fired on a group of persons who had refused to vote because of irregularities in the voting procedure; and that four persons had been killed (A/AC.109/PET.255). In his cable, Mr. Maho had requested that the results of the referendum should be annulled and that a new consultation should be held under free and democratic conditions in the presence of United Nations observers. Another petitioner, Mr. Atanasio N'dong, had also said that the referendum was "anti-democratic" (A/AC.109/PET.256). Like the other political leaders of Equatorial Guinea, Mr. N'dong found the main defect of the decree of 1 January 1964 to be that it did not set a date for independence in either the near or the distant future, and he appealed to the United Nations to consider the situation in the Territory with a view to fixing a date for independence. That request was completely justified.

91. The reforms had not eliminated the domination of the colonial authorities over the political and economic life of Equatorial Guinea. All the enterprises in Equatorial Guinea belonged to private European companies, mainly Spanish. According to an official publication of the French Government entitled *Les territoires espagnols d'Afrique*³ and dated 3 January 1963, there was a plantation or *latifundio* system on the island of Fernando Póo which left the indigenous inhabitants with only four or five hectares of land. The same publication also said that Spain intended to bring about a cultural assimilation of its territories.

92. Thus, despite the Declaration on the Granting of Independence, despite the demands of the peoples and States of the whole African continent and despite the earnest desire of the indigenous population of the Territory for self-determination and independence, Equatorial Guinea remained a Spanish colony. Spain would not leave its colonies of its own accord. Not without reason had Admiral Carrero Blanco, speaking at Santa Isabel on 18 October 1962, stated that "to leave Guinea would be a crime, and Spain will never do that. Even outside pressure will not force us to change our position" (quoted from the magazine *France Eurafrique*, No. 147, December 1963).

93. Thus, the sugary tone of Spanish statements in international organizations was not in keeping with what the Spanish colonial authorities were striving for and were doing in their colonial possessions in Africa. In those circumstances, the Soviet delegation considered that the conclusions which it had reached, after studying the situation in the Spanish territories when the question was being dealt with by the Special Committee in September 1963, were still valid. The Committee must insist that Franco's colonial régime should implement

the Declaration without any conditions or reservations, without any delay or procrastination; it must insist that the Spanish colonialists should leave the long-suffering lands of Africa.

94. The representative of Spain, in reply, pointed out that Mr. Luis Maho, to whom the USSR representative had referred and who had appeared before the Fourth Committee about two years previously, was at present a Minister in the Government of Equatorial Guinea. The members of the Special Committee would realize what were the accusations of a delegation which was unaware of that vital fact.

95. The representative of the Union of Soviet Socialist Republics, in reply, said that the fact that the information furnished came from a petitioner who was now a member of the Government only made it more convincing.

96. The representative of Iraq noted that developments in the juridical, political and administrative spheres had led to the amalgamation of Fernando Póo and Río Muni in a single territory, called Equatorial Guinea, and that those changes had been brought about by the administering Power in order to enable the people of the Territory to exercise the right of self-determination. Nevertheless, although the representative of Spain had said in the Committee in 1963 that Spain not only did not object to the process of decolonization but would co-operate with the United Nations in it, nothing definite had been said at the present session to indicate that the Spanish Government intended to implement resolution 1514 (XV), without reservation in those Territories, or in the Territories of Ifni and Spanish Sahara.

97. With regard to the Territories of Ifni and Spanish Sahara, a new element had been added to the problem, namely, Morocco's legitimate interest in those Territories and the concern which had been shown by other countries of the region. He expressed the hope that, as the relations between the two countries were good, Morocco would be able to negotiate an early agreement with Spain, thus paving the way for the implementation of resolution 1514 (XV).

98. The representative of Poland recalled that on 20 September 1963 he had pointed out that the provisions of resolution 1514 (XV) applied equally to Ceuta and Melilla.

99. The debate on the Territories of Fernando Póo, Ifni, Río Muni and Spanish Sahara had demonstrated that Spain was continuing to delay the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in all its African possessions. Both in the General Assembly and in the Special Committee, the representative of Spain had tried to create the impression that his Government was defending the principles embodied in resolution 1514 (XV), but Spain's attitude had not basically changed. Despite the repeated recommendations of the General Assembly, it maintained its grip, by military force and otherwise, on its African possessions, and not one of them had been liberated.

100. The reforms recently introduced in Fernando Póo and Río Muni could not be regarded as adequate steps in accordance with resolution 1514 (XV). All powers were still vested in the Commissioner-General, who was appointed by and solely responsible to Spain. The principle of "one man, one vote" was still not fully applied in all Spanish colonies and a large number of the indigenous inhabitants were denied the franchise.

³ *Notes et études documentaires*, No. 2951.

101. The Polish delegation was in full agreement with the aims of draft resolutions A/AC.109/L.152/Rev.1 and A/AC.109/L.153/Rev.1 and would vote in favour of them.

102. The representative of Spain, in reply, said that the principle of "one man, one vote" was applied in Fernando Póo and Río Muni. That was a basic principle, which was included in the law itself and which had been applied in the referendum held in December 1963 and subsequently had been in the municipal elections. Referring to a question put to him at a previous meeting by the representative of Syria, he explained that the Territories of Fernando Póo and Río Muni had been united at the request of their delegations and that the decision had been confirmed by the referendum.

103. The representative of Poland said that he would like to have the assurance that universal adult suffrage existed in all the Spanish possessions in Africa.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

104. At the 290th meeting, the representative of Ethiopia introduced two draft resolutions (A/AC.109/L.152/Rev.1 and A/AC.109/L.153/Rev.1) jointly sponsored by Cambodia, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, United Republic of Tanganyika and Zanzibar, and Yugoslavia. One draft resolution dealt with Fernando Póo and Río Muni; the other with Ifni and the Spanish Sahara.

105. At the 291st meeting, the Special Committee adopted both draft resolutions by 20 votes to none, with 3 abstentions.

106. The representative of the United States of America explained that her delegation had abstained in the vote on both resolutions because they took no account of the progress recently achieved in the Territories in question. A year earlier Río Muni and Fernando Póo had been provinces of Spain. Now, united as Equatorial Guinea, they enjoyed a system of self-government under a basic law promulgated after a plebiscite held on 15 December 1963. The United States delegation felt that when steps were taken by an administering Power to promote the political development of a territory, the Special Committee should recognize that fact in its resolution on the territory. In addition, operative paragraph 3 of both resolutions placed part of the Committee's burden on the Secretary-General. The question of the implementation of resolution 1514 (XV) was the task of the Committee, and it was for the Committee to carry it out.

107. The representative of Australia explained that his delegation had abstained in the vote on both draft resolutions for the same reasons as those given by the United States representative. He said that Committee resolutions should be as balanced as possible. That had not happened here as there was no recognition of the substantial political advances which had been made in Fernando Póo and Río Muni since the Committee's last session, which showed that the Spanish Government was moving towards the purposes of resolution 1514 (XV) in accordance with the declaration that it had made.

108. The representative of Morocco read out a letter (A/AC.109/97) which he had just had conveyed to the Chairman of the Committee, replying to the letter from the representative of the Mauritanian authorities, circulated as document A/AC.109/96 of the

Committee. He said that the Moroccan Government's position regarding Ifni and the Spanish Sahara had not changed since 1957. Morocco had always sought to settle the problem by negotiation and on the basis of the relations of friendship and good neighbourliness which it enjoyed with Spain.

109. The representative of Mauritania said that he would have preferred that the resolution on Ifni and Spanish Sahara (A/AC.109/L.153/Rev.1) include a recommendation encouraging direct negotiations between the countries concerned, namely, Spain and Mauritania, with a view to the liberation of the Spanish Sahara within the framework of Mauritania's territorial unity. His delegation had no objection to the resolution, however, in so far as it did not call in question the inalienable right of the Mauritanian people and nation to the territorial unity of Mauritania.

110. The representative of Spain thanked the representatives of the United States and Australia and other representatives who had assisted in improving the wording of the two draft resolutions adopted. He added that the resolutions did not reflect his Government's efforts.

111. The resolution on Fernando Póo and Río Muni (A/AC.109/99) adopted by the Special Committee at its 291st meeting, on 16 October 1964, reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the situation in the Territories of Fernando Póo and Río Muni,

"Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, set out in General Assembly resolution 1514 (XV) of 14 December 1960,

"Having heard the statement of the representative of the administering Power,

"Noting with regret that the administering Power has not yet taken measures to implement the Declaration in these Territories,

"1. Reaffirms the inalienable right of the peoples of Fernando Póo and Río Muni to self-determination and independence;

"2. Urges the administering Power to take immediate steps to implement the provisions of General Assembly resolution 1514 (XV) in Fernando Póo and Río Muni;

"3. Requests the Secretary-General to transmit the text of this resolution to the administering Power, and to report to the General Assembly in the course of its nineteenth session on the steps taken by the administering Power towards the implementation of the present resolution."

112. The resolution on Ifni and Spanish Sahara (A/AC.109/100) adopted by the Special Committee at its 291st meeting, on 16 October 1964, reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the situation in the Territories of Ifni and the Spanish Sahara,

"Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

"*Having heard* the statement of the administering Power,

"*Noting with deep concern* that the Government of Spain, as the administering Power, has not yet implemented the provisions of the Declaration in these Territories,

"1. *Regrets* the delay by the administering Power in implementing the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), and in liberating these Territories from colonial rule;

"2. *Urges* the Government of Spain to take immediate measures towards implementing fully and unconditionally the provisions of the Declaration;

"3. *Requests* the Secretary-General to transmit the text of this resolution to the administering Power, and to report to the General Assembly in the course of its nineteenth session on the steps taken by the administering Power on the implementation of the present resolution."

113. In letters dated 21 October 1964, the Secretary-General transmitted the text of the two resolutions to the Government of Spain.

CHAPTER X

GIBRALTAR

A. CONSIDERATION BY THE SPECIAL COMMITTEE IN 1963

1. The Special Committee began consideration of Gibraltar at its meetings in 1963 (A/5446/Rev.1, chap. XII) but, because of lack of time, it decided to postpone further consideration until its next session. At his request (A/AC.109/52), and on the invitation of the Special Committee, the representative of Spain participated in the meetings at which the Territory was considered. Statements were also made by the representatives of Cambodia, Iraq, Tunisia, the United Kingdom, Uruguay and Venezuela. The Committee also heard two petitioners from the Territory, Mr. Joshua Hassan, Chief Member of the Legislative Council, and Mr. P. Isola, Independent Member of the Legislative Council.

B. INFORMATION ON THE TERRITORY

Introduction

2. Information on the Territory is contained in the report of the Special Committee to the eighteenth session of the General Assembly (A/5446/Rev.1, chap. XII). Information on recent developments is set out below.

Constitutional changes

3. Following discussions between the United Kingdom Secretary of State for Commonwealth Relations and for the Colonies and unofficial members of the Legislative Council of Gibraltar, it was announced, on 10 April 1964, that unanimous agreement had been reached on modifications to be made to the Constitution of Gibraltar. The principal modifications agreed upon are set out below.

4. The unofficial members of the Legislative Council made it clear that they did not seek independence nor any control of defence or foreign policy, and that it was their wish, and that of all the people of Gibraltar, that Gibraltar should always remain in close association with Britain. These changes were designed to give fuller control of internal affairs to the people of Gibraltar. The amendments in the constitutional instruments, necessary to give effect to these decisions, would be submitted to the Queen in time to allow the increase in the numbers of elected members to take place at the general election due to be held later in 1964. The other

changes would come into force immediately after the election.

Gibraltar Council

5. The former Executive Council would be renamed the Gibraltar Council and the number of members of the Legislative Council in it would be increased from four to five, all of whom would be elected members. The Chief Member would be known as the Chief Minister and would be appointed by the Governor as the person he considered to command the greatest measure of confidence among the elected members of the Legislative Council. Responsibility for the appointment of elected members would rest with the Governor, after consultation with the Chief Minister. The Governor, after consultation with the Chief Minister, would apportion departmental responsibilities. Elected members given departmental responsibilities would be styled minister and all ministers would be collectively responsible for decisions of the Council with respect to matters assigned to them.

Council of Ministers

6. A Council of Ministers would replace the Council of Members and would be presided over by the Chief Minister. It would consist of the elected members in the Gibraltar Council and such other ministers as the Chief Minister might designate. Matters within the responsibility of ministers would normally come direct to the Council of Ministers. As a general rule, recommendations of the Council of Ministers on matters of purely domestic concern would be endorsed by the Governor-in-Council.

Legislative Council

7. The Legislative Council would no longer have any nominated members and the number of elected members would be increased from seven to eleven. As the Chief Minister would be in charge of government business, the Chief Secretary would cease to be a member of the Council and would, in future, be known as the Permanent Secretary to the Government of Gibraltar.

Gibraltar City Council

8. In view of the passing of a resolution in the Legislature in favour of a merger between the City Council and the Government, and of assurances that

the Government was actively engaged in working out detailed proposals, it was agreed that the future of the City Council should be decided early in the life of the next Legislature.

Economic conditions

9. The economy of Gibraltar is largely dependent on re-exports, tourism and employment provided by the dockyard and by the service departments of the Government and the City Council. "Invisible" earnings are derived from the supply ships and from expenditure by members of the British Armed Forces and by the alien daily labour force which is permitted by the Spanish authorities to spend 25 per cent of their wages in Gibraltar.

10. In 1963, revenue amounted to £2,171,555 while expenditure amounted to £2,003,600. The revenue of the Gibraltar City Council amounted to £937,400 in 1963, while expenditures amounted to £977,200. No grant was received from Colonial Development and Welfare funds in 1963.

11. The Territory's plans for development include the extension of port facilities and measures to expand the tourist industry such as the construction of hotels. A casino, which will be operated under government supervision, is due to be completed in 1964.

Social conditions

Labour

12. In 1963 there were sixteen trade unions and nine employers' organizations in the Territory. The membership of the trade unions at 31 December 1963 was 3,254, which represented approximately 54 per cent of the resident employed population.

Public health

13. The Board of Management for Medical and Health Services, which was created in December 1961, is responsible to the Government for the administration of all government medical and health services, advises the Governor on matters relating to these services, and has all other powers and duties normally exercised by the head of a department.

14. The Government operates four hospitals in the Territory with a total of 250 beds. It also operates child welfare clinics and provides health visitor services. A school medical service was introduced at the beginning of 1963.

15. In 1963, recurrent expenditure on public health by the Government amounted to £254,112, and by the City Council to £32,342.

Educational conditions

16. The Member for Education (i.e. the member of the Executive Council supervising the Department of Education) is responsible for initiating policy and for the general progress of education in the Territory. He is advised by an Inspector of Schools and Planning Officer who is in charge of the Department. The Member for Education is assisted by a Board of Education—of which he is Chairman—which is composed of representatives of organizations operating schools in the Territory and by members of the public.

17. Education for children between the ages of 5 and 15 is compulsory, and is free in government schools.

18. In 1963, there were twenty-two government schools and three private schools. With the exception

of a few pupils in two private schools, secondary education is provided exclusively by the Government. There are seventeen primary schools, six secondary schools, one technical school and one commercial school.

19. At the end of 1963, there were 1,494 boys and 1,422 girls in primary schools; 719 boys and 859 girls in secondary schools; 114 boys in the technical school; and 43 girls in the commercial school.

20. In 1963, recurrent expenditure by the Government amounted to £172,857.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

21. The Special Committee considered Gibraltar at its 280th to 288th and 291st meetings between 22 September and 16 October 1964.

Participation of Spain in the consideration of Gibraltar

22. In a letter dated 30 June 1963 (A/AC.109/91), the Permanent Representative of Spain informed the Special Committee that the United Kingdom Government, without waiting for the resumption of the consideration of Gibraltar in the United Nations, was unilaterally carrying out a series of political actions in the Territory which were directed towards creating in Gibraltar a legal and political situation incompatible with the doctrine embodied in General Assembly resolution 1514 (XV). In a second letter dated 18 September 1964 (A/AC.109/93), he informed the Special Committee that his delegation would like to take part in its discussion of Gibraltar. At its 280th meeting, the Special Committee decided to invite the representative of Spain to attend its meetings during the consideration of this item.

Written petitions and hearings

23. The Special Committee had before it the following written petitions concerning Gibraltar:

<i>Petitioner</i>	<i>Document No.</i>
Mr. Daniel Fernández	A/AC.109/PET.265
Mr. Pedro Hidalgo, Mayor of San Roque	A/AC.109/PET.276 and Add.2
Twenty-three petitions in support of Mr. Pedro Hidalgo, Mayor of San Roque	A/AC.109/PET.276/ Add.1
Mr. J. A. Hassan, Chief Member of the Legislative Council and Mayor of Gibraltar	A/AC.109/PET.278

24. The Special Committee heard the following petitioners concerning Gibraltar:

Mr. Pedro Hidalgo, Mayor of San Roque (280th meeting);
 Mr. Cano Villalta (280th meeting);
 Mr. Barcia Trelles (280th-281st meetings);
 Sir Joshua Hassan, Chief Minister of Gibraltar (281st meeting);
 Mr. Isola, Member of the Legislative Council (281st meeting).

25. Mr. Hidalgo stated that on 5 June 1964, upon learning that the Special Committee was to resume its consideration of the question of Gibraltar, the City Councils of San Roque, Algeciras, La Línea de la Concepción, Los Barrios and Tarifa, having met in formal session, had authorized him to address to the Secretary-General of the United Nations a request to be heard as a petitioner and as the representative of the Campo de Gibraltar.

26. He had been Mayor of San Roque, in which was situated the City of Gibraltar, for the past two years. The region known as the Campo de Gibraltar covered an area of 1,000 square kilometres, as against five square kilometres for the British colony. Historically and geographically, Gibraltar and its Campo had always formed a single unit until 1704. Since that date, the Campo had been divided into several municipalities.

27. The first municipality was San Roque, which, with a population of 18,000 and an area of 146 square kilometres, was seven kilometres from Gibraltar, some of whose drinking water it supplied; 749 residents of San Roque, who were employed in Gibraltar, went there by bus each morning and returned at the end of the day. The territory of San Roque included a number of smaller centres, most of whose residents were in effect members of the present population of Gibraltar. The second township was Algeciras, with a population of 78,000; it was an ancient and prosperous city, an important fishing port and a commercial centre of the first rank. Every day, 1,400 Spaniards employed in Gibraltar travelled by ferry-boat between the colony and Algeciras. The third municipality in the Campo de Gibraltar was Tarifa, with a population of 26,000; it was a fishing port at the southern extremity of Spain, in an area which derived its livelihood from agriculture, livestock and forestry. Mention should also be made of Los Barrios, with a population of 7,000, some distance from the coast, from which 104 persons went to work in the colony daily. The territory of Los Barrios included the residential district of Palmones, where there were many country houses owned by residents of Gibraltar. Palmones, together with Campamento and Puente Mayorga in the commune of San Roque and Rinconcillo in the commune of Algeciras, formed the real residential area of Gibraltar, whose inhabitants, cramped within the boundaries of the colony, overflowed into the neighbouring Spanish area.

28. La Línea de la Concepción had a population of 70,000, was three times larger than Gibraltar and was separated from the colony only by an artificial frontier; it had been detached from the municipality of San Roque towards the end of the nineteenth century. La Línea was the home of 7,988 Spaniards, who worked in Gibraltar and were prohibited by the regulations of the colony from living on the Rock. Thus the workers employed in Gibraltar, upon whom the prosperity of the city depended, were not resident there but lived in the five neighbouring communes, the City Councils of which had appointed him as their representative before the Committee.

29. He went on to review the history of Gibraltar, of which San Roque, founded by persons expelled from Gibraltar, was a direct outgrowth. In the early eighteenth century Gibraltar, with a population of approximately 5,000, had been the principal city of the region. Its position on the Straits had made it exceptionally important, both as a strategic point and as a port of call. Gibraltar had been a free city, administered by its own Mayor with the assistance of a City Council, and the Governor had had authority only over the citadel. The jurisdiction of the City Council had extended to the surrounding region, or in other words to the present territory of the five townships. History recorded the names of a number of eminent citizens of Gibraltar, who had distinguished themselves in the service of their country, in Spain and in the Americas.

30. The British had seized the city in 1704 during the War of the Spanish Succession. The population,

loyal to the King of Spain, being subjected to violence and maltreatment of every kind and seeing their houses and churches pillaged, had fled the city under the leadership of their City Council, hoping to be able to return home after the conclusion of hostilities. Thus Gibraltar had been reduced to the status of a territory under foreign occupation. Ultimately, in 1713, Spain had been forced to sign the Treaty of Utrecht, which had formalized the separation of the city from its surroundings.

31. The City Council and a large part of the population had settled near the hermitage of San Roque, seven kilometres from Gibraltar, and had founded a new city, but the City of Gibraltar had not ceased to exist as such. That was the reason why the commune of San Roque was officially named the "City of San Roque, in which is situated the Most Noble and Loyal City of Gibraltar". Some of its inhabitants had later moved to neighbouring areas, and so the Campo de Gibraltar had grown up.

32. Thus by the Treaty of Utrecht the Gibraltar region had been literally cut off from its natural centre, in disregard of every geographic and historic consideration. Since that time the colony had always been a hotbed of unrest and agitation, especially as the British had sought constantly to extend the boundaries of their territory and, indeed, had openly planned to occupy the Campo. Spain had therefore been forced to take a number of defensive measures and to set up a military administration at Algeciras; while it had never interfered in civilian affairs in the Campo de Gibraltar, there was no doubt that any military zone always constituted a hindrance to the economic development of the surrounding territory.

33. Thus San Roque and the region were now the home of the descendants of the true original people of Gibraltar, who could not resign themselves to the amputation inflicted on Gibraltar and were anxious for a solution in keeping with justice and right. That did not mean that they wished to expel the present residents from the city, but they wanted to put an end to so absurd and monstrous a partition.

34. Another reason why the people of the Campo de Gibraltar had now decided to make their voices heard was that the representatives of the present population of Gibraltar had appeared before the Committee in September 1963. The Committee should now be apprised of another aspect of the Gibraltar situation, in order that it might be able to take a decision in full knowledge of the facts.

35. The people at present residing in the city of Gibraltar, under the protection of the British occupation, had come before the Committee demanding the right to self-determination. In other words, it was claimed that the United Nations should recognize the present inhabitants of the Rock as a people having its own political personality, distinct from the United Kingdom and Spain, and as the sole owners of the Territory which they occupied for fortuitous reasons. In practice, to do so would be to ratify once and for all the amputation performed by force at Utrecht.

36. On behalf of the people of the Campo de Gibraltar, he denounced such an outrage, which, far from solving the problem, would simply aggravate it and would cause innumerable conflicts in the future. The object should be not to separate the two territories, but rather to integrate them. If the request of the present population of Gibraltar was granted, a permanent

mutilation would be inflicted on a society founded on natural ties of blood, residence and intercourse—ties which must be taken into account if an honest solution to the problem was to be found.

37. Despite the frontier and the customs barriers, despite the anomalous existing situation, there were close ties between the two populations. Many of the present inhabitants of Gibraltar owned property in the Campo, either in their own name or in that of a representative, and many of the inhabitants of Gibraltar had two residences, one in the city and one in the surrounding region, which enabled them to enjoy a privileged position in both territories. Many Gibraltarians considered the city only as their business headquarters. Was it conceivable that people who went to Gibraltar only on business should ask for self-determination for their business headquarters? Moreover, it must be added that some of the inhabitants of Gibraltar owned businesses in the Campo and that a large number of Gibraltarians, including Sir Joshua Hassan, had married Spanish women.

38. It might be wondered why the reverse was not true and why the Spaniards of the Campo did not go and live in Gibraltar. The reason was very simple: the Immigration and Aliens Order of 1885 and the Gibraltar Status Ordinance of 1962 prohibited them from doing so. There were of course some exceptions, such as the servants of the British, who were authorized to live in Gibraltar for the convenience of their employers. Furthermore, the present inhabitants of Gibraltar, thanks to certain special legislation enacted by the British—free port régime, low taxation—and to the nearness of a region where they could buy the necessary goods, had achieved an artificially high level of living. Thus the Campo de Gibraltar was economically exploited like a real colonial hinterland. That situation was reflected in the statistics of imports into Gibraltar. During the third quarter of 1963, the town of Gibraltar had imported from the Campo 1,020 tons of food-stuffs, 54,200 litres of non-alcoholic beverages and 71,103 litres of wine, and more than 18,000 tons of building material.

39. He wished to make it clear that the people whom he was representing were not seeking to drive out the present inhabitants of the Rock, or to seize their houses, as the English had done to their ancestors, or to deprive them of their means of existence. Neither Spain nor the people whom he represented wanted that solution, for they bore no grudge. What the people were asking was that Gibraltar should not be cut off from its own region more than it already was, but should be reintegrated with it. The people concerned hoped that in the near future there would arise on the Bay of Algeciras a great city where all could live in brotherly unity. Only thus could the injury inflicted by the Treaty of Utrecht be remedied. Whereas the present population of Gibraltar was asking for measures to be enacted which would completely sever the ties between Gibraltar and its Campo, against all reason and justice, the population of the Campo was urging that such a remedy, which might well prove worse than the disease, should not be applied without due consideration.

40. To protect the interests of the people of the Campo de Gibraltar would be to protect the true interests of the inhabitants of the Rock. If by a United Nations decision or, as was more probable, by a unilateral decision of the United Kingdom, the town of Gibraltar became "a fully self-governing State" more

or less closely associated with the United Kingdom, it was certain that the whole of Spain would consider itself released from its commitments with regard to the town of Gibraltar, which would then be even more isolated from Spanish territory. The inhabitants of the Campo de Gibraltar would suffer the economic consequences of that new situation during the first three months, i.e., the time needed to absorb the labour force at present employed in Gibraltar and direct the economy of the region along the same lines as that of the Costa del Sol. The town of Gibraltar, on the other hand, would be irreparably affected. That was a prospect to which the inhabitants of the Campo could not resign themselves, for they considered that Gibraltar was as much their property as the soil of the Campo itself.

41. As soon as the Special Committee had decided to grant him a hearing, he had been subjected to attacks in a certain newspaper of Gibraltar and had even received anonymous threats which had compelled him temporarily to abandon his professional activities. As an example he quoted some threats and criticisms made against him in an article which had appeared in *The Gibraltar Post* of 13 June 1964, written by Mrs. Ellicot, a member of the Legislative Council of the town of Gibraltar. In that letter he had been referred to as "the puppet mayor" and the claims of the inhabitants he represented had been described as "don Quixote-ish".

42. Mr. Cano Villalta said that he was speaking on behalf of the Campo de Gibraltar. He was a direct descendant of the indigenous Gibraltarians who had been driven out by the English in 1704 and who had founded San Roque, and he had been born and had always lived in that district.

43. As Mr. Hidalgo had said, Gibraltar and its Campo were completely interdependent. It was accordingly natural that the future of the town should be linked with that of the Campo and *vice versa*. One of the proofs of that interdependence lay in the fact that the labour force of the Colony of Gibraltar consisted to a large extent of Spanish workers who worked in the town of Gibraltar but lived in the adjacent areas.

44. When he had been given a hearing by the Committee on 19 September 1963 (214th meeting), Mr. Hassan had stressed the important part allegedly played by the Transport and General Workers' Union of Gibraltar. The 31 December 1963 issue of the newspaper *El Calpense* of Gibraltar had published a letter from Mr. Antonio Baldorino, General Secretary of the Gibraltar Labour Trades Union, which made it clear that the members of the union to which Mr. Hassan had referred constituted only a minority of the workers of Gibraltar. The letter stated that the employers' section of the Joint Industrial Council was guilty of discrimination against the unions, that it had not been prepared to recognize the Gibraltar Labour Trades Union and that it would negotiate only with the Transport and General Workers Union. The writer of the letter stated also that the Transport and General Workers' Union represented only 2,000 out of 5,500 workers, so that the majority of the workers were deprived of any representation and protection in Gibraltar itself.

45. To that information he would add that the great majority of the workers of Gibraltar were Spaniards who were compelled to live in Spain, in the Campo de Gibraltar. The workers, about 10,000 in number, were in a peculiar position. Life in Gibraltar would be almost

impossible without them, yet they were not allowed to live in the town and had to leave it every day and return to their homes. The reason for that paradoxical situation was that Gibraltar, the tiny area of which was occupied to a large extent by military installations, had not sufficient space to accommodate those workers. In any case, the question of housing for workers and their families did not arise, since there were laws, some dating from the early days of the British occupation and others which were quite recent, prohibiting workers from residing in the Colony.

46. The colonial economic régime in Gibraltar had accordingly created an extraordinary situation in which an employer could obtain labour at low prices, have it at his mercy and gain the maximum profit from it. It was true that the level of living was higher in Gibraltar than in the Campo, but the reasons for that state of affairs had been explained to the Committee in September 1963 by the representative of Spain. The fact was that a scandalous colonial situation existed in Gibraltar. For instance, as could be seen from the Gibraltar newspapers of 3 October 1952, a Spanish woman working for the British Army from 8.30 a.m. to 9 p.m. seven days a week received a weekly wage of thirty shillings. At that time, too, there had been workers entitled to only one day's holiday a year.

47. In the face of that situation, and with a view to helping the Spanish workers of Gibraltar, a Union of Spanish Workers in Gibraltar had been set up in 1952, with headquarters at La Línea, in Spain, and it now had 10,000 members. Taking into account the fact that the civil population of Gibraltar consisted of 17,985 inhabitants, the importance of that Spanish trade union, in comparison with which the Transport and General Workers' Union, with its 2,000 members, was negligible, was clear. The British authorities had reacted to the establishment of the Spanish workers' trade union in Gibraltar in a typically colonialist manner, as was clear from the official notice of 13 October 1953, which he read out. The notice had been issued to caution Gibraltar employers against the new trade union and to forbid them to negotiate with it, under penalty of a fine. The British authorities had thus reacted by using threats. However, the Gibraltar firms had been compelled to yield to certain necessities and were in fact compelled to enter into relations with the trade union when they had labour problems to settle. Consequently, the Union of Spanish Workers in Gibraltar was granted *de facto* recognition. Mr. Hassan himself, who, as a politician, did not seem to care about the Spanish workers, had nevertheless, as a lawyer and for a fee, recently defended a member of that union.

48. It was therefore clear that it was difficult to fight the fact that the city of Gibraltar and its Campo were completely interdependent. That interdependence was confirmed daily by the present inhabitants of Gibraltar when they said that, without the economy which they had established in the city, the people of the Campo would be forced to starve to death. That was the kind of argument with which many countries which had recently won independence were only too familiar, and it clearly demonstrated that Gibraltar was not only a colony in Spanish territory, but, so to speak, a colonialist agent in the surrounding territory. It was therefore not surprising that in September 1963 certain petitioners had expressed gratification concerning the bonds linking the town of Gibraltar with the United Kingdom. In support of that assertion, he quoted an article in *The Gibraltar Post* of 20-21 June

1964, which stated that the problem might perhaps be solved by annexing San Roque and its outskirts.

49. He concluded by stating that any attempt to perpetuate the existing division between Gibraltar and its Campo would be ridiculous and highly dangerous, but that any effort to integrate them would be no more than fair and could not fail to be of benefit.

50. Mr. Barcia Trelles said that he was a professor of international law, that he had always followed the work of the United Nations with great interest and that he had made a thorough study of the changes which had occurred in international law in recent decades. He had been particularly interested in the role of the United Nations in the process of decolonization. As a Spanish jurist, he had been trained in what might be called the "pre-anti-colonialist" theories of Francisco de Vitoria and the professors at the University of Salamanca in the sixteenth century, and he therefore viewed the plight of the colonial peoples with the greatest sympathy.

51. He had written a number of books dealing with the problem of Gibraltar in the context of its region and in that of Spain as a whole. The problem arose because of the presence, on the Rock of Gibraltar, of a British colony that had existed since the Treaty of Utrecht under which the Rock had been seized from defeated Spain by virtue of the so-called right of conquest. One basic feature of the problem was that before the British occupation, Gibraltar and its Campo had constituted a genuine geographical entity within Spain and had remained so until 1704.

52. The petitioners who had testified before the Committee in the name of the town of Gibraltar had implied that the Treaty of Utrecht did not exist, so far as they were concerned, and that Spain had no claim to the Rock of Gibraltar. In their view, Gibraltar was a separate political entity and its population enjoyed sovereign rights, but, notwithstanding those rights, it remained loyal to the United Kingdom. Although they had petitioned for Gibraltar's right to self-determination, they did not envisage that right as the starting point of a process which logically could only lead to the political emancipation of the people concerned. Perhaps it was because they were obsessed by the idea of eliminating Spain from the political and legal scene of Gibraltar in order to perpetuate its present status, which was nothing more than that of a colony.

53. Elections had been held in Gibraltar—the most recent in September—so that some individuals were in a position to appear before the Committee as members of a Government and, above all, as representatives of a population which had retained the same customs, language and spiritual orientation, generation after generation, for 250 years. However, the allegations of those petitioners were open to question, because the population was not a natural one which had developed spontaneously and whose members had lived together for several generations. The truth was that the inhabitants of Gibraltar had always lived in a state of anxiety caused by the presence of Spaniards in the Gibraltar Zone and the presence of a kind of fifth column on the Rock, which was co-operating with them. That anxiety explained the action taken by a succession of Governors of Gibraltar as well as by the War Office and the Foreign Office. From 1704 onwards, the United Kingdom had sought to implant a population in Gibraltar on which it could rely.

54. The Rock of Gibraltar was connected to the mainland and had a hinterland, part of which had been

cut off from the rest of the Territory by the act of force of 1704, the consequences of which had been easy to foresee. The inhabitants who had been driven out by the invaders were still living in tents in 1715 and there was some reason to fear that they might try to re-settle on the Rock, in accordance with the Treaty of Utrecht. To avert that danger, the British had seized a zone which had not been granted to them under the Treaty. There had been virtually no civilians in the town and the primary concern of the British Governors had been to prevent or make difficult the settlement there of any individual whose presence was incompatible with the designs of His Majesty. In 1734, the Spanish had been accused of trying to win over the people in the city in order to compel the British to fight on two fronts in the event of attack. But since a military base could not live without the help of a civilian population and since a predominantly British population was not growing spontaneously, the immigrants were placed under strict control. Foreigners were under constant surveillance and, according to Lord Sandwich, in his book, *Around the Mediterranean*, all the civilians in Gibraltar were placed under martial law, which prohibited the Spaniards, Genoese, Jews and Arabs, in particular, from circulating in the streets after nightfall, without a special pass. As late as 1900 it was stated in the *Gibraltar Chronicle* that the fortress and the naval base of Gibraltar were to be regarded as a pillar of the Empire and that undesirable persons should be expelled. In short, the civilian population of Gibraltar was "custom-tailored"; only persons considered to be acceptable from the point of view of military security had been allowed to live there.

55. In the circumstances, he felt that Mr. Hassan and Mr. Isola did not represent a "people" within the meaning of the term in international politics, but a pressure group which was demanding self-government in order to safeguard the privileges granted to it by the metropolitan Power at the expense of Spain.

56. The first population settled in Gibraltar after the conquest had definitely been predominantly Spanish. In the early nineteenth century, with the establishment of an Admiralty Court, Gibraltar had experienced an era of great economic prosperity and, in 1804, its population had reached 6,000, compared with 1,600 in 1725. The plague of 1804 had killed off nearly 5,000 people and the population of Gibraltar had had to be reconstituted, but that had been neither difficult nor slow owing to economic and political factors.

57. The Napoleonic wars had continued to provide Gibraltar with substantial trading opportunities and the entry of the French armies into Spain had made Spain an ally of the United Kingdom. For the first time since 1704, the military barriers between Gibraltar and its Campo had been lifted, the Spaniards living in Gibraltar had been incorporated in the forces raised to fight Napoleon and, when the forts of San Felipe and Santa Barbara had fallen, the Spanish forces of the area had taken refuge on the Rock. As a result, the population of Gibraltar had risen substantially between 1804 and 1813.

58. The events he had outlined had resulted in a further wave of Spanish immigration, even heavier than during the earlier period. That explained why the Governor of Gibraltar had stated, in 1856, that the great majority of the 12,000 aliens resident in the fortress came from the neighbouring territory.

59. The most striking population changes since the middle of the nineteenth century had been the intro-

duction of convicts in 1842 and the arrival of Maltese late in the century. The number of convicts had never been more than about one thousand nor had the Maltese had any appreciable effect on the composition of the population of Gibraltar, and even now the predominant strain was Spanish. The population which had emerged from the mass Spanish influx of the early nineteenth century had rapidly enriched itself. That population had had no ties with the United Kingdom, as Governor Don had remarked in a secret letter to Lord Bathurst in January 1815, adding that there was not the slightest doubt that the parvenus of Gibraltar would one day find it more to their advantage to transfer their allegiance to their countries of origin. Yet today, as 150 years previously, the inhabitants of Gibraltar felt that they had an interest in the maintenance of the *status quo*, and for the very same reason; under the protection of the British guns, they could live at the expense of the neighbouring Spanish territory, subjecting it to what might be termed colonial exploitation. Without British military power, the population of Gibraltar would be unable to maintain its privileged economic status, which formed a bond uniting the present inhabitants.

60. He would not weary members of the Committee with a detailed account of the way in which the Gibraltar of today had been fashioned by British power, nor would he dwell on how the United Kingdom had acted in disregard of the circumstances under which the place had been ceded and, indeed, of its agreed boundaries.

61. In conclusion, there was no doubt that the population of the Rock of Gibraltar was a population "prefabricated", as it were, to suit the London Government, and that it was of a purely artificial nature.

62. Sir Joshua Hassan stated that he would endeavour to bring up to date the information he had given the Committee in the preceding year and to report progress towards the complete abolition of the colonial status of Gibraltar. The primary concern of the Special Committee should be to ensure that colonialism was speedily terminated and to render such assistance as might be required to enable that objective to be achieved. He therefore proposed to indicate what steps had been taken with a view to the implementation of the Declaration on the Granting of Independence.

63. When he had last addressed the Committee (214th meeting), he had described some of the measures which the United Kingdom Government had intended to take before the general election in the autumn of 1964. He could now inform the Committee that, in April 1964, a constitutional conference had been held between the elected members of the Legislative Council of Gibraltar and the Minister of State for Commonwealth Relations and for the Colonies (see paragraphs 3-8 above). As a result of the conference, which represented a significant advance towards full internal self-government, the seats of nominated members in the Legislative Council had been abolished. The Chief Secretary, who was the representative in Gibraltar of the United Kingdom Colonial Office, was no longer a member of the Council. The Governor was no longer President of the Council, and the number of elected members had been increased from seven to eleven.

64. Thus, the Legislative Council now consisted of eleven elected members and two official members, the Attorney-General and the Financial Secretary, who were expected to vote with the majority of the elected members. Members forming the Government were

styled "Ministers" and enjoyed full ministerial responsibility within their Departments. The Council of Members had been replaced by a Council of Ministers, presided over by the Chief Minister. Matters within the responsibility of Ministers were normally submitted direct to the Council of Ministers, and the recommendations of the Council of Ministers on purely domestic matters were as a general rule endorsed by the Governor-in-Council. The Executive Council had been replaced by the Gibraltar Council and the number of Ministers in the Council had been increased from four to five, thus providing an elected majority in that Council also.

65. Everything that had been asked of the United Kingdom Government had therefore been done. The people of Gibraltar had not asked for more because, in the first place, the current status did not prevent them from virtually governing themselves. It was inconceivable, because of the development achieved by Gibraltar and because of the attitude of the United Nations, and the Special Committee in particular, that the United Kingdom Government would attempt to act without the agreement of the people of Gibraltar. Should it do so, the Committee would be the first to hear of it.

66. That being so, it might be wondered what was delaying the formal achievement of full internal self-government. In order to answer that question, one must consider the economy of Gibraltar. The city was economically viable in the existing circumstances, but there was no doubt that its economy depended to a certain extent on external factors, one of which was the presence of United Kingdom forces. The United Kingdom derived no revenue from Gibraltar, but contributed indirectly to its economy. So long as Gibraltar remained a colony, even if only in name, the United Kingdom had obligations towards it. Consequently, to change the colonial status of Gibraltar before the necessary adjustments had been made in the economy would not be in the interests of the city. That did not mean that Gibraltar was living on British charity; on the contrary, its budget balanced itself. The only point was that the United Kingdom's indirect contribution might at some stage be reduced, and Gibraltar did not wish to be unprepared for such an eventuality. Urgent steps were therefore currently being taken to adjust the economy by encouraging tourism, setting up light industries, developing the Port of Gibraltar and attracting important business firms to Gibraltar.

67. Apart from the economy, however, defence and foreign affairs must also be considered. The political aspirations of the people of Gibraltar were now virtually satisfied, and they could not hope to be able to defend themselves against an aggressor, nor could they maintain diplomatic relations with other countries. It was with an eye to situations of that kind that the United Nations had enunciated the principle of free association, and it was in accordance with that principle that Gibraltar wished to settle with the United Kingdom Government the manner in which that Government would meet its responsibilities with respect to defence and foreign affairs.

68. On the question of Gibraltar's future, it should be borne in mind that, even before the recent elections, consideration had been given to the conditions which the United Kingdom Government should be asked to meet with the object of ensuring internal self-government for Gibraltar, in association with the United

Kingdom. As soon as agreement was reached on that point among the elected members, proposals would be submitted to the United Kingdom Government.

69. In the elections of 10 September 1964, eleven members had been elected. Six of them had formed the Government, while the remaining five, under the leadership of Mr. Isola, formed the Opposition. The elections were doubly significant; in the first place, they were the first elections held under the new Constitution, which gave the elected members full responsibility for the departments under them, and secondly, the electorate had known that they were also voting on the future of Gibraltar and that the matter was to be discussed by the United Nations. The electorate's response had been unequivocal; there had been a 76 per cent poll, a high figure by any standards. The two candidates who had gained the most votes had been precisely the two members of the last Legislative Council who had addressed the Committee in 1963.

70. The booklet entitled *The Future of Gibraltar* had been distributed to all the members of the Committee. It reflected the view of the seven elected members of the previous Legislative Council. The views expressed therein had been fully endorsed by the eleven elected members of the new Legislative Council. Mr. Isola, as leader of the Opposition, and he himself, as Chief Minister, could therefore claim to represent the views of the whole of the people of Gibraltar on their future. In that connexion, he recalled the invitation tendered to the Governments represented in the Committee to send a representative to Gibraltar to observe the situation there. That invitation was still open.

71. He expressed surprise at the fact that the Mayor of San Roque, a Spanish public official, should appear before the Committee to assist the people of Gibraltar in freeing themselves from colonial rule. The Mayor of San Roque and the other two Spanish petitioners did not seem to have understood the Committee's aims, and their interventions had very little connexion with the matter under consideration. However, they had made statements which might leave the Committee with some erroneous impressions and should therefore be refuted.

72. In 1963, the Spanish delegation had urged the Committee to put an end to the colonial status of Gibraltar. Mr. Isola and he had, in reply, attempted to show that the evils of colonialism did not exist in Gibraltar, and he believed that the statements he and his colleagues had made on that occasion had created a certain impact. Until that time, members of the Committee had concerned themselves only with the historical, colonial, economic and juridical aspects of what had been called the "problem of Gibraltar"; afterwards, talk had suddenly begun about the fate of the population who had left Gibraltar, after its capture by the British, to settle at San Roque.

73. In other words, Spain had wished to introduce a "human element" into the debate. Having decided to neutralize the effect of the statements made in 1963 by Mr. Isola and himself, Spain was trying to distort the facts by reviving the legend of a Gibraltar in exile in San Roque. It was a touching legend, but it was not worthy of consideration by a Committee responsible for recommending measures which would affect the future of 25,000 human beings. On the one hand, there was a peaceful and prosperous community maintaining good relations with the neighbouring Spanish people, and on the other hand there was a historical curiosity. Gibraltar was a colony, and the colonial Power was the United Kingdom; of that there was no doubt. However,

Spain's claim that Gibraltar was a colony on Spanish soil was intended to imply that it was a part of the Spanish people that was under colonial domination, and the introduction of the Mayor of San Roque was an attempt to specify which part of the Spanish people suffered from that domination. But the facts were not so. The people of San Roque were not living under colonial domination and had no need of liberation. It was the people of Gibraltar who were the subjects of a colonial Power, and it was they alone whom the Committee must consider.

74. If the future of the people of Gibraltar were not at stake, the whole situation might seem farcical. The Mayor of San Roque had denied that his object was to displace the people of Gibraltar so that the descendants of the original inhabitants could return to the homes of their ancestors. If that was not his object, it was not clear what it was. The statements made by the petitioners added nothing to the arguments put forward by Spain. They had merely asked in a rather vague way that Gibraltar should be returned to Spain and, in effect, that the present process of decolonization should be interrupted. When one realized how Spanish mayors were chosen, one might wonder as to the extent to which the appearance of the Mayor of San Roque and his deputy could be regarded as effective. As a matter of fact, mayors in Spain were appointed by the Government in provincial capitals and by the Civil Governor in other towns. One might therefore justifiably doubt the representative character of mayors who were so nominated.

75. The other reason for the appearance of the Spanish petitioners before the Committee was a desire to confuse the minds of the delegations. The petitioners did not say that the people of San Roque should be reinstated in Gibraltar, but they left that suggestion. If Gibraltar's territory were not so small as it was, its inhabitants might consider inviting the inhabitants of San Roque to live among them. But, since that was impossible, they would actually have to give up their homes to make way for the people of San Roque, which was monstrous and ridiculous. To try to settle the inhabitants of San Roque in Gibraltar would be as absurd as to try to settle the descendants of Aeneas in the city of Troy. It would be surprising if such a theory were to be accepted by the delegation of Spain, whose representative had, at the 945th plenary meeting of the General Assembly on 13 December 1960, inquired when the Moroccans would ask to return to the banks of the Guadalquivir. In any event—without any suggestion that Gibraltar should be given to anyone else—the Spaniards were not the first inhabitants of Gibraltar. The town had been founded in 711, when the Moorish chieftain Tariq had established there the fortress which bore his name.

76. Moreover, the Spanish case included a number of other contradictions. First of all, Spain alleged that because Gibraltar had been illegally taken by the British and because the Spanish population had left the town, that population today had some legitimate claim. Secondly, Spain alleged that the present population of Gibraltar was not a cohesive community but was made up of Jews, Africans, Turks, Cypriots and so on. In reply to those arguments, he pointed out that the first change of population after the Moorish occupation of six centuries had taken place in 1309, when Gibraltar had been taken by the Spaniards; the Moors had surrendered on the condition that they would be allowed to leave Gibraltar, as they did not wish to live under

foreign rule—an exact parallel to the action of the Spaniards who had left Gibraltar 400 years later. In 1333, the Moors had retaken Gibraltar, and again the surrender had been agreed to on the condition that the inhabitants should be allowed to leave the town in order to escape foreign rule. In 1462, the Spaniards had retaken the city again and a condition of the Moorish surrender had been the same as in 1333. In 1704, when the British had captured Gibraltar, the Spaniards had again left because they did not wish to live under foreign rule. It was therefore impossible to take very seriously the claims of the people of San Roque, who, in any event, would rank only fourth among those who could claim the right to be resettled in Gibraltar.

77. The second argument of the Spanish petitioners and of the representative of Spain was that the people of Gibraltar were a miscellaneous collection of intruders who had never been able to form themselves into a cohesive community or to establish links with the place in which they lived. He had refuted that allegation in 1963, when he had described the individuality of the Gibraltarian community. Of course, Gibraltar was not the first example of a mixed population. The United Kingdom, Spain and the United States had been populated by highly diverse elements and were all the better for it.

78. What was, in fact, the origin of the population of Gibraltar? For twenty-five years after the capture of the town, the British had had reason to fear that the Spaniards would attempt to retake Gibraltar, and in fact two sieges had taken place, the second in 1727. Thereafter a quieter period had allowed the main elements of the present population to become thoroughly established. In 1753, the town had had a civilian population of 1,816, consisting of 434 British, 597 Genoese, 575 Jews, 185 Spaniards and 25 Portuguese. In 1787, after the Great Siege, the civilian population had increased to 3,386, and that figure had doubled again during the following twenty years, chiefly through the influx of Genoese refugees. In 1814, following the Napoleonic wars, the town, which had then had a population of 10,136, had experienced a period of prosperity. The inhabitants had been able to stop working primarily for the garrison and had become engaged in external trade. The population registers had at the time begun to make a distinction between the natives of Gibraltar and the immigrants living there on permits. In the second half of the nineteenth century, even British subjects who had not been born in Gibraltar had had to obtain permits if they wished to live there. Thus, a legal distinction had been drawn between Gibraltarians and other British subjects, and the latter, like the Spanish workers, could live in Gibraltar only if they obtained residence permits.

79. Since the early twentieth century, the population had been fluctuating around 20,000, with the most recent census showing a total civilian population of 24,075. The strict residence requirements, the economic expansion and the political development of the town, now approaching full internal self-government, all reflected the fact that there was a firmly established heterogeneous civilian population, greatly influenced by the principles of British law and constituting a cohesive community with a sense of unity.

80. He had gone into the matter of the population of Gibraltar in some detail only because he felt that the Committee regarded it as a central issue. There was no question that the inhabitants of Gibraltar, to whom the Spaniards had given the generic name *Llanitos*, con-

stituted an individual people, established for a long time in the place in which it lived and wishing to retain its own way of life. The circumstances of Gibraltar were unique. It had a population which had grown up by lawful and legitimate immigration, somewhat like the United States, and which now wished to achieve full self-government with the help of the Committee.

81. Replying to Mr. Barcia Trelles, who had asserted that the right of the people of Gibraltar to self-government could only be recognized if they proved that they had been a cohesive community for many generations, he quoted the conclusion of a study by Mr. Howes entitled: *The Origin and Development of the Population of Gibraltar from 1704*. In it, the author expressed his admiration for a people composed of groups coming from several lands which had managed, within a British framework, to progress in three areas, *viz.*, commercially, artistically and politically, and which had been so effectively welded together as to constitute a distinct entity. In the light of those facts, it was difficult to see how anyone could speak of colonialist pressure groups and deny the existence of a separate and distinct population.

82. The Spanish petitioners had raised so many matters, some relevant, some not, that it was scarcely possible to deal with all of them. However, he was prepared to answer any questions which the Committee might wish to put to him. With regard to the question of the *Sindicato* of La Línea, to which Mr. Cano Villalta had referred, he pointed out that the Spanish Government did not allow its nationals to join Gibraltar trade unions, which followed the normal pattern of free trade unions, and compelled them to join the Spanish vertical trade union, whose statutes were not in conformity with Gibraltar legislation. For that reason, individual employers could not negotiate with the *Sindicato*. However, the head of the Labour Department of Gibraltar was in constant touch with the head of the Spanish *Sindicato* of La Línea, and matters affecting the Spanish workers were regularly discussed between them. The Administration of Gibraltar would be prepared to discuss the whole question with the Spanish authorities, but was prevented from doing so by their hostile attitude.

83. He did not understand how the Spanish petitioners could invoke the economic relationships between Gibraltar and the Campo in support of their political aims. Those were normal relationships, and they did not constitute any valid reason for changing the political beliefs and institutions of a people against its will.

84. Mr. Cano Villalta had referred to the fact that a Gibraltar trade union had been officially recognized by the local authorities. The trade union in question could not be recognized by the Joint Industrial Council of Employers for several reasons, and particularly because its membership (about 200) was too small. However, the union was not precluded from making representations to the official employers on behalf of its members, and, for the time being, it appeared satisfied with that position. Moreover, there was surely nothing wrong in the fact that some inhabitants of Gibraltar had summer residences in Spain, for Spain was doing its utmost to attract tourists on a large scale. A Gibraltarian certainly should not be regarded as less of a Gibraltarian merely because he liked to spend his holidays near his country.

85. Sir Joshua Hassan wished to reply to two questions raised by the petitioners. As a lawyer versed in labour questions, he was regularly engaged by the

Spanish *Sindicato* of La Línea to represent members in disputes relating to industrial accidents. It was not surprising that he should be paid for his professional services, and he did not see what that fact had to do with the issue before the Committee. It had also been said that many Gibraltarians married Spanish women. That was undoubtedly a tribute to the universally recognized charm and beauty of Spanish women, but it had nothing whatever to do with the right of colonial peoples to self-determination.

86. The Administration of Gibraltar had endeavoured to give the Committee all possible information: it had sent it an information booklet and an album of photographs showing conditions of life in the town; it had invited the States members of the Committee to send representatives to Gibraltar to observe those conditions. It was difficult to see what more could be asked of it.

87. In conclusion, he paid a tribute to the Committee for undertaking the noble and sacred mission of ensuring that certain sectors of the human race which still lived under foreign domination should achieve not only political and economic independence, but also the dignity of which, to a greater or lesser extent, they had hitherto been deprived. Attempts had been made to prevent the application of the principle of self-determination to the people of Gibraltar. However, he was convinced that the members of the Committee would not allow themselves to be influenced by the specious arguments which had been put forward. Gibraltar was only a dot on the map, but that was all the more reason why the Committee should give it careful attention. He was confident that the Member States represented on the Committee would deal with the question of Gibraltar as a matter not only of principle but of conscience.

88. The petitioners of Gibraltar were firmly convinced that the power of truth and the words of their people would prove more effective than the resuscitation of conflicts going back two centuries or more. It would be ironical if Gibraltar, which had made considerable progress towards self-government even before the Special Committee came into being, should have more to lose than to gain from the Committee's deliberations. However, he was confident that the Committee would not disappoint the expectations of a people which ardently wished to preserve the way of life it had freely chosen and wanted nothing more than to live in peace with everyone and particularly with its Spanish neighbours, whom it respected and admired. He felt sure that the Committee would uphold the right of Gibraltar to self-determination in accordance with the spirit and letter of the United Nations Charter.

89. Mr. Isola said that, since the recent elections, Gibraltar had had for the first time in its history a Chief Minister in the person of Sir Joshua Hassan and a leader of the Opposition, Mr. Isola himself. Gibraltar possessed a Constitution which gave it virtual self-government. The representatives from Gibraltar would have liked those delegations which in 1963 had described the people of Gibraltar as a community of undesirable smugglers or as Spanish in character, to have visited the town and gone more deeply into the characteristics and feelings of the people, and also the local economy. He noted in that connexion that the two petitioners from San Roque had not confirmed those allegations in any way.

90. The people of Gibraltar found it difficult to accept the contentions put forward by the Spanish rep-

representative who, in 1963, had promised them a magnificent future if they united with Spain, and had said that the Spaniards had no intention of expelling them from their homeland. However, immediately after that statement by the Spanish representative, Gibraltar had for three months been subjected to a bitter and insulting press campaign which could hardly be interpreted as expressions of endearment or the foretaste of good things to come in union with Spain. Almost all the Spanish papers had taken part in the campaign, including even the magazine *Blanco y Negro*, which under the title "Gibraltar Beseiged" had published on 19 October 1963 a long article alleging that Spaniards' labour went to fatten those intermediate beings—neither English nor Spaniards—who were an affront to Spain. He asked whether one could deduce from those remarks that Spain, like a loving mother, was extending Gibraltar a generous invitation to join it. It might also be asked what was wrong with Spaniards working in Gibraltar, where they earned a decent wage and from where they could go home in the evening. The Spanish petitioners themselves had been forced to admit that since a trade union had been formed in Spain ten years previously the position of the workers had improved. They had not mentioned, however, that it had been precisely during that period that Gibraltar had been given democratic and representative government which had passed legislation favourable to the interests of Spanish and Gibraltarian workers alike.

91. He reverted to the article mentioned earlier, in which Sir Joshua Hassan had been subjected to Hitler-type attacks on account of his Jewish origin and "certain affairs which are not completely clear", and in which Gibraltar had been described as "a refuge for spies, perverts, decaying prostitutes and soldiers ambitious for promotion". Clearly, the purpose of that press campaign had been to engender among the Spanish people hatred and contempt for the inhabitants of Gibraltar. In the circumstances, it was difficult for them to take seriously the fine future Spain had in store for them. As Sir Joshua Hassan had said, the inhabitants of Gibraltar wanted the very friendliest relations with Spain, which they respected and admired, but they were not Spanish, and they were extremely anxious to develop their own institutions in their own way and to enter into an agreement of free association with the United Kingdom in accordance with principles VI and VII of the annex to General Assembly resolution 1541 (XV) of 15 December 1960. However, the inhabitants of Gibraltar were concerned at some of the interpretations of paragraph 6 of resolution 1514 (XV) that had been proffered in the Committee. An interpretation of that kind would, if correct, make a mockery of the resolution and the ideals contained in it, which were those of the United Nations Charter.

92. During the debate on Gibraltar in 1963, the representative of Spain himself, by stressing the magnificent future that awaited the people of Gibraltar if they united with Spain, had by implication accepted the principle that the wishes of the people must be taken into account. Other delegations favourable to Spain, like Uruguay, whose statement contained by implication a startling and colonialist interpretation of paragraph 6 of resolution 1514 (XV), and the representatives of Iraq, Syria and Tunisia, had recognized the decisive importance of the principle of self-determination. The Tunisian representative, for example, had called for negotiations and for a solution of Gibraltar's problem in keeping with resolution 1514 (XV), par-

ticularly paragraph 6 thereof, and in the interests of the present population of the Territory. All the representatives who had taken part in the debate, other than the representative of Venezuela, had supported the principle of self-determination.

93. The suggestion by the Mayor of San Roque and the other Spanish petitioners that Gibraltar should be returned to Spain merely because that was the wish of the Spanish people had no bearing whatever on the issue, because it did not take into account the wishes of the people of the colonial territory concerned. Furthermore, the petitioners from Gibraltar questioned the right of the representatives of the five municipalities to speak on behalf of the people of the Campo de Gibraltar. Actually the Mayor and the Councillor represented only those who had elected them, namely, the local cultural and professional institution; as for Mr. Trelles, he represented nobody. On the other hand, Sir Joshua Hassan and he himself represented an electorate which had gone to the polls less than a fortnight before.

94. Notwithstanding the clear intention behind resolution 1514 (XV), paragraph 6 of that resolution apparently assumed such importance for some people that it should overrule even the principle of self-determination. The Committee was being asked to use what was called in Gibraltar the "resolution of freedom" as a means of handing over the people from one colonial Power to another. He for his part had read the resolution in question time and again, and he failed to see how the penultimate paragraph could be taken to nullify the spirit of the resolution which appeared clearly in the preamble, especially in the first, second and third preambular paragraphs. Again, it was unthinkable that paragraph 6 could impair the principles set forth in paragraphs 1 and 2, which denounced "the subjection of peoples to alien . . . domination" and affirmed the "right to self-determination" of all peoples.

95. Operative paragraph 6 must accordingly be taken in the context of the resolution as a whole and be interpreted as such, namely, that the General Assembly wished to avoid a situation whereby, on the granting of independence to a former colonial territory, such independence would be undermined and exploited by a disruption of the unity of the country. In no case could it be thought that the intention was to produce new colonial Powers.

96. In supporting his argument for preserving territorial unity, the representative of Uruguay had referred to a statement which had been made by the representative of Guatemala in the General Assembly. The representative of Uruguay had apparently considered that the statement had been supported by most of the Members of the General Assembly, but actually the speakers had attached much greater importance to paragraphs 2, 3 and 5 of the resolution than to paragraph 6, which the majority of them had not even mentioned. Those delegations which had stated that the Guatemalan position was covered in paragraph 6 had simply spoken as individual sponsors and not on behalf of the sponsors of the resolution as a whole. Furthermore, some representatives had spoken against that interpretation, especially the Pakistan representative, who had said that there could be no question of enlarging the territory of one country at the expense of another, of interfering in the domestic affairs of other countries or of generating new conflicts. The representative of the Union of Soviet Socialist Republics had stated that he was unable to support the amend-

ments submitted by Guatemala (A/L.325), since they provided for a limitation of the fundamental right of all peoples to self-determination and were thus contrary to paragraph 2 of the Declaration, which stated that "All peoples have the right to self-determination".

97. It was surprising that Spain should now seek the help of paragraph 6 of resolution 1514 (XV) in view of the fact that the Spanish representative had vehemently opposed Morocco's claims to Ceuta and Melilla. During the debate in question, six delegations had made statements showing that paragraph 6 in no way sanctioned the recovery of territory of a neighbouring State against the wishes of its population. In order to maintain peace and security in the world, the United Nations must start by accepting the *status quo* as it was at present, not as it had been *ante bellum*. To attempt to rectify the international errors and injustices of the past was apt to lead to confusion and further injustices.

98. Obviously, the Committee could not tell the people of Gibraltar, in the face of their own wishes and desires freely expressed by their elected representatives, that they should be freed from British colonialism, to which they had not objected, and be handed over to Spanish colonialism, against which they had openly protested. General Assembly resolution 1514 (XV) was the hope and creed of all colonial peoples, but to give paragraph 6 the overriding importance and interpretation sought was nothing less than the betrayal of the hopes and confidence of the colonial peoples and the very abrogation of the principles of the Charter.

99. The people of Gibraltar had made clear what they wanted for themselves: free association with the United Kingdom. They hoped that the Committee would help them to achieve their aspirations.

General statements

100. The representative of the United Kingdom, recalling that his delegation had on 11 September 1963 made a full statement regarding the situation in Gibraltar and the United Kingdom's policy for future constitutional development in Gibraltar (A/5446/Rev.1, chap. XII, paras. 49-52), said that certain constitutional changes effected since that time had been fully described by Sir Joshua Hassan, Chief Minister of Gibraltar, and by Mr. Isola, the leader of the Opposition. As his delegation had stated at the last session, the United Kingdom Government respected the aspirations of the people of Gibraltar and constantly sought to meet them. It was always ready to consider proposals for further constitutional changes put forward by the Gibraltar people, and, in accordance with the principle of self-determination, his Government left them entirely free to choose what should be the form of their association with the United Kingdom. If any proposals of that kind were advanced, his Government would consider them and work out, with the elected representatives of the Gibraltar people, arrangements for a continuing association acceptable to both parties. He was sure that such an association would not in any way harm the good relations between Gibraltar and Spain. He could give the Committee an unqualified assurance that the constitutional changes recently introduced in Gibraltar would in no way damage the interests of Spain or of any other country. His delegation was confident that the Committee would welcome those changes and the statements of policy made by his

Government. The Committee would perhaps wish to add its hope that the future status of Gibraltar would be settled in accordance with the wishes of its people and in a manner conducive to peaceful and harmonious relations between Gibraltar and Spain.

101. The representative of Spain recalled that in September 1963 his delegation had explained the reasons that had prompted it to take part in the debate on Gibraltar (A/5446/Rev.1, chap. XII, 53-66). Gibraltar, an enclave in Spanish territory which had been ceded to the United Kingdom under the Treaty of Utrecht for use as a military base, had been regarded by the United Kingdom Government as a Crown Colony and later as a Non-Self-Governing Territory. Hence, according to the basic criteria of the United Nations, it should come within the general process of decolonization. Having expelled the original inhabitants of Gibraltar, the United Kingdom Government had allowed a population of the most varied origins to settle round the base, united solely by the fact of the United Kingdom citizenship that had been granted to them. The conversion of the base into a colony and the measures that the United Kingdom Government was enacting there were a direct violation of paragraph 6 of General Assembly resolution 1514 (XV). Spain had consequently asked that that paragraph should be applied in the case of Gibraltar. It had offered to hold bilateral talks with the United Kingdom with a view to arranging for the restoration of Gibraltar to Spain in conditions of fairness to all concerned.

102. Not only had the United Kingdom ignored that proposal but it had prompted certain action which might be said to have changed completely the status of Gibraltar as laid down in the Treaty of Utrecht. In September 1963, Sir Joshua Hassan and Mr. Isola had appeared before the Committee as petitioners, not to ask for the protection of the interests that Spain had always been prepared to respect, but to declare that 17,985 persons established round a United Kingdom military base and protected by the military power of that country constituted a population with its own political personality and with all rights over the Territory in which it lived, including the right of self-determination. Moreover, in a booklet entitled *The Future of Gibraltar*, which they had distributed to the members of the Committee, they had repeated that claim. No mention had been made of the Treaty of Utrecht; indeed, the petitioners in question had tried by their mere presence to cancel out that Treaty and to ask the United Nations to regard the people they claimed to represent as little less than a new nation. Never in the whole history of decolonization had a more brazen attempt been made to hoodwink the international community represented in the United Nations. It was the duty of Spain to expose that political manoeuvre in its true light.

103. The appearance before the Committee of the representatives of the so-called Gibraltarians was the result of a policy initiated by the United Kingdom in 1950. Up to that time United Kingdom policy in Gibraltar had been based upon observance of the Treaty of Utrecht, but from 1950 onwards it had tried to replace the rights granted to it under the Treaty by the so-called rights of the 17,985 British subjects established there in place of the Spanish inhabitants who had been expelled. Indeed, Sir Joshua Hassan and Mr. Isola had actually stated that the rights they claimed were based, not on the Treaty of Utrecht, but on the fact that the people they represented had been living

in Gibraltar for 250 years. Such a claim was neither more nor less than an attempt to cancel the very Treaty upon which the United Kingdom based its claim to remain on Spanish soil.

104. It was clear from article X of the Treaty of Utrecht that while Spain had yielded to the United Kingdom full propriety of the town, port, fortifications and forts of Gibraltar, the exercise of that propriety had been made subject to various limitations of an economic, military and administrative character. The most important of those limitations, however, was the stipulation that if at any time the United Kingdom was to give, sell or by any means alienate the propriety of Gibraltar, preference was to be given to Spain. To declare that such guarantees did not give Spain some rights with regard to Gibraltar was to deny an obvious fact.

105. Moreover, the Treaty of Utrecht was an agreement between two parties, under which they had jointly established a given status for Gibraltar. There was no provision under which the present population of Gibraltar could claim any rights; on the contrary, it had no legal existence under the Treaty and no right whatever to dispose of any part of Gibraltar. The actual territory of what was now the city of Gibraltar was still to a great extent the property of the British Crown and the present inhabitants were merely British citizens who were temporarily living round a United Kingdom base on Spanish territory. The fact that they now claimed to form a political entity was all part of the policy pursued by the United Kingdom since 1950.

106. The fact was that when the United Kingdom Government had realized that colonialism was coming to an end it had been anxious to maintain the military base of Gibraltar, for reasons of both strategy and prestige. It had therefore decided that its presence in Gibraltar should be supported in the eyes of the world by the expressed will of the present inhabitants of Gibraltar. Hence its unilateral decision of 1950, without consulting Spain, to give Gibraltar a Legislative Council and an Executive Council, a step which had aroused the natural indignation of the Spanish people. When the Spanish Ambassador in London had tried to explain his country's views on the matter to the United Kingdom Government, he had been refused a hearing and the steps taken by the Spanish Government in the Campo de Gibraltar had been regarded as acts of hostility towards the United Kingdom and the Gibraltarians, to whom the views and the rights of the Spanish Government had apparently never been explained.

107. From the attitude adopted by Sir Joshua Hassan and Mr. Isola it could only be assumed that the United Kingdom had never informed the Gibraltarians that the Spanish Government was prepared to respect their interests; on the contrary, Spain had probably been depicted as a tyrannical and expansionist country which was trying to annex Gibraltar and to expel its population. Meanwhile Spain was being informed that the United Kingdom was remaining in Gibraltar in order to protect the interests of its inhabitants, who were urging the United Kingdom Government to insist that Spain should open up full means of communication between the city and the Campo de Gibraltar and abandon its policy with regard to that city.

108. The United Kingdom Government had assured the Spanish Government that it would respect its commitments under the Treaty of Utrecht and would

consequently not grant the present inhabitants of Gibraltar the rights they were claiming. Proof of that was to be found in the statement made in Gibraltar in April 1963 by the United Kingdom Parliamentary Under-Secretary of State for the Colonies, to the effect that no constitutional changes were under consideration.

109. There were only two alternatives open to the United Kingdom Government: either to respect the minimum obligations laid upon it by the Treaty of Utrecht and hence to dispossess the inhabitants of Gibraltar of any political institutions other than those that were purely United Kingdom institutions, or to give those inhabitants a political entity for which no provision had been made, in other words to grant them self-determination as though Spain had no say whatever in the matter. If it chose the first alternative, it would appear to the world to be following a colonialist policy towards the present inhabitants of Gibraltar; if it chose the latter, its colonialist policy would then be directed against Spain, with the present inhabitants of Gibraltar and even the United Nations being used as instruments to further that policy. It was therefore essential that Spain's offer of negotiation should not be cast aside. Just as Spain was the only country that could settle the economic future of Gibraltar, so was it also the only country which, respecting United Kingdom interests, could remove all colonial aspects from the presence of the United Kingdom there.

110. A series of political measures had recently been adopted in Gibraltar with the aim of continuing the policy initiated in 1950 and of presenting the Special Committee with a *fait accompli*. In a memorandum dated 6 May 1964, Spain had protested to the United Kingdom about the latter's proposal to introduce in Gibraltar constitutional reforms, involving the establishment of a Government for the 17,985 persons encamped around its military base. It had stated that the unilateral decision taken by the United Kingdom in 1950 to endow the city of Gibraltar with institutions which were not within the legal framework established by the Treaty of Utrecht had been designed to replace the legal "status" adopted in 1713 by a new one in which the rights of Spain were to be totally disregarded and that the new reforms would accentuate the discrepancy between what had been agreed upon at Utrecht and the actual political reality.

111. The Spanish Government had further stated in its memorandum that the objective of its consultations with the United Kingdom should be to devise a solution, taking into account Spain's rights over the whole of its national territory, whereby the colonial situation in Gibraltar could be abolished and the interests of the United Kingdom and of the present population of Gibraltar could be protected. It had stated that the United Kingdom should refrain from introducing into the structure of the colony of Gibraltar any change designed to interfere with the decision which the United Nations might adopt on the matter.

112. On 1 June 1964, the United Kingdom Government had replied to the memorandum, rejecting the Spanish arguments and refusing to acknowledge that the Treaty of Utrecht granted Spain some rights over a part of Spanish Territory. Accordingly, on 30 June 1964, the Permanent Representative of Spain to the United Nations had sent a letter to the Chairman of the Special Committee (A/AC.109/91) notifying him of the manoeuvres of the United Kingdom Government. Despite those warnings, on 10 September 1964, local elections had been held to establish a Government,

with a Prime Minister, for the 17,985 United Kingdom citizens at the Gibraltar base.

113. At the 281st meeting, the United Kingdom representative had said that his Government fully accepted that the Gibraltar people should choose what should be the form of their association with Britain. The United Kingdom therefore considered that its presence in Gibraltar was based not upon a contractual agreement with Spain but upon the desire of the population which it had been laboriously building up on the Rock. The United Kingdom thus declared itself to be released from its obligations under the Treaty of Utrecht, which it was abrogating without taking into consideration the other party—Spain.

114. The United Kingdom was using the population of Gibraltar for its own manoeuvres. When the United Nations had embarked upon the task of decolonization, that population's right to decide its own fate had been invoked, once an assurance had been obtained that the decision would protect United Kingdom interests. The United Nations was being asked to approve that manoeuvre and to clear the United Kingdom of any suspicion of colonialism in Gibraltar. Once such United Nations approval had been given, the local authorities, supported by the United Kingdom Government, would demand greater freedom of communication between Gibraltar and Spain. Any measures which Spain might then take to protect itself against smuggling or illicit economic expansionism would be regarded as acts of hostility against the so-called "people of Gibraltar". The door would be perpetually open for an increasing usurpation of Spanish sovereignty over the territory adjacent to the Rock. Such a situation would be quite unbearable. Consequently, the Spanish Government considered that any further steps to modify the status of Gibraltar, without taking into account the rights and opinion of Spain, would be sufficient grounds for it to consider itself released from all its obligations under the Treaty of Utrecht.

115. With regard to the origin of the present inhabitants of Gibraltar, it should be recalled that Gibraltar had been occupied militarily on 4 August 1704 by an Anglo-Dutch fleet defending the right of Archduke Charles of Austria to the Spanish Crown. On that occasion Admiral Rooke had taken possession of Gibraltar in the name of his Queen and not of the Archduke. The inhabitants of Gibraltar had thus been transferred, not from the authority of a Spanish monarch to that of another prince who aspired to the Spanish throne, but from the authority of Madrid to the authority of London. In the face of such a radical change, it was hardly surprising that the Municipal Council of Gibraltar, with the consent of the majority of the inhabitants, had decided to abandon the town and settle provisionally in the city of San Roque.

116. By the time the United Kingdom had made its appearance in the area, Spain had become a modern and united State. Before its occupation, Gibraltar had been a Spanish city endowed with legal institutions similar to those of any other Spanish city. Since its occupation, it had been an empty town occupied by a foreign army under the sole authority of a military governor from the United Kingdom. While the original Spanish inhabitants of Gibraltar had been the owners of the town and the surrounding countryside, the United Kingdom owned almost all the land on which the city was situated.

117. It was not true to say, as did the petitioners, that the present inhabitants of Gibraltar were descended

from families which had lived there without interruption for 250 years. During the eighteenth century, circumstances had prevented the settlement of civilians around the fortress. In fact, the first inhabitants had really appeared when Spain and the United Kingdom had formed an alliance against Napoleon in the nineteenth century. At the beginning of that century, epidemics had taken a heavy toll of the civilian population and the United Kingdom garrison; their places had been filled by the arrival of Spaniards from the Campo. In 1856, the United Kingdom Governor of the fortress had written that the population was as Spanish in its customs, language and religion as when Gibraltar had been ceded to the United Kingdom. After the Second World War, many civilians who had been evacuated had refused to return. The fact that, in addition to the 17,985 inhabitants of Gibraltar, there were 4,800 United Kingdom citizens resident in the city did not change the situation or give those citizens any special political rights. Spanish was the local language spoken in Gibraltar, many of whose inhabitants had married Spaniards from neighbouring cities.

118. In Gibraltar, labour, legislative, executive, administrative, municipal, judicial, financial and cultural powers were concentrated in the hands of Sir Joshua Hassan. The internal government of Gibraltar, under the authority of the United Kingdom, was in fact Sir Joshua Hassan. The existing population of Gibraltar had no international juridical status in relation to Spain or to other countries. The aim of the internal political organization of Gibraltar was to show the world that its inhabitants were not being colonized by the United Kingdom. The fact was, however, that those inhabitants were not only the instruments by which a colonial situation was being preserved in Spanish territory but the very quintessence of that situation, which Spain was not prepared to tolerate.

119. Under the Treaty of Utrecht, the present inhabitants of Gibraltar, represented before the Special Committee by Sir Joshua Hassan and Mr. Isola, had no political rights either before Spain or before the international community. They were therefore claiming the right to self-determination, basing their claim not on the Treaty of Utrecht but on a juridical doctrine elaborated by the United Nations and embodied in General Assembly resolutions 1514 (XV) and 1541 (XV).

120. Article 73 of the Charter defined which peoples possessed the right to self-determination and spoke of "territories whose peoples have not yet attained a full measure of self-government". The use of the phrase "territories whose peoples" showed that those who drafted the United Nations Charter had been envisaging a complete identity between the people and the territory they inhabited. The entire juridical doctrine under which the decolonization process was being conducted was based precisely on the idea that the rights of the people of a territory over their own territory prevailed over those of any other country. Consequently, only the people of a territory possessed the right to self-determination proclaimed by the United Nations. That interpretation was confirmed by principle I in the annex to resolution 1541 (XV) and by paragraph 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which spoke of the "peoples of those territories". It was therefore essential, before conceding that a people had the right to govern their own future, to establish the existence of an identity between that people and their territory.

121. Gibraltar clearly did not belong to its present 17,985 inhabitants, but rather to the inhabitants of the nearby town of San Roque, descendants of the original inhabitants of Gibraltar, who had been demanding its return for 250 years. If the Treaty of Utrecht ceased to exist, the inhabitants of San Roque alone would have a claim to the territory. The United Kingdom had always regarded the inhabitants of Gibraltar as simply British subjects and had never acknowledged that they had any special rights to the territory. Only since the beginning of the process of decolonization had it sought to use the population as a means of maintaining its rule. The Gibraltarians were demanding in return the recognition of their existence as a separate political entity—at Spain's expense, it would appear. Spain, however, did not recognize the claim of the present inhabitants of Gibraltar to the piece of Spanish territory on which, through an accident of colonial history, they happened to be living.

122. In his statement before the Committee on 19 September 1963 (214th meeting), Sir Joshua Hassan had demanded the right of self-determination for the present population of Gibraltar, which, he had said, would then choose association with the United Kingdom in the form envisaged in the annex to General Assembly resolution 1541 (XV); under that association, the United Kingdom would preserve its position at Gibraltar by maintaining its naval base and military installations. If that form of self-determination was granted, the United Nations would be giving the United Kingdom *carte blanche* to remain in Gibraltar for ever.

123. At the 1083rd meeting of the Security Council, during the discussion of the report prepared by the Secretary-General¹ in pursuance of Security Council resolution 180 (1963), the United Kingdom representative had stated that the peoples of colonial territories must be given the opportunity, through self-determination, to decide their own future. That statement was in keeping with the position taken by the United Nations. As the representative of Uruguay had pointed out at the 1268th plenary meeting of the General Assembly, self-determination did not automatically result in independence, but sovereignty passed from the administering Power to the colonial people in question for at least a fleeting moment even when the latter decided in favour of free association or integration with the former metropolitan country. The United Kingdom representative in the Committee had endorsed that view. Yet self-determination in that sense was not what had been demanded by Sir Joshua Hassan, with the apparent support of the United Kingdom, for the present population of Gibraltar. Self-determination in the form asked by the Gibraltarians would not alter the present link between the Territory and the British Crown for even the fleeting moment referred to by the Uruguayan representative. The United Kingdom hoped in that way to be able to argue that the Treaty of Utrecht remained in force. It was urging other countries to apply principles which it was evidently unwilling to apply to itself.

124. There were only two possible solutions to the problem of Gibraltar: the implementation of paragraph 6 of General Assembly resolution 1514 (XV) on the basis of negotiations between Spain and the United Kingdom, as he had urged in September 1963, or the

granting of self-determination to the population of Gibraltar, as demanded by Sir Joshua Hassan. The application of the principle of self-determination in the case of Gibraltar would represent a violation of paragraph 6 of resolution 1514 (XV) and hence of the United Nations Charter; it would mean that the international community recognized the present population of Gibraltar as a political entity distinct from the United Kingdom.

125. The granting of self-determination to that "pseudo-population" would have serious practical as well as legal consequences. Legally, it would mean sanctioning the abrogation of the Treaty of Utrecht in order to hand over to the present population of Gibraltar a piece of Spanish territory which had been ceded to the United Kingdom 250 years earlier for certain limited and clearly defined purposes. The practical effects of the application of self-determination would be even more dangerous. Spain would no longer consider itself bound by the Treaty of Utrecht. It would regard Gibraltar as a piece of Spanish territory whose occupation by its present inhabitants was based on force. Furthermore, Spain would refuse to maintain the present level of living of the people of Gibraltar, whose economy was based on colonial exploitation of the territory's Spanish "hinterland".

126. If the Committee and the General Assembly decided that the appropriate way to decolonize Gibraltar was to apply the principle of self-determination to its present inhabitants, Spain could not maintain normal relations with the new political entity that would then come into being. It could have no further contact with Gibraltar unless the United Kingdom completely terminated its presence there, since his country took the view that the granting of self-determination to Gibraltar would relieve it of all its obligations towards the United Kingdom. If the United Kingdom did not withdraw, Spain would regard the creation of a new Gibraltarian political entity as simply a trick designed to maintain colonialism; communications between Spain and Gibraltar would be cut and the inhabitants of Gibraltar would henceforth be regarded as *personae non gratae* in Spain. He presumed that the representative of Cambodia had had those legal and practical consequences in mind when he had suggested in the Committee on 18 September 1963 that the United Kingdom should withdraw from Gibraltar so that the latter's inhabitants could negotiate with Spain on the best means of protecting their legitimate interests.

127. As he had stated on 11 September 1963, Spain felt that the most equitable and proper method of decolonizing Gibraltar was the application of paragraph 6 of resolution 1514 (XV), which would eliminate a colonial foothold on Spanish territory and ensure that military bases were not transformed into colonies in other parts of the world in the future. As the representative of Uruguay had pointed out in the Committee on 12 September 1963, the proper interpretation of paragraph 6 would be in keeping with the principle laid down by the Organization of American States in resolution 47 of the Tenth Inter-American Conference in 1954. The only voice raised against the use of paragraph 6 as a means of decolonization was that of the United Kingdom, whose representative had stated in Sub-Committee III that the paragraph referred only to possible future attempts to disrupt a country's territorial integrity (A/AC.109/102, p. 45). He wondered whether the United Kingdom representative felt that there might be opportunities in the future

¹ See *Official Records of the Security Council, Eighteenth Year, Supplement for October, November and December 1963*, documents S/5448 and Add.1-3.

for the creation of new colonial situations like that in Gibraltar.

128. His country suggested that the procedure for applying paragraph 6 should be negotiated between Spain and the United Kingdom with due regard for the interests of the inhabitants of Gibraltar, who had much to gain from the solution he was proposing. It should be noted that the Bay of Algeciras, on which Gibraltar was situated, lay just to the west of the so-called Costa del Sol, a tourist area. Once returned to Spanish sovereignty, Gibraltar and the surrounding area could become a flourishing part of the Costa del Sol as well as a major communications link between Europe and Africa and between the Atlantic and the Mediterranean. It was only Gibraltar's colonial status which had prevented that from happening already.

129. Under his Government's proposal, the interests of the United Kingdom and of the inhabitants of Gibraltar would be safeguarded and the latter could maintain their personal ties with the United Kingdom. Spain was offering the people of Gibraltar a splendid future which neither the present colonial régime nor the isolation that would result from spurious self-determination could bring them. Furthermore, the existence of a prosperous city on the Bay of Algeciras would be a more effective guarantee of freedom of the seas than the present coastal batteries and military zones.

130. The representative of the United Kingdom stated categorically that his Government did not accept the Spanish representative's account of the historical and legal position. For over 250 years his Government had exercised over Gibraltar a sovereignty established and reaffirmed by Treaty, about which his Government had no doubt. The Spanish arguments did not affect his Government's view of the validity of its position in Gibraltar.

131. The representative of Uruguay recalled that during the debate on Gibraltar in 1963 his delegation had said that the Committee should ensure that the parties directly concerned, namely the United Kingdom and Spain, would settle their dispute bearing in mind above all the interests of the population which might be affected by any change in the Territory's status. Although some constitutional changes had taken place since that time, his delegation maintained that view, which had been endorsed by the delegations of Iraq, Tunisia, Venezuela and Syria. Its only purpose in speaking on the question again was to clarify certain aspects of the juridical basis of its position which the United Kingdom representative had called into question.

132. In his statement on 12 September 1963, (A/5446/Rev.1, chap. XII, paras. 70-72), the representative of Uruguay had analysed paragraph 6 of resolution 1514 (XV) and had demonstrated that the purpose of that paragraph had been to avoid the unconditional and indiscriminate application of the principle of self-determination, which might, in exceptional cases, be prejudicial to the principle of the territorial integrity of States established in the United Nations Charter.

133. The United Kingdom representative had challenged that interpretation in a statement made in Sub-Committee III on 16 September 1964 concerning the Falkland Islands (A/AC.109/102, p. 45). In particular, he had asserted that if it had been the intention of the General Assembly to indicate by paragraph 6 that, in cases where the principle of territorial integrity and sovereignty conflicted with

the principle of self-determination, the former should have precedence, it would have used a very different wording both in paragraph 6 and in paragraph 2 of resolution 1514 (XV).

134. The United Kingdom's interpretation failed to take into account the deliberations which had led to the adoption of paragraph 6, which clearly demonstrated the intention of the sponsors. During the debate on the draft resolution which had subsequently become resolution 1514 (XV), Guatemala had submitted an amendment stating that the principle of self-determination of peoples should not prejudice the territorial integrity and territorial claims of any State. In that connexion the Guatemalan representative had said that the settlement of disputes over territories improperly held by colonial Powers and claimed by other States as integral parts of their respective countries could not be governed by the principle of self-determination, for if that principle were applied in such cases it might violate the equally basic principle of the territorial integrity of States. The representative of Guatemala had subsequently withdrawn his amendment in view of the opinion expressed by a number of the sponsors of the draft resolution that the rights he wished to safeguard were fully protected by paragraph 6.

135. That being so, there was no reason to interpret paragraph 6 in the sense given to it by the United Kingdom representative, namely, that it related to the future and not to the past. It was true, as the United Kingdom representative had stated, that the word "attempt" implied a future action, but that was not the problem. The point was to determine to whom the injunction in paragraph 6 was addressed. It was obviously addressed not only to States administering colonial territories but to the Special Committee as well. It was the specific obligation of the Committee to ensure the full implementation of resolution 1514 (XV), taking into account the prohibition in paragraph 6. In other words, no recommendation or resolution adopted by the Committee in application of the Declaration should contribute, directly or indirectly, to the disruption of the national unity or territorial integrity of a country. Consequently, if the Committee, by taking a hasty decision which failed to take into account the particular circumstances, were to do anything which might jeopardize the national unity of a country, it would have failed to carry out its mandate by helping to perpetuate a colonial situation.

136. He went on to recall another argument adduced by the United Kingdom regarding the principle of self-determination. The United Kingdom delegation had stated that if so important a limitation had been placed on the principle, resolution 1514 (XV) would not have been supported by the majority of States Members of the United Nations. The record of the 947th plenary meeting of the General Assembly showed, however, that the United Kingdom had not only abstained in the vote on resolution 1514 (XV) but that one of the reasons it had given for doing so had been precisely that the Declaration contained paragraph 2 concerning self-determination.

137. He would like to know whether, since that time, the United Kingdom Government had modified its official position concerning the principle of self-determination. In that connexion, he referred to the United Kingdom comments on paragraph 5 of resolution 1966 (XVIII) of 16 December 1963 concerning the principle of equal rights and self-determination of

peoples (A/5725/Add.4). In the view of the United Kingdom self-determination of peoples was not a right, as it was described in paragraph 2 of resolution 1514 (XV), but merely a principle. Hence the colonial peoples had no legally enforceable right to self-determination; self-determination was merely one objective among many others and it was an objective to be pursued, not by the colonial peoples, but by the Powers administering colonial territories.

138. Another comment made by the United Kingdom Government was the following:

"If a 'right' of self-determination were held to exist, it could be invoked in circumstances in which it would be in conflict with other concepts enshrined in the Charter. It could, for instance, be held to authorize the secession of a province or other part of the territory of a sovereign independent State, e.g. the secession of Wales from the United Kingdom, or the secession from the United States of America of one of its constituent States. It could also be held to authorize claims to independence by a particular racial or ethnic group in a particular territory, or to justify, on the basis of an alleged expression of the popular will, claims to annexation of a certain territory or territories." (A/5725/Add.4, p. 5.)

139. That was precisely the argument of the Uruguayan delegation, but the application of that doctrine did not imply that the legitimate interests of any people should be sacrificed. In proposing that the dispute between Spain and the United Kingdom should be settled through negotiation, the Committee should stress that its main objective was to protect the interests and well-being of the peoples concerned, as specifically provided in Article 73 of the Charter.

140. In conclusion, he pointed out that the Committee was not a tribunal called upon to settle a territorial dispute by recognizing or denying the rights of any particular country. Its task was to bring about decolonization. There were, however, many ways of bringing about decolonization and there were solutions other than independence or free association. The integration of a territory with the State to which it belonged and from which it had been separated was also decolonization. If the Committee bore all those possibilities in mind, it would show itself to be both realistic and just and would help to develop friendly relations among peoples, which was one of the main objectives of the Charter.

141. The representative of the United Kingdom recalled that in the previous year's debate on Gibraltar a number of speakers, including the representative of Spain, had referred to Gibraltar as a Non-Self-Governing Territory, or even as a typical colonial Territory, which thus fell within the competence of the Special Committee. The United Kingdom delegation had not challenged that description and had contributed to the discussion by giving an account of Gibraltar's economic, political, constitutional and other institutions and problems. Further details on the Territory had been given by Sir Joshua Hassan and Mr. Isola, the representatives of Gibraltar's two main political groups.

142. In his statement of 11 September 1963 (A/5446/Rev.1, chap. XII, para. 67), he had said that in his delegation's opinion the Committee was not competent to discuss the merits of the Spanish claim to sovereignty over Gibraltar. That opinion seemed to be shared by the Committee as a whole; at any rate, he could not recollect anyone expressing the view that

the Committee was competent, by virtue of its terms of reference, to act as though it were a tribunal set up to consider and adjudicate on any territorial dispute between two States Members of the United Nations, even if those States were both colonial Powers and even if the territory in dispute was itself a colony. The United Kingdom delegation therefore considered it improper to enter into any detailed discussion of the legal questions arising out of the Spanish claim to Gibraltar and would confine itself to two observations of a general nature.

143. First, the Government of the United Kingdom did not accept the interpretation of the Treaty of Utrecht presented by the representative of Spain, nor did it accept that Spain had any right to be consulted on changes in the constitutional status of Gibraltar and its relationship with the United Kingdom. The United Kingdom Government was satisfied that the grant of Gibraltar to the United Kingdom under the Treaty, and as subsequently reaffirmed, was absolute and without any bar to future constitutional changes in Gibraltar or to the accession of its inhabitants to self-government, as required by the Charter. Even since 1946, when the United Kingdom had first transmitted information on Gibraltar in accordance with Article 73 e of the Charter, the Territory had been regarded as a Non-Self-Governing Territory under the terms of the Charter and had been treated as such by the United Nations. Even Spain did not deny that it was a colony. As the United Nations had consistently treated Gibraltar as a colony to which Article 73 applied, the United Kingdom would not have been fulfilling the requirements of that Article if it had not taken steps to enable the Gibraltarians to advance towards complete self-government. It was surely the ultimate irony not only that the representative of Spain should claim that the United Kingdom was trying to deceive the United Nations by fulfilling its obligations towards Gibraltar under the Charter, but also that Spain should attempt to take over the people of Gibraltar under the cover of General Assembly resolution 1514 (XV), which proclaimed the right of all peoples to self-determination.

144. Secondly, it was with surprise and regret that the United Kingdom delegate had heard the Spanish representative's contemptuous and menacing references to the people of Gibraltar, whom he accused of exploiting the hinterland, apparently because the "so-called" or "pseudo" Gibraltarians, as the Spanish representative described them, bought their vegetables there and recruited workers from it. Moreover, there seemed to be an implication that a population of only 17,985 people had no rights under the Charter. The economic blockade and the other steps which Spain threatened to take against the people of Gibraltar if they tried to assert their rights indicated all too clearly the true value that should be placed on any undertakings which Spain had given to protect the interests of the people of Gibraltar if they were to come under Spanish rule. The Spanish representative's words were unworthy of a people for whom both the British people and—as Sir Joshua Hassan and Mr. Isola had made clear—the people of Gibraltar had great respect.

145. The United Kingdom representative considered it necessary to state that his Government was fully conscious of its obligation to protect the welfare and defend the legitimate interests of the people of Gibraltar and would not hesitate for one moment to fulfil those obligations in whatever manner might be necessary.

146. As for the argument that the population of Gibraltar was too small to be allowed to accede to independence, it had been repeatedly stated in the Special Committee and its organs that the provisions of the Charter and of resolution 1514 (XV) applied to all populations, large or small. In that connexion, he recalled that at the 220th meeting of the Special Committee, the representative of the Soviet Union had stated that small populations had exactly the same rights to freedom as large populations. At the 221st meeting the representative of Iran had asserted that resolution 1514 (XV) applied fully and without exception to all colonial territories and peoples, large and small, and that it was merely a question of finding appropriate means to assist those populations in exercising their right to self-determination and independence. At the 222nd meeting the representative of Iraq had enumerated the various ways in which a people could accede to self-determination—formation of a separate independent State, association with an independent State, or complete incorporation of a State or territory into an independent State—and had added that it lay with the peoples concerned to decide in what way they would like to achieve the independence which was guaranteed to them under the Charter of the United Nations.

147. There could be no doubt that the people of Gibraltar were a colonial people; the Spanish representative's assertion that self-determination could not apply in the case of Gibraltar because there was no identity between the Territory and the people, whose only home was Gibraltar, was quite incomprehensible. Moreover, that assertion was completely unsupported by anything in the text of the Charter or of resolution 1514 (XV).

148. The representative of Spain had also based his case for denying the application of the principle of self-determination to Gibraltar on his own interpretation of paragraph 6 of resolution 1514 (XV); he had quoted the interpretation of that paragraph which the United Kingdom delegation had given in Sub-Committee III during the discussion on the Falkland Islands (A/AC.109/102, p. 45) and he had suggested that the United Kingdom alone adhered to that interpretation. That was quite untrue. There could be no doubt about the meaning of paragraph 6 of resolution 1514 (XV), which obviously referred to attempts in the future to disrupt the national unity and territorial integrity of a country and could not be twisted to justify attempts by countries to acquire sovereignty over fresh areas of territory under centuries-old disputes. The paragraph in question was clearly aimed at protecting colonial territories or countries which had recently become independent against attempts to divide them or to encroach on their territorial integrity at a time when they were least able to defend themselves because of the stresses and strains of approaching or newly achieved independence. It was only necessary to recall that the question of the secession of Katanga had been before the General Assembly in 1960 when resolution 1514 (XV) had been prepared, discussed and adopted.

149. Contrary to what the representative of Spain had suggested, the interpretation of paragraph 6 given by the United Kingdom delegation was accepted by other delegations, as was proved by the statements of, *inter alia*, the delegations of Pakistan and the Union of Soviet Socialist Republics, which Mr. Isola, the leader of the Gibraltar Opposition, had quoted in his

statement before the Special Committee on 23 September 1964 (see paragraph 96 above). In 1960, when Guatemala had submitted amendments to paragraph 6 which would have laid it down that territorial claims took precedence over the principle of self-determination, the Soviet Union delegation had opposed those amendments because they provided for a limitation of the fundamental right of all peoples to self-determination and were thus contrary to paragraph 2 of the proposed declaration, which quite rightly stated that all peoples had the right of self-determination (945th plenary meeting, para. 128).

150. As Mr. Isola had rightly said, at least two of the sponsors of the original draft, containing what was now paragraph 6, had made it clear in their statements that that was their interpretation of the paragraph. He would also refer the members of the Special Committee to the statement made by the representative of Iran along the same lines at the 926th meeting of the General Assembly and, in particular, to paragraphs 70 and 71 of the record of that meeting, which he read out to the Committee. In this statement the representative of Iran, referring specifically to paragraph 6 of the draft resolution, had said that aggression was an even graver crime than otherwise when directed against a recently independent country still traversing the difficult initial stages of development.

151. The new arguments presented by the representative of Uruguay in no way weakened the United Kingdom case. In that connexion, he quoted a passage from the statement of the representative of Nepal in the General Assembly on 5 December 1960 (935th plenary meeting, para. 74). That passage, which referred to the attempts which the colonial Powers might make to bring about the partial or total disruption of the national unity and territorial integrity of the colonial countries, made the intention behind paragraph 6 of resolution 1514 (XV) admirably clear and should discourage once and for all those who would base themselves on that wording in order to argue against the application of the principle of self-determination to colonial peoples.

152. The question whether self-determination was a right or a principle, to which the representative of Uruguay had alluded, was entirely academic in the case of Gibraltar.

153. The representative of Spain had said, at the 282nd meeting of the Special Committee, that an assurance had been given that the United Kingdom would respect its commitments under the Treaty of Utrecht and that consequently it would never grant the present inhabitants of Gibraltar the rights which they were claiming before the Special Committee and which had not been provided for in the Treaty of Utrecht. On the same occasion, the representative of Spain had recalled that a United Kingdom Minister, Mr. Nigel Fisher, had said in the House of Commons in April 1963 that no constitutional changes were at that time under consideration for the Territory of Gibraltar.

154. He wished to make it quite clear that the United Kingdom Government had never given any assurance of that kind to the Spanish Government and that the words spoken by Mr. Fisher could not be regarded by Spain or by any other interested party as constituting such an assurance. In the United Kingdom's view, the Treaty of Utrecht contained no provisions binding the United Kingdom to refrain from applying the principle of self-determination to the people of Gibraltar. Mr. Fisher had merely been

replying to a question about the constitutional changes then being considered for Gibraltar and had simply been stating the position as it had been at that time. The United Kingdom delegation rejected the attempts made by the Spanish Government to establish that there was a conflict between the exercise of self-determination by the people of Gibraltar and the provisions of the Treaty of Utrecht. The United Kingdom Government had never given contrary assurances to anyone.

155. On 23 September 1964, his delegation had given the Special Committee an assurance that the constitutional changes recently introduced in Gibraltar would in no way damage the interests of Spain or of any other country. It had also said that any constitutional changes which might be worked out between the United Kingdom Government and the representatives of the people of Gibraltar would in no way impede the development of harmonious relations between Gibraltar and Spain. He wished to renew those assurances. The Spanish petitioners and the representative of Spain had described in detail the economic and social interdependence of Gibraltar and its Spanish hinterland, but the existence of such links could not give one party a claim to sovereignty over the other. Such an interpretation of commercial and other links between neighbouring countries would throw the map of the world into complete disorder. However, in view of the many links existing between Gibraltar and Spain, it would be foolish for the people of Gibraltar to adopt as their objective a constitutional status that might arouse justifiable resentment or fear on the part of Spain. The inhabitants of Gibraltar had never done so and he did not think there was any reason to suppose that they ever would. Moreover, the United Kingdom Government had given assurances both privately and publicly to the Government of Spain that developments in the neighbouring territory did not in fact threaten Spanish interests. The representative of Spain in his statement had quoted at length from the memorandum by the Spanish Government dated 6 May 1964, which had been handed to the United Kingdom Ambassador to Madrid. He had also referred to the United Kingdom note of 1 June replying to the memorandum but had omitted to quote the conclusion of that note, in which the United Kingdom Government had stated that without in any way departing from its view that it was under no obligation to consult with Spain on matters concerning Gibraltar, Her Majesty's Government was always willing to discuss ways in which good relations between Spain and Gibraltar could be maintained and any causes of friction eliminated. The United Kingdom Government was still ready to discuss those matters with Spain, with the reservation that it was not prepared to discuss with it the question of sovereignty over Gibraltar.

156. To sum up, the Government of Spain, relying on a 250-year-old treaty, asserted that the granting of any political rights to the people of Gibraltar was in conflict with the provisions of that treaty. Spain had also uttered unmistakable threats against Gibraltar, to be implemented in the event that further constitutional advances should confer a greater degree of self-government on the Territory. And the representative of Spain came before the Special Committee to ask for United Nations endorsement of that position.

157. For its part, the United Kingdom delegation had described in detail to the Special Committee the way

in which Her Majesty's Government was applying and implementing the principle of self-determination and the objectives of General Assembly resolution 1514 (XV) in the case of the people of Gibraltar. It had demonstrated that the granting of a greater degree of self-government to Gibraltar and the recognition of the fact that it was for the people of Gibraltar to decide what their ultimate status should be never had constituted and never would constitute a threat to Spain or any other country.

158. His delegation had already said, and his Government had repeatedly made clear, that the United Kingdom Government fully accepted that the people of Gibraltar should choose the form of their association with the United Kingdom; whenever the elected representatives of the people of Gibraltar wished to advance proposals of this kind, the United Kingdom Government would be ready to study them and work out with the Gibraltarian representatives arrangements for a continuing association acceptable to both parties. Whatever those arrangements were, he was sure that they would be such as to ensure that harmonious relations between Gibraltar and Spain would not be endangered.

159. There was therefore a striking contrast between the attitude of the United Kingdom Government and that of the Spanish Government, which took no account either of the human realities of the present situation in Gibraltar or of the United Nations Charter itself. The Special Committee had repeatedly dedicated itself to the service of colonial peoples everywhere, protecting their interests and assuring their right to decide for themselves how they wished to be governed. His delegation asked the Committee to live up to those high purposes.

160. The representative of Spain, exercising the right of reply, said that the United Kingdom representative, in his statement at the 284th meeting, had attributed to the Spanish delegation arguments and purposes that were not in keeping with the facts.

161. First, Gibraltar had been designated a colony and a Non-Self-Governing Territory not by Spain but by the Government of the United Kingdom, at a time when Spain had not been a Member of the United Nations. Since the start of its activities in the Organization in 1956, Spain had repeatedly made reservations concerning that unilateral decision by the United Kingdom.

162. Secondly, the Spanish delegation's statement could not be interpreted to mean that in the Spanish view self-determination was conditioned on the number of inhabitants of a Territory. In referring to the population of Gibraltar, his delegation had said that it was a prefabricated population intended to serve the interests of the United Kingdom.

163. Thirdly, the Spanish statement had included no threat. His delegation had merely described a United Kingdom stratagem which ran counter to Spanish rights and interests and had outlined the measures by which Spain might, within the strict exercise of its own sovereignty, have to protect those rights and interests.

164. Fourthly, the United Kingdom representative's reference at the 284th meeting of the Committee to his Government's readiness to defend the interests of the people of Gibraltar "in whatever manner might be necessary" was an imperialistic threat typical of the nineteenth century and would in no way deter the Spanish Government from adopting appropriate meas-

ures to restore the balance that had been shattered by a *fait accompli*.

165. Fifthly, in his delegation's view the United Kingdom Government could not decide whether the measures adopted in Gibraltar were or were not damaging to the interests of Spain; only the Spanish authorities could decide that question.

166. Sixthly, his delegation had never asked the Special Committee to endorse the policies that might be adopted by Spain in order to defend its rights and interests; it had, instead, requested the Committee to give no endorsement, even unwittingly, to any colonialist manoeuvre by the United Kingdom.

167. His delegation accorded full respect to the views of others and hoped that its own views, too, would be respected and its statements not distorted. There was nothing in the United Kingdom representative's statement of 30 September 1964 which could lead his delegation to modify its views. He reiterated his delegation's desire to have the situation settled through negotiation between the Spanish and United Kingdom Governments, the paramount interests of the inhabitants being always borne in mind.

168. The representative of Venezuela said that the situation in Gibraltar had not changed since his delegation's clear statement of its position in the Special Committee in 1963 (211th meeting). The Special Committee was discussing the case of Gibraltar as a colony because the administering Power had so designated the Territory. It was clear, however, from the statements made by Sir Joshua Hassan and Mr. Isola, who had appeared in the capacity of petitioners representing the people of Gibraltar, that the case of Gibraltar was not that of a colonial people but that of a territory colonized by a group of settlers who were subjects of the colonizing Power. Moreover, the population was subordinated to the primary interest represented by the Gibraltar military, naval and air base. The major part of the colony's subsistence derived from the base. Furthermore, the population had been and still was selected by the administering Power. The Immigration and Aliens Order of 1885, rigidly enforced by the United Kingdom Government through the Governor of the colony, had been drawn up to prevent the growth of the foreign civilian population inside the fortress area. A person not holding the status of a resident of Gibraltar could not live permanently on the Rock and in fact could not stay there even briefly without a permit. The best proof of the secondary character of the population of the Rock, in comparison with the primary importance of the base, was found in the measures provided for cases of emergency. During the Second World War almost all the population had been evacuated from the fortress. It was not likely that the 16,700 persons concerned had all been old people, women and children; it was more realistic to believe that the evacuation had been carried out in order to ensure better protection of the base.

169. According to Sir Joshua Hassan, the main prerequisites for voting were that a person must be a British subject and must have been a resident of Gibraltar for twelve continuous months before the elections. The Committee could draw its own conclusions from Sir Joshua's statements, especially in view of the fact that residence permits were granted at the discretion of the Governor of Gibraltar, who was appointed by the United Kingdom.

170. His delegation had many doubts with regard to the degree of self-government enjoyed by the people of Gibraltar. Foreign affairs and defence were controlled by the administering Power, which also retained sovereignty over the Territory. No expenditure from the public treasury could be decided upon without the consent of the Governor. The latter could, in addition, secure the enactment of laws necessary for the maintenance of public order or the proper functioning of the Government. Finally, the Governor's consent was necessary for all legislation, which, moreover, was always subject to possible disapproval by the Crown.

171. It was clear, therefore, that the case before the Committee was not that of decolonizing the population of Gibraltar; in fact, a petitioner had appeared before the Committee with the unprecedented request that it should perpetuate and endorse the colonial status. In reply to a question put by the Venezuelan delegation, Sir Joshua Hassan had stated emphatically that no change in sovereignty was being contemplated. The booklet entitled *The Future of Gibraltar* stated that from the economic point of view the colonial status constituted a safeguard which would not be renounced until the guarantees sought were negotiated and incorporated in an article of association with the United Kingdom.

172. On the contrary, the question before the Committee was the decolonization of the Territory in accordance with General Assembly resolution 1514 (XV). The principle of self-determination must not be distorted to legalize a *de facto* situation such as that of Gibraltar. Such legalization by the United Nations, whether tacit or explicit, would set a dangerous precedent. That, indeed, was the view held by the administering Power itself, for in its comments on paragraph 5 of General Assembly resolution 1966 (XVIII) the United Kingdom had stated that "the principle [of self-determination] is clearly linked to other concepts which are expressed and recognized in the United Nations Charter, such as the sovereign equality of States, territorial integrity and political independence, and the principle of non-intervention" and had added that "nevertheless, as a political principle, self-determination is not limited to States and in any event must be subject to the obligations of international law, both customary and conventional" (see A/5725/Add.4, pp. 3 and 4).

173. Although his delegation could not fully agree with the arguments put forward in the United Kingdom comments, it would be interesting to note the remark that the "language used in Article 1 (2) was not intended to form any basis on which a province, or other part of a sovereign independent State could claim to secede from that State" (A/5725/Add.4, p. 5). Finally, the United Kingdom comment had drawn attention to the danger that, viewed regardless of circumstances, the right of self-determination "could also be held to authorize claims to independence by a particular racial or ethnic group in a particular territory, or to justify, on the basis of an alleged expression of the popular will, claims to annexation of a certain territory or territories" (*ibid.*).

174. In his delegation's opinion, not only should the principles and provisions of the Charter be applied as parts of an organic whole rather than as abstract concepts, but the Declaration on the Granting of Independence to Colonial Countries and Peoples should itself be applied as a whole and in accordance with the circumstances of each case, within the framework of the

provisions of the Charter. General Assembly resolution 1541 (XV), after referring in principle IV to the idea of geographical separation, had stated in principle V that "once it has been established that such a *prima facie* case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, *inter alia*, of an administrative, political, juridical, economic or historical nature".

175. On the basis of the historical, juridical and other arguments that it had already had an opportunity of expounding, the Venezuelan delegation was convinced that the case of Gibraltar was that of a colonial territory and, as such, subject to General Assembly resolution 1514 (XV). The case should be considered, more particularly, under operative paragraph 6 of that resolution and in accordance with the principles of the Charter, especially the principle of respect for the territorial integrity of Member States. His delegation had explained in detail the scope, content and interpretation of paragraph 6 and the circumstances in which it had been approved by the General Assembly, both in its statement on Gibraltar in the Special Committee on 11 September 1963 (211th meeting) and in its most recent statement on the Malvinas Islands in Sub-Committee III (29th meeting), to which texts he referred members of the Committee.

176. Article X of the Treaty of Utrecht had transferred only the military base of Gibraltar to the administering Power. Prior to the existence of the United Nations, situations created by such treaties had been settled by agreement between the parties. There was nothing to prevent the conclusion of such agreements, in the interests of good international relations and of justice, between two Member States which maintained cordial relations. On the other hand, it seemed natural that the residents of the fortress of Gibraltar should defend their position and prefer to remain under the protection of the administering Power. That, however, did not alter the nature of the problem. The principle of self-determination could not be distorted to support a *de facto* situation which ignored the fundamental principle of respect for the territorial integrity of a State. The only form of decolonization that could be applied to colonial territories that had been wrested from other States was reintegration into the State from which they had been taken. The General Assembly had already sounded a warning on the subject in resolution 1654 (XVI), in whose sixth preambular paragraph the Assembly had expressed its concern that "contrary to the provisions of paragraph 6 of the Declaration, acts aimed at the partial or total disruption of national unity and territorial integrity are still being carried out in certain countries in the process of decolonization".

177. To sum up, the case of Gibraltar was a colonial matter which, by definition, lay within the competence of the Special Committee and was subject to General Assembly resolution 1514 (XV). Secondly, certain characteristics required its consideration as one of the special cases envisaged in operative paragraph 6 of that resolution. Thirdly, the problem was that of a colonized territory, not of a colonized or colonial population. The Committee could not disregard the interests of the population of the Territory but it should assess them at their true value. Fourthly, besides the colonial problem there was a dispute regarding sovereignty and based on historical and juridical arguments; the Committee could not ignore those elements of the problem. His delegation agreed with the United Kingdom

representative that the Committee was not a tribunal competent to consider the juridical basis of a dispute or settle differences between two Member States. If, however, it was impossible to find a satisfactory solution of a colonial problem precisely because such a dispute existed, the Committee could recommend in accordance with the principles of the Charter—in particular the principles contained in Article 2, paragraphs 3 and 4—that a solution of the problem should be sought.

178. He was convinced that the Committee would be acting realistically if it invited the United Kingdom and Spanish Governments to enter into negotiations towards a just solution of the problem, in accordance with the principles of the Charter and those of General Assembly resolution 1514 (XV); he had no doubt that those two friendly Governments would be responsive to such an invitation.

179. The representative of Mali said that, in spite of the complexity of the question, it was clear to her delegation that the case of Gibraltar was that of a colonial territory forcibly occupied 250 years earlier by the United Kingdom. It was evident that the United Kingdom was interested primarily in establishing a military base to support its strategic policy; it had made Gibraltar part of a world-wide network of bases designed to protect its trade routes, its empire and other political interests. Despite the idyllic picture given of the prosperity of Gibraltar, it must be recognized that the Territory had no resources and lived at the expense of the Spanish economy, which represented a constant danger to Spain's economic policy and an obstacle to its development.

180. Two hundred and fifty years of domination did not create any right of possession. The United Kingdom, in her view, was interested not so much in the welfare of the people of Gibraltar as in maintaining a military base. Her delegation opposed the maintenance of military bases anywhere, and the more so when they violated the sovereignty and territorial integrity of a country.

181. Under the terms of reference, as defined in General Assembly resolutions 1654 (XVI) of 27 November 1961, and 1810 (XVII) of 17 December 1962, the Special Committee should seek the most suitable ways and means for the speedy and total application of the Declaration in General Assembly resolution 1514 (XV), with no exceptions or limitations. While it had heretofore concerned itself with the speedy transfer of power to the peoples of dependent Territories with a view to their complete independence, a matter dealt with more particularly in the first five operative paragraphs of resolution 1514 (XV), it went without saying that operative paragraphs 6 and 7 could be invoked equally well if the case required it.

182. She hoped that the United Kingdom would realize that the best way to safeguard the interests of the people of Gibraltar was to negotiate with Spain. Her delegation would support any draft resolution recommending negotiations between the United Kingdom and Spain with a view to a solution which would respect Spain's territorial sovereignty and at the same time protect the interests of the people of Gibraltar.

183. The representative of the Union of Soviet Socialist Republics said that, since its seizure of Gibraltar 260 years earlier, the United Kingdom had been using that Territory for the purposes of its predatory colonial policy in Africa and the Near and Far

East. For decades, Gibraltar had been subject to colonial rule, and despite some constitutional reforms introduced recently by the British authorities, there had been no essential changes in that system. Legislative power in Gibraltar remained in the hands of a Governor appointed in London, while the function of the territory's Legislative and Executive Councils was essentially that of executing the will of the colonial authorities. It was apparent from the brochure *The Future of Gibraltar*, published in 1964 by the Legislative Council, and from the statements made by the petitioners who had appeared before the Committee that the Council favoured the maintenance of the *status quo* or, if that was not possible, "association" with the United Kingdom. That position was fully in keeping with the interests of the United Kingdom colonialist circles, which sought to retain possession of Gibraltar as an important military base directed against the independent States and liberation movements of Africa and the Near and Middle East. At the same time, Gibraltar was no longer merely a United Kingdom base but had become a bastion of the aggressive NATO bloc. In addition, Gibraltar was to become a base for the NATO multilateral force. It had been reported on 13 February 1963 in the newspaper *Daily Mail* that the United States was considering the establishment in Gibraltar of a base for its Polaris missile-firing submarines. Along with the military bases in Malta and Cyprus, in Aden and Singapore, in Simonstown and elsewhere, scattered all over the world, the Gibraltar base represented a direct threat to the national liberation movements of Asia and Africa.

184. It was difficult, in the light of well-known facts, to take seriously the statement by the Spanish representative that Gibraltar posed a threat to Spain's security. First of all, Spain was itself a colonial Power whose military bases in Africa, and in particular in Morocco, were as great a threat as Gibraltar to the peace and security of Africa. Secondly, although its representatives complained of the presence of a foreign military base in its territory, Spain was prepared to see Gibraltar transformed into a joint Spanish-United Kingdom base. That had been suggested in an article published in the Spanish newspaper *Ya* on 19 February 1963 and had been confirmed recently by a high-ranking Spanish official, who, according to *The New York Times* of 17 July 1964, had stated that a "formula" could be found for Spanish-United Kingdom coexistence in Gibraltar along the lines of the existing arrangement at the United States military base in Rota. The Spanish Government would be willing to see the military base maintained in Gibraltar provided that the Spanish and not the United Kingdom flag flew over the Territory, or, in the worst case, both flags. The willingness of the Franco Government, as of certain other countries in the region which had associated themselves with the NATO policy, to open wide the gates of Gibraltar to allow a stream of nuclear weapons to flow into the Mediterranean was evidence that it was prepared not only to risk the fate of its own people, but to endanger the security of neighbouring countries. Nuclear weapons, which the member countries of NATO intended to introduce into the area, were least suited for defence, but best suited for purposes of provocation.

185. The liquidation of the military base in Gibraltar and the complete demilitarization of the Territory were urgently necessary. The transformation of Gibraltar into a demilitarized zone and the liquidation of the

military base in Gibraltar would be an important step towards the elimination of that bastion of colonialism and of a dangerous centre of colonialist provocation against the peoples of Africa.

186. The representative of the Ivory Coast said that the question of Gibraltar was clearly a colonial one and therefore properly before the Committee. Although the treaty governing the status of Gibraltar might at one time have constituted the basic framework within which the problem must be viewed, it was the interests of the people of Gibraltar which must now receive primary consideration in the effort to find a solution in conformity with the Charter. It was apparent from the statement made by Sir Joshua Hassan in the Committee that the people of Gibraltar sought the economic and social progress and development referred to in Article 55 of the Charter. Hence the way was clearly marked out for the implementation of General Assembly resolution 1514 (XV). Reference should also be made to Article 73 of the Charter, and especially to the obligation to further international peace and security which it imposed on administering Powers. Since the problem of Gibraltar did not yet appear to have been clarified sufficiently for the Committee to take a position, he suggested that its further consideration should be postponed until later meetings, so that the Committee could obtain as much additional information as possible. He also urged the two principal parties, the United Kingdom and Spain, to undertake negotiations in accordance with Article 33 of the Charter with a view to arriving at a solution in the interests of the people of Gibraltar and of peace.

187. The representative of Tunisia said that Tunisia's views on the question of Gibraltar, which had been given in detail the previous year, remained unchanged (A/5446/Rev.1, chap. XII, paras. 76-80). It was argued that the Special Committee was not competent to deal with the problem of Gibraltar, either because the latter was not a colonial territory, despite the fact that Article 73 of the Charter applied to it, or because a territorial dispute between two Member States was involved. In the opinion of his delegation, the dispute had originated in the military conquest of the Territory by the British and its transformation into a colony; that amputation of a piece of Spanish territory had subsequently been the subject of a treaty which had served only as a cover for the invasion and did not in any way justify British possession of the Territory. The colonial character of Gibraltar was undeniable, and the Special Committee's competence could not be challenged.

188. Prior to the British occupation, Gibraltar had been a Spanish city. After driving out the original inhabitants, the occupying Power had brought in a heterogeneous population from every part of the world. The so-called Gibraltarian nationality had never existed, and the Territory's present population, which had settled there as the result of a colonial occupation and was obviously motivated by selfish feelings, could not be regarded as a colonial people. To claim that it had an historical continuity going back 250 years meant denying historical facts and the numerous statements which had been made before the Committee.

189. The concept of prescriptive rights had also been invoked, but that concept was not recognized in international law, and he found it difficult to see how the Committee could endorse it without betraying the hopes of colonial peoples and introducing into international relations a new principle which would create

endless conflict in the world. As for the principle of self-determination, however essential it might be, it could not be applied to an enclave inhabited by an imported population whose interests were linked with those of the occupying Power. The unique interpretation given that principle by the United Kingdom delegation was contradicted by historical, geographic, cultural and economic realities and, far from promoting the peaceful settlement of disputes, constituted a serious obstacle to the maintenance of world peace.

190. In conclusion, his delegation saw no alternative to the solution which it had advocated in its statement in September 1963, i.e., the opening of negotiations between Spain and the United Kingdom with a view to the application of paragraph 6 of resolution 1514 (XV). The Special Committee should recommend such negotiations and do its utmost to overcome the hesitations of the reluctant parties. That solution would put an end to a colonial situation on Spanish territory while at the same time safeguarding the interests of the present population of Gibraltar. Furthermore, the return of Gibraltar to Spain would make it possible to eliminate the military base situated in that Territory, which posed a serious threat to the peoples of Africa and Asia.

191. The representative of Chile said that the question of Gibraltar was not a simple case of decolonization but a more complex problem than those with which the Committee normally dealt. It was therefore of the utmost importance that the Committee's jurisdiction should be carefully defined, particularly with regard to dependent territories which were the subject of territorial claims or claims of sovereignty. He agreed with the United Kingdom representative that the Committee's terms of reference gave it no authority to consider claims of that nature. He also shared the view of the Spanish representative, who had stated that it was not his purpose to initiate a discussion of legal rights but to put an end to a form of colonialism. The Special Committee was competent to deal with Gibraltar only because the latter had been held to be a colony or Non-Self-Governing Territory.

192. Although Gibraltar was certainly covered by General Assembly resolution 1514 (XV), it was not easy to apply the latter's provisions to it without encountering differing criteria. It therefore seemed wiser, in such a special case, to seek other means of achieving the desired end in accordance with resolution 1810 (XVII), which permitted the Committee "to seek the most suitable ways and means for the speedy and total application of the Declaration to all territories which have not yet attained independence". One means might be co-operative action by the United Kingdom and Spain. Those two Powers, which were traditionally friendly, were in the best position to consider positive action to bring about decolonization in a manner advantageous to all concerned, including, of course, the inhabitants of Gibraltar, and for the benefit of the international community as a whole.

193. His delegation would therefore be prepared to support a draft resolution which would simply point out the desirability of direct contact between the United Kingdom and Spain, so that those two countries could determine the most appropriate means for the decolonization of Gibraltar.

194. The representative of Iraq said that Gibraltar was well known to his delegation as a military base used to protect the United Kingdom's communications

with the Orient and to perpetuate its rule over its colonial possessions. Those two purposes were no longer valid, but Gibraltar remained a colony, even though certain political changes were taking place; as such, it was a proper subject for consideration by the Committee, which should make suitable recommendations. He wished to emphasize in that connexion that resolution 1514 (XV) was an indissoluble whole, all of whose provisions were of equal importance. Moreover, the resolution did not exclude consideration of any of the historical and legal factors mentioned by the Spanish representative and other speakers. It must also be recognized that the problem was complicated by various factors which should be taken into consideration, including the interests of the inhabitants of Gibraltar and of the other parties concerned. In any case, threats would not hasten the solution of a problem of such complexity. His delegation therefore felt that the question of Gibraltar could be settled only by means of direct negotiations between the United Kingdom and Spain in an atmosphere of good will and trust, and it appealed to those two Powers to initiate such negotiations as soon as possible.

195. The representative of Australia said that nothing he had heard during the present debate inclined him to change the substance of what he had previously said on the question of Gibraltar. He would therefore reiterate his view that it was essential for the Committee to realize, in dealing with the problem of colonialism, that the various colonial territories differed in their physical conditions, in their historical background, in the nature of their populations, in the problems they faced and in the ways in which they dealt with those problems.

196. With regard to Gibraltar, Sir Joshua Hassan and Mr. Isola, speaking the previous year on behalf of the inhabitants of the Territory, had stated clearly that Gibraltar was not suffering exploitation or subjugation by the administering Power, that the political situation there was stable and that the Territory had a system of progressive, representative government characterized by continuing consultation between the people and the administering Power. The same two petitioners had appeared before the Committee at the current session as the newly and freely elected spokesmen for their people, as the result of elections held less than a month earlier. Both had reaffirmed the aspirations voiced through them the previous year by the people of Gibraltar and had reported further political advancement in the Territory. The Mayor of San Roque and his colleagues, on the other hand, had not appeared to be, like Sir Joshua and Mr. Isola, the elected and authorized representatives of a clearly defined group of people. The erudite presentations of the legal factors involved had merely confirmed his belief that the Committee was neither competent nor able, for the present at least, to pass on such matters.

197. The Spanish representative had asserted that the United Kingdom had conquered Gibraltar "by force". That conquest, however, had been merely one episode in a general struggle in which most of the countries of Europe had been involved. Moreover, the Moors, who had occupied Gibraltar for some 600 years, had been ejected "by force". The world of the past was one of shadows overlaid by shadows, none of which could be clearly seen. In any event, the past had left Gibraltar with some 17,000 or 24,000 inhabitants whom the Committee could not ignore. Whether or not they constituted a "prefabricated population"—and

he did not believe that they did—they existed as a people and it was no more possible to deny their existence than to deny that of the people of Singapore, for example, or of many other populations which had come into being much later and yet had not been denied the right of self-determination. As a people, the Gibraltarians had expressed their will and would continue to do so; surely they could not be disposed of against their will. As a people, the Gibraltarians had a special claim on the Committee's attention under the provisions of resolution 1514 (XV).

198. It was with the people that the Committee should concern itself and not with the conflicting claims of the United Kingdom and Spain, which should be adjusted between those two Powers without the Committee's intervention. The Australian delegation did not feel that the course which the Gibraltarians had chosen must necessarily threaten good relations between the United Kingdom and Spain. Nor did it feel, in view of the stage of political, economic and social development attained by the people of Gibraltar, that the Committee needed to give much further consideration to their problems.

199. In conclusion, the representative of Australia wished to point out that the Committee's voice was being heard by colonial peoples throughout the world, and especially by the people of Gibraltar. If that voice was raised against the fundamental principles of self-determination and the freely expressed will of the people, as they were enunciated in resolution 1514 (XV) and should be enunciated with regard to Gibraltar, the Committee might compromise its own efforts to achieve the goals it had set for itself.

200. The representative of Syria said that his delegation had no intention of dealing with interpretations of the Treaty of Utrecht or analysing the juridical aspect of the question of Gibraltar, since the Committee's task was a political rather than a juridical one.

201. The question of Gibraltar was a colonial question of the first order and the Committee had been entrusted with the task of implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples, wherever they were and whoever they might be. Gibraltar had for a long time been a British colony and more recently had become a Non-Self-Governing Territory. It was outside the metropolitan area of the United Kingdom and it therefore fell within the purview of resolution 1514 (XV); it was consequently a matter of liberating it from foreign domination, i.e., from the United Kingdom.

202. The Syrian delegation considered that Gibraltar was part of Spain and that it should be returned to the Spanish people. It was true that the question was complex, but it could be settled by negotiation. The unity of the territories of a country was a sacred principle; no argument of expediency, no consideration derived from the outmoded European balance of power could justify the retention of Gibraltar as a military base for the United Kingdom. Furthermore, the strategic position of Gibraltar could not deprive Spain of its enjoyment of full sovereignty over that territory. The presence of the base constituted a constant peril, not only to the territorial safety of Spain and other Mediterranean countries but also to the economic development of Spain. As for the alleged free association between the people of Gibraltar and the United Kingdom, that was merely a pretext for perpetuating the *status quo*. The Syrian Government was against all military bases because it considered them a constant

menace to world peace, stability and development. It must be understood that Spain would never make of Gibraltar a new military base or place the Rock at the service of any political bloc. The Straits of Gibraltar must remain a free water-way for all nations of the world.

203. The solution to the problem of Gibraltar lay in immediate negotiations, bearing in mind the interests of the population. The United Kingdom, which had liquidated an entire colonial empire, would surely be able to find a solution to that problem. His delegation thought that the resolution which the Committee eventually adopted should embody the idea of negotiations based on the principle that Gibraltar was a Spanish territory. If no draft resolution along those lines was forthcoming, his delegation was prepared to submit one.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

204. At the 291st meeting, the Chairman stated the consensus of the Special Committee, as reflected in the general debate on Gibraltar. He stated that in this consensus it was not to be expected that every delegation would find its own views reflected in the text. The consensus was the general opinion that could be deduced from the summation of all the statements that had been made during the debate on the general question of Gibraltar.

205. The statement of consensus by the Chairman was accepted by the Special Committee as expressing its general feeling on the question of Gibraltar.

206. After the adoption of the consensus, the representative of the United Kingdom stated that he regretted that he had been unable to attract the Chairman's attention in order to speak before the consensus on Gibraltar had been adopted. His delegation did in fact wish to put forward an objection, because it considered that there could not be a dispute in the Committee about the "status" of Gibraltar. It did not think that the status of Gibraltar had been the subject of the debate. Even if it had been, the United Kingdom delegation would adhere to the opinion which it had expressed in both 1963 and 1964 that the Committee was not competent to consider such a dispute. Its terms of reference, in fact, did not authorize it to consider or to discuss any dispute about sovereignty or territorial claims, still less to make recommendations on such a dispute. His delegation was in complete agreement with the view expressed by the Chilean representative on 6 October 1964 (see paragraphs 191-192 above) that the Committee was not empowered to consider such disputes. His Government would therefore not feel itself bound by the terms of any recommendation by the Committee touching on questions of sovereignty or territorial claims.

207. On the question of the future of Gibraltar, the United Kingdom Government would be guided, as the Charter of the United Nations required, by the paramount interests of the inhabitants of Gibraltar. Its policy would continue to conform with the principle of self-determination. It did not accept that there was any conflict between the provisions of the Treaty of Utrecht and the application of the principle of self-determination to the people of Gibraltar.

208. Finally, as his Government had informed the Spanish Government in its note of 1 June 1964, and as his delegation had stated in the Committee on

30 September 1964 (see paragraphs 141-156 above), the United Kingdom Government, although not prepared to discuss with Spain the question of sovereignty over Gibraltar, and while not departing from its view that it was under no obligation to consult with Spain on matters concerning Gibraltar, was nevertheless always willing to discuss with the Spanish Government the maintenance of good relations between the two countries and the elimination of any causes of friction.

209. The text of the consensus on Gibraltar adopted by the Special Committee at its 291st meeting, on 16 October 1964, reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, after considering the situation in the Non-Self-Governing Territory of Gibraltar and hearing statements by the representative of the administering Power and the representative of Spain and by petitioners from the Territory and from Spain, affirms that the provisions of the Declaration on the

Granting of Independence to Colonial Countries and Peoples are fully applicable to the Territory of Gibraltar.

"In its consideration of these statements, the Special Committee noted that there was a disagreement, or even a dispute, between the United Kingdom of Great Britain and Northern Ireland and Spain, regarding the status and situation of the Territory of Gibraltar. In the circumstances, the Special Committee invites the United Kingdom and Spain to begin talks without delay, in accordance with the principles of the United Nations Charter, in order to reach a negotiated solution in conformity with the provisions of General Assembly resolution 1514 (XV), giving due account to the opinions expressed by the members of the Committee and bearing in mind the interests of the people of the Territory.

"Under its terms of reference laid down in General Assembly resolution 1654 (XVI), the Special Committee requests the United Kingdom and Spain to inform the Special Committee and the General Assembly of the outcome of their negotiations."

CHAPTER XI

MALTA

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963 AND BY THE GENERAL ASSEMBLY AT ITS EIGHTEENTH SESSION

1. The Special Committee considered the question of Malta at its meeting in 1963. At its 169th meeting on 10 May, it adopted a resolution (A/5446/Rev.1, chap. VI, para. 124) by which it confirmed the inalienable right of the people of Malta to self-determination and to national independence in accordance with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960. The Committee invited the administering Power to hold as soon as possible a conference with the participation of delegates of all the parties represented in the Maltese Parliament, to consider the question of independence and all other related matters, including the question of holding general elections for the Legislative Assembly without delay and in the presence of international observers. The Special Committee recommended that the General Assembly invite the administering Power to set the earliest possible date for the attainment of independence by the State of Malta, in conformity with the wishes of the inhabitants of the Territory.

2. At its eighteenth session, the General Assembly, following its consideration in plenary meetings of the report of the Special Committee (A/5446/Rev.1), adopted, on 11 December 1963, resolution 1950 (XVIII) on the question of Malta. The operative paragraphs of this resolution read as follows:

"*The General Assembly,*

"1. *Notes with satisfaction* that Malta will attain independence not later than 31 May 1964;

"2. *Expresses the hope* that no new obstacle will hinder Malta's accession to independence and that the Territory will become an independent State not later than the date referred to in paragraph 1 above;

"3. *Invites* the administering Power to take the necessary measures for the transfer of powers, not later than 31 May 1964, to the people of Malta, in accordance with their will and desire;

"4. *Congratulates* the Governments of Malta and the United Kingdom of Great Britain and Northern Ireland on the steps taken towards the achievement of the aims set out in the Declaration on the granting of independence to colonial countries and peoples."

B. INFORMATION ON THE TERRITORY

Introduction

3. Information on the Territory is contained in the report of the Special Committee to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. VI). Supplementary information on political and constitutional developments is set out below.

Political and constitutional developments

4. The Constitutional Conference referred to in the Special Committee's report to the General Assembly at its eighteenth session was held in London in July 1963 and was attended by representatives of all the political parties in the Maltese Legislative Assembly. The Conference met to consider two questions: whether Malta should become independent immediately and, if so, what was to be its constitution. The Conference failed to reach agreement and at its conclusion the Secretary of State for Commonwealth Relations and for the Colonies, Mr. Duncan Sandys, announced that the United Kingdom Government had decided that Malta should become independent not later than 31 May 1964.

5. The two main parties in Malta, the Nationalist Party led by Dr. Borg Olivier, and the Labour Party, led by Mr. Don Mintoff, had previously stated their

desire to press for independence and had entered the last election in February 1962 on that basis. However, the Christian Workers Party, the Democratic Nationalist Party and the Progressive Constitutional Party did not agree that the people of Malta wanted independence at the present time.

6. In the course of the Conference, the draft constitution submitted by the Maltese Government was discussed and although a wide measure of agreement was reached, it was not possible to reconcile divergent views on the following matters:

- (a) The status of the Roman Catholic Church;
- (b) The choice between monarchy and republic;
- (c) Commonwealth membership;
- (d) The electoral system;
- (e) The extent to which certain provisions of the constitution should be entrenched;
- (f) The question whether fresh elections should be held before independence.

7. The Labour Party withdrew from the Conference after having failed to get assurances about human rights and the position of the Roman Catholic Church, and the three smaller parties refused to attend the final session when they were informed that the United Kingdom Government believed that there was no justification for withholding independence.

8. The United Kingdom Government declared that it would probably feel able to accept any provisions agreed to by the Maltese parties among themselves. The Prime Minister of Malta was invited to hold discussions in Malta with representatives of all political parties, in a further endeavour to agree upon joint constitutional proposals.

9. In a petition (A/AC.109/PET.130/Add.2) addressed to the Special Committee on 22 August 1963, the Maltese Labour Party set forth its views on the proposed constitution; it requested the immediate promulgation of the new Bill of Human Rights suggested by the Party and the holding of new elections under United Kingdom supervision before 31 May 1964.

10. In December 1963, the political leaders of the Territory held further talks in London with Mr. Duncan Sandys. At the end of these talks on 6 December, Mr. Sandys made a statement in which he reiterated the British Government's decision that Malta was to become independent not later than 31 May 1964. In view of the fact that the differences between the parties over the constitution had not been resolved, he considered that the people of Malta themselves should decide the outstanding issues, either through a referendum or through new elections. At the same time, the Maltese Prime Minister offered to hold a referendum on the two main questions in dispute, namely whether there should be new elections before independence, and what the form of Malta's future constitution should be.

11. On 17 March 1964, Mr. Sandys announced in the House of Commons that he had been informed by the Prime Minister of Malta that the Maltese political parties were still unable to agree upon joint proposals for their independence constitution or upon any procedure by which the issue could be referred to the electorate for decision. Dr. Borg Olivier had therefore asked the British Government to settle the matter on its own responsibility. However, since the points of difference centred upon delicate issues affecting the relations between Church and State, he was anxious that any

decisions should be based upon as wide a measure of assent as possible. Therefore, before replying formally to Dr. Borg Olivier's request, he had invited him and the leaders of the other parties to discuss the position further with him. He had also sought the views of the Archbishop of Malta. Unfortunately, the talks were unsuccessful and revealed no basis for any compromise. In these circumstances, Dr. Borg Olivier had decided to defer his request to the United Kingdom Government to adjudicate, pending the holding of a referendum. The Maltese Prime Minister intended to present to the Malta Legislature a constitution drafted by his Government. Provided that this was endorsed by the Assembly, he would submit it to the electors through a referendum in which they would be asked whether they approved the proposed constitution for independence.

12. Continuing, Mr. Sandys stated that although the ultimate responsibility for deciding the constitutions of dependent Territories rested with the United Kingdom Parliament, nevertheless, it always tried to take full account of public opinion and of any special circumstances in the countries concerned. He had therefore assured the Prime Minister of Malta that, provided the referendum was held under conditions which, in the opinion of the British Government, were fair and free, it would endeavour to be guided in its decisions by the wishes expressed in it by the Maltese people. He also stated that with the agreement of the Prime Minister of Malta, he proposed to appoint observers to witness and report upon the conduct of the referendum.

13. The draft Constitution submitted by the Maltese Government was subsequently approved by the Legislative Assembly. The Assembly also approved a bill whereby a referendum would be held in which the people of Malta would be asked the following question, "Do you approve of the Constitution for independence proposed by the Government of Malta, endorsed by the Legislative Assembly and published in the Malta Government Gazette of April 4?" The referendum was to be held on 2, 3 and 4 May 1964.

14. The Malta Labour Party has maintained that new legislation ensuring the freedom of the voters to express their opinions freely was necessary before the referendum could take place. In a letter dated 20 March 1964 to the Secretary of State for the Colonies (A/AC.109/PET.228, III), the leaders of the Labour Party refer to the statement by the Secretary of State of 17 March 1964, and say that "it is therefore a *sine qua non* condition for a fair and free consultation of public opinion that an Order in Council be promulgated forthwith by the British Government providing for a Bill of Rights as envisaged in the relevant clauses of the Draft Constitution agreed by all political parties together with those clauses concerning freedom of expression and assembly, equality of all citizens before the law, the Electoral Commission and the prevention of corrupt practices clause as set out in the amendments submitted by the Labour Party".

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

15. The Special Committee considered the question of Malta at its 246th and 250th to 252nd meetings between 24 and 30 April 1964.

Written petitions and hearings

16. The Special Committee had before it the following written petitions concerning Malta:

<i>Petitioner</i>	<i>Document No.</i>
Four petitions from the Malta Labour Party	A/AC.109/PET.228
Messrs. Sven-Arne Stahre and Kurt Biak on behalf of the International Falcon Movement	A/AC.109/PET.230
Mr. R. L. von Baumgart-Psayla.....	A/AC.109/PET.231
Mr. Joseph Schembri, Secretary of the Joint Council of Catholic Lay Organisations in Malta.....	A/AC.109/PET.259
Mr. Borg Olivier, Prime Minister of Malta	A/AC.109/PET.250

17. At its 246th and 250th meetings, the Special Committee heard Mr. Anton Buttigieg, Deputy Leader of the Malta Labour Party, concerning Malta.

18. Mr. Buttigieg said that the decision taken at the Malta Independence Conference in July 1963 to set 31 May 1964 as the target date for Malta's independence did not by itself create the prerequisites for an independent State. The fundamental question of the human rights to be enshrined in the new constitution remained unsettled and the question of elections before independence had not even been discussed at the Conference. The United Kingdom wanted to keep the present Government in power, hoping to obtain the best terms for a defence treaty which would limit the sovereignty of Malta and establish neo-colonialism there. The Malta Labour Party had already drawn attention to that situation (A/AC.109/PET.130/Add.2 and A/AC.109/PET.228).

19. However, a new and serious situation had recently developed. A joint statement issued by the United Kingdom Secretary of State for the Colonies and the Prime Minister of Malta on 15 March 1964 had said that a draft constitution would be submitted to the Maltese Legislative Assembly and, after endorsement by the Assembly, to the electorate at a referendum. That referendum was being held against the wishes of the opposition parties—the Malta Labour Party, the Christian Workers' Party, the Democratic Nationalist Party and the Progressive Constitutional Party—which together represented 58 per cent of the electorate.

20. The elections held in February 1962 had not been free; the Government in power did not therefore represent the Maltese people and had no right to conclude a treaty. The 1962 elections had been marked by interference by the Catholic hierarchy which had confused political issues with religious questions, and by various kinds of restrictions placed on the Malta Labour Party. The elections had been criticized by the Socialist International, the Third Afro-Asian Peoples' Solidarity Conference¹ and by the Special Committee. The United Kingdom and Maltese Governments had stated that they would not allow a United Nations mission to visit the Island. The Maltese Prime Minister had declared that he would not hold new elections and would stay in office until his four-year term expired in 1966. However, a new constitution implied the election of a new Government with new powers and a new mandate.

21. The ineptness of the existing Government could be seen from the high unemployment and emigration figures, the high national debt, the declining national

income and the gloomy economic prospects. A large share of the blame for that situation belonged to the United Kingdom Government, which was still more to blame for trying to keep such an inept Government in power, in the interests of its own defence. In a joint letter dated December 1963 addressed to the United Kingdom Secretary of State for the Colonies, the Maltese opposition parties had insisted on the holding of new elections. The idea of such elections had been seriously considered by the Colonial Secretary but had subsequently been abandoned.

22. The forthcoming referendum would not be held in free and fair conditions. In spite of a request by the Malta Labour Party that the observers should be chosen by the Governor in consultation with the Prime Minister and the leader of the Opposition, the six United Kingdom observers had been chosen by the United Kingdom Government in consultation with the Maltese Government. One of the observers had recently expressed the view that not independence but interdependence was the solution for Malta. Another observer was a member of the United Kingdom Labour Party but a staunch Catholic. The referendum would be held in the same conditions as had prevailed during the 1962 elections. The Malta Labour Party had proposed a series of amendments to govern the conduct of the referendum. Those amendments, which had provided for the possibility of holding public meetings and the elimination of any kind of religious duress, had been rejected by the Government. A statement prepared by the Labour Party for delivery on television had been banned on the grounds that it was offensive to religious sentiment.

23. The draft constitution endorsed by the Assembly represented the views of the Nationalist Party alone. At the referendum, the electorate would be asked only one question—whether they approved of that constitution. Just one evening had been devoted to consideration of the draft constitution in the Legislative Assembly. There had been only a general debate, with no committee stage and no chance for amendments. The draft itself had been distributed to the members of the Assembly only three days before the debate, two of which had been Good Friday and Easter Day. The public and the Press had been given no chance to see or comment on the draft before its discussion. The text had received the affirmative votes of only twenty-six members—all from the Nationalist Party—in the Assembly of fifty members.

24. The proposed constitution, far from protecting fundamental rights, permitted the suppression of those rights in the interests of religion. The Malta Labour Party did not object to the Church as such but to the fact that its action was not limited to spiritual matters and that the most mediaeval sanctions were being employed. Members of the Labour Party could be buried only in a spot reserved for public sinners and the clergy tried to refuse to marry them. The Catholic bishops in Malta were not subject to criminal law and still enjoyed the *privilegium fori*. The Labour Party had proposed a series of amendments to the chapter of the constitution dealing with fundamental human rights. Those amendments, aimed at preventing any kind of discrimination or pressure on religious grounds, had been rejected. Furthermore, the constitution contained two special clauses making constitutional anything done by the Roman Catholic Church in the exercise of its spiritual powers and duties, and anything done to protect the religion of Malta. Thus, the Malta Labour

¹ Held at Moshi, Tanganyika, from 4-10 February 1963.

Party or any other party condemned by the Church could be denied fundamental human rights while only the Church and its followers would have their rights fully protected by the constitution. Religion was being exploited to influence people to vote in favour of the proposed constitution. The amendments submitted by the Malta Labour Party were depicted as instruments that would lead the people to hell, the country to disruption, society to godlessness and women to servitude.

25. If the draft constitution were approved, civil unrest would ensue and there would be a real threat to the peace and security of other Mediterranean countries. Fundamental human rights would be subject to the whim of a priest-dominated Government. The United Kingdom and Maltese Governments would conclude a defence agreement, under which Malta would continue to be a NATO base. That would mean that the Island's sovereignty would be limited and that its political and economic decisions would be dictated from Whitehall. The Malta Labour Party was opposed to the maintenance of bases on the Island and it regarded any defence treaty as a threat to the peace and security of other Mediterranean countries.

26. The Malta Labour Party requested the Special Committee: to consider that the steps now being taken in Malta by the Maltese Government, with the connivance of the United Kingdom Government, could only lead at best to a short-lived mock independence in which the colonial status of the Maltese people and the United Kingdom/NATO base would be given legal validity and, at worst, to a civil war with a real threat to the peace and security of other Mediterranean countries; to recommend the immediate implementation by the administering Power of the provisions suggested by the Malta Labour Party, in order to ensure freedom of conscience, association and expression; to invite the administering Power to make the necessary arrangements for the immediate holding of general elections in the presence of international observers; and, lastly, to confirm the right of a majority of the representatives of the Maltese people, duly chosen at fair and free elections, to decide upon their own constitution—with proper safeguards for the rights of minorities—irrespective of their acquiescence or otherwise to the already initialled defence treaty with the United Kingdom.

27. The Malta Labour Party did not wish to delay the island's independence but it thought that the goal of General Assembly resolution 1514 (XV) was real independence and not the imposition of a constitution which would sow the seeds of discord and lay the foundations of a fascist State.

General statements by members

28. The representative of the Union of Soviet Socialist Republics said that during the past year the administering Power had done nothing to implement the resolution on Malta adopted by the Special Committee on 10 May 1963, which had called for the holding of general elections for the Legislative Assembly without delay and under United Nations supervision. The situation had deteriorated. Human rights and fundamental freedoms were being grossly violated by the administering Power. Nothing had been done to change the situation in Malta and transform the island from a military base into a peaceful point of contact between the peoples of the Mediterranean. Such a transformation of Malta from a military base into a point of international contact would be the very solution to ensure the successful and peaceful economic

and political development of the Territory in the interests of its indigenous population.

29. The economy of the country was stagnant. No steps had been taken to diversify it. As in the case of many other colonial territories approaching independence, the administering Power had created a situation which would compel Malta to beg the United Kingdom for assistance, and particularly financial assistance, in order to balance its budget and make up its trade deficit. However, the budgetary weakness was merely the external manifestation of the deep-rooted disorder in the economy left by the administering Power as a result of its deliberate policies for years. As stated in the *Journal of Commerce* of 12 March 1964, economizing on imports would be difficult. Some 36 per cent of imports comprised food, drink and tobacco, 35 per cent manufactures, and minerals and fuels another 7.5 per cent. The newspaper concluded that, in an economy completely dependent on imports, "there is little room for manoeuvre". Seven per cent of the island's working population were unemployed. The method used by the administering Power to solve the unemployment problem—emigration—was not so much a method as an insulting mockery of the national dignity of the Maltese people who, under the administering Power's plan, stood to lose a further 30 per cent of the able-bodied population—i.e., about 10 per cent of the population of the island—in the course of the next four years.

30. Foreign military bases still remained on the island and dominated its economy. The bases on Malta were acquiring new importance. On 8 April 1964, the *Daily Telegraph* had drawn attention to the increased importance of Malta as a result of the elimination of or uncertainty about other United Kingdom bases. Foreign bases were becoming ever more unpopular and people throughout the world were realizing the danger represented by foreign military bases on their territory. Malta was a good example of how the colonial Powers tried to cling to their former possessions by imposing military agreements on new States and thus limiting their sovereignty.

31. Over the past year the administering Power had done nothing to guarantee human rights and democratic freedoms or to establish the necessary conditions for the independent democratic development of the young Maltese State.

32. The influence of the Church on Maltese affairs called the mediaeval times to mind, according to *The Observer* of 1 March 1964. The Church bore a considerable share of the responsibility for violations of human rights and freedom, as a petitioner from the Malta Labour Party had pointed out. It had forbidden its followers to buy that Party's newspaper, which was unacceptable to it. The head of the Church had even stated, according to *The Christian Science Monitor* of 23 March 1964, that he would be the first to defy the law if a constitution were to be drafted which would suit the Labour Party. The Prime Minister had stated at a public meeting, as reported by *The Times* of London, that there would be no provisions in the Constitution that would not have the Church's blessing. The Church had issued statements on its position with respect to the forthcoming referendum, and the members of the clergy behaved as if they were politicians.

33. The situation on the Island was such that it made many in the United Kingdom regard with ap-

prehension the possible consequences, particularly a possible crisis following its accession to independence.

34. Responsibility for the situation in Malta lay wholly with the United Kingdom, which not only had failed to ensure the normal transition of Malta from colonial status to full independence but had actually taken steps to make the island still more dependent on it in economic, political and military matters. It aimed to offer the Territory only a fictitious independence and was shackling it with all kinds of unequal treaties and agreements.

35. In the month remaining before the proclamation of independence, the administering Power would still have time to take measures to protect human rights and introduce democratic reforms on the Island, so as to ensure the democratic development of the Maltese State after the attainment of independence. The United Kingdom had full power. Not a single constitutional or administrative step could be taken without London's approval. *The Times* had reported from London on 18 March 1964 that the Secretary of State for the Colonies, Mr. Sandys, speaking on the question of Malta in Parliament, had stated that "the ultimate responsibility for deciding the constitution of dependent territories rests with the Parliament here". On 29 April 1964, Mr. Sandys had said that the United Kingdom Government would grant Malta independence within the framework of the constitution drawn up by the Government of Malta together with those amendments which might be necessary in the view of the United Kingdom Government.

36. The United Kingdom therefore was responsible for the constitutional development of the Territory and should give Malta a constitution guaranteeing democratic freedoms and rights to all groups of the population without any limitations, and meeting the requirements of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

37. The representative of Tunisia noted with satisfaction that a target date had at last been set for the independence of Malta. However, the situation described by Mr. Buttigieg, the petitioner from Malta, gave rise to some anxiety about the future of the Territory. The administering Power had not fully implemented the recommendations made by the Special Committee in its resolution of 10 May 1963. It seemed that all the constitutional arrangements had been made with one party and that the views expressed by the Opposition had been completely ignored. The forthcoming referendum would be held in the same conditions as the 1962 elections, whose validity had been contested. The United Kingdom seemed to have abandoned the position stated by Mr. Sandys on 6 December 1963 to the effect that the people of Malta themselves should decide the outstanding issues. Previously, according to the working paper prepared by the Secretariat (see paragraphs 1-14 above), the Maltese Prime Minister had offered to hold a referendum on the two main questions in dispute, namely whether there should be new elections before independence, and what the form of Malta's future constitution should be (paragraph 10 above).

38. For some reason, the United Kingdom had ignored the recommendations of the Special Committee and had neglected to establish a firm basis for independence. Tunisia, which hoped to continue its special ties of friendship and co-operation with Malta, felt that the administering Power should be requested to implement the resolution adopted by the Special Committee

on 10 May 1963, so that the transfer of power could take place in the best possible conditions, in accordance with the freely expressed will of the population.

39. The representative of Mali welcomed the forthcoming accession of Malta to independence but expressed concern at the serious differences still existing between the different political parties, particularly between the Labour Party and the Nationalist Party. The petitioner from Malta had described the interference by the Catholic Church in State affairs and the isolation which the Church imposed upon the Labour Party. The other opposition parties were also uneasy on the eve of their country's independence. A very substantial proportion of the population therefore had no confidence in the constitution or at least wanted it to be radically amended. The crises which had marked the accession to independence of other colonial countries could be avoided in Malta if the administering Power took the appropriate steps and ensured that the forthcoming referendum was conducted in suitable conditions. In accordance with the letter and spirit of General Assembly resolution 1514 (XV), the United Kingdom should see to it that the people were able freely to express their opinion on the constitution and other State institutions. There was still time to ensure a harmonious transition to independence.

40. The representative of the United Kingdom said that the remarks and quotations of the Soviet representative were quite irrelevant to the matter under consideration and had been made purely for propaganda purposes. The resolution on the subject of Malta had stated that the Special Committee:

"Invites the administering Power to hold as soon as possible a conference with the participation of delegates of all the parties represented in the Maltese Parliament, to consider the question of independence and all other related matters including the question of holding general elections for the Legislative Assembly without delay and in the presence of international observers." (A/5446/Rev.1, chap. VI, para. 124)

41. That was precisely what the United Kingdom had done; it had held a conference to discuss those matters, including the question of holding general elections. In addition, in accordance with operative paragraph 3 of the resolution, the United Kingdom had "set the earliest possible date for the attainment of independence by the State of Malta, in conformity with the wishes of the inhabitants of the Territory".

42. With regard to the often raised question of military bases, the United Kingdom Government agreed with those African and Asian members of the Committee who had said that it was for the Governments of independent States to decide whether or not they should have military bases on their territories. At the Malta Independence Conference, Mr. Sandys had said that his country no longer had an absolute need for a military base in the central Mediterranean but would like to retain facilities in Malta for its forces, if that was acceptable to the Maltese. He had also said that, if such was the wish of the Maltese, that important question would not be finally settled until the Island had achieved full sovereignty.

43. Finally, the Soviet Union representative had discovered a new "unholy alliance"—between the Catholic Church in Malta and the United Kingdom Government. That allegation was so ludicrous that he would not take up the Committee's time to answer it.

44. The representative of the Union of Soviet Socialist Republics said that the United Kingdom representative had tried to reduce the issue to the question of consultations between the United Kingdom Government and the various parties in Malta. Although he himself had not touched on that aspect of the question, he would take the opportunity to point out that the consultations which had taken place had produced a constitution that did not protect the rights of the people.

45. The Soviet Union continued to reject the theory that the question of foreign bases could be decided after Malta had attained independence. The presence of such bases on a territory preparing for independence was an obstacle to its independent development. A treaty was being elaborated between the Maltese and United Kingdom Governments which would perpetuate the latter's hold over the Island and allow it to retain a military base there. The presence of the base was a threat not only to the people of Malta but to all peoples in the Mediterranean area.

46. The representative of Poland recalled that on 10 May 1963 the United Kingdom had joined in the unanimous adoption of the Committee's resolution on Malta and that in July 1963 it had announced that Malta would become independent not later than 31 May 1964. On the basis of those two developments there had been every reason to believe that the United Kingdom would fully and faithfully implement General Assembly resolution 1514 (XV) in respect of Malta. However, the evidence given by the petitioner, Mr. Buttigieg, had shown that such optimism had not been justified. While the target date for Malta's independence was approaching, the main political issues were still unsettled. The Maltese political parties were still unable to agree either on the date for holding elections or on a constitution. Such disagreement was usually exploited by the administering Power to gain political and military advantages. It was also clear that the people of Malta, or at least a large sector of it, did not enjoy the right of free expression of opinion. Indeed many instances were quoted by the petitioner about the dominant role played by the clergy in the political affairs of the Territory and about the clergy's twisting political issues into religious disputes. The Special Committee should insist that conditions in Malta should be created in which the people manifest their own free will and not be intimidated or put under undue pressure. Provisions concerning human rights and the equality of all citizens should automatically be included in any Maltese constitution. The ultimate responsibility for drawing up such a constitution rested with the United Kingdom. The Polish delegation hoped that the new constitution would give the Maltese voter safeguards equal to those prevailing in the United Kingdom itself.

47. His delegation welcomed the statement made by Mr. Buttigieg that his country, after accession to independence, would pursue a policy of non-alignment and friendly relations with all States. It shared the petitioner's anxiety about the defence treaty contemplated by the administering Power. It had already stressed that Malta should be granted independence without any conditions, military or otherwise, which could undermine the essence of full national sovereignty and independence. Not only would the maintenance of a foreign military base limit Malta's sovereignty, but it would also seriously impede the development of its economy. The Special Committee must request the administering Power to create conditions in Malta for

the free expression of the popular will and to ensure that Malta was granted its independence in accordance with paragraph 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

48. The representative of Bulgaria said that that indeed was the question before the Special Committee, namely, whether the conditions in which Malta was to achieve independence corresponded to the pertinent provisions of the Declaration. It was not by chance that the Special Committee had requested the administering Power to hold a conference of all political parties to consider the question of independence. Although the United Kingdom Government had convened such a conference, it had broken off consultations and had decided to support the draft Constitution presented by the party in power while overlooking the wishes of the other important political forces in Malta. The new draft Constitution would perpetuate a state of affairs in which the inhabitants were deprived of the most elementary human rights and were subjected by the Church to humiliations and moral sanctions reminiscent of the Middle Ages. Such a situation could not be reconciled with the principles of the United Nations or with the Universal Declaration of Human Rights.

49. The plan to conclude a defence agreement with Malta also gave grounds for concern. The retention of the British military base in Malta represented a serious threat to the independence of the island and to the peace and security of other Mediterranean countries. The Special Committee should therefore clearly express its concern to the administering Power and call upon it to implement fully in the present case the Declaration on the Granting of Independence to Colonial Countries and Peoples. That meant the creation of conditions which would allow the people of Malta to freely determine their political status and freely pursue their economic, social and cultural development. He was sure that before 31 May 1964 the United Kingdom Government would have time to reconsider its position.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

50. At the 252nd meeting on 30 April 1964, the Chairman stated that agreement had been reached that he should make a statement giving the consensus of the Special Committee on the question of Malta. Accordingly he made the following statement:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, having considered the question of Malta in the light of General Assembly resolutions 1514 (XV) and 1509 (XVIII), and having examined the petitions submitted to it, finds that there are controversies between the various political parties concerning the constitution of the Territory of Malta.

"While noting with satisfaction that the accession of the Territory of Malta to independence is envisaged for 31 May 1964, the Special Committee nevertheless appeals to the administering Power to take the necessary steps to ensure the transfer of power to the people of Malta in conformity with their freely expressed will and desire, and in accordance with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the resolution adopted by the Special Committee on 10 May 1963.

"The Special Committee therefore asks that the text of the present statement of consensus should be

transmitted to the administering Power with the request that it should take steps to see that all the political parties in Malta enjoy the same freedom of expression so that the real and legitimate aspirations of the people are safeguarded."

51. The statement of consensus made by the Chairman was then approved without objection by the

Special Committee as expressing its decision at that juncture on the question of Malta.²

52. By letter dated 1 May 1964 (A/AC.109/69), the Chairman transmitted the text of the statement to the Permanent Representative of the United Kingdom.

² Malta became independent on 21 September 1964.

CHAPTER XII

NORTHERN RHODESIA AND GAMBIA

I. NORTHERN RHODESIA

A. Action taken by the Special Committee in 1963 and by the General Assembly at its eighteenth session

1. The Special Committee considered Northern Rhodesia in July 1963. At its eighteenth session, the General Assembly, following its consideration of the report of the Special Committee (A/5446/Rev.1, chap. VIII) and on the basis of the Special Committee's recommendations, adopted resolution 1952 (XVIII) of 11 December 1963, on the question of Northern Rhodesia. In that resolution, the General Assembly, *inter alia*, noted with satisfaction that elections for the new Legislative Council would be held in January 1964; expressed hope that the Territory would achieve independence in the nearest possible future; and invited the administering Power, in consultation with the newly elected Government of Northern Rhodesia, to fix a date for the independence of the Territory.

B. Information on the Territory

2. Information on the Territory is contained in the Special Committee's report to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. VIII).

Political and constitutional developments

3. In November 1963, following consultations between the Governor and the leaders of the three main political parties in the Territory, details were announced of the new Constitution under which Northern Rhodesia was to proceed to internal self-government.

4. The Northern Rhodesia (Constitution) Order in Council, 1963, containing the provisions of the new Constitution, was published in November 1963. It came into operation on 3 January 1964.

5. Under the new Constitution, the Governor retained responsibility for defence and external affairs. The Executive Council was replaced by a Cabinet consisting of a Prime Minister and not more than thirteen other ministers. The membership of the Legislature, renamed the Legislative Assembly, was enlarged to 75 seats, 65 to be filled from main roll constituencies (African electorate) and 10 from reserved roll constituencies (European electorate). Members of any race could stand as candidates in all constituencies provided they were qualified to be voters on either roll.

6. On 31 December 1963, Northern Rhodesia ended its participation in the Federation of Rhodesia and Nyasaland, which was formally dissolved on that date.

Elections under the new Constitution

7. The first Legislative Assembly elections to be held under the new Constitution took place on 20 and

21 January 1964. The election results were as follows: United National Independence Party (UNIP) 55 seats;

African National Congress (ANC) 10 seats;

National Progress Party (NPP) 10 seats.

8. On 22 January 1964, immediately following the elections, Northern Rhodesia acceded to full internal self-government. On that day, Mr. Kenneth Kaunda, leader of the UNIP, was sworn in as Northern Rhodesia's first Prime Minister. The following day, thirteen ministers, all of them African, making up the Cabinet, were also sworn in.

Independence Conference

9. The Northern Rhodesia Independence Conference, in which representatives of the Northern Rhodesia Government, led by Mr. Kaunda, the African National Congress, led by Mr. H. M. Nkumbula, and the National Progress Party, led by Mr. H. J. Roberts, participated, was held in London from 5 to 19 May 1964.

10. Agreement was reached at the Conference on the provisions to be included in the independence Constitution for the Territory. At the final session of the Conference, the Secretary of State informed the Conference that: "having regard to the settlement of constitutional matters reached at the Conference and to the separate agreement reached outside the Conference between the Northern Rhodesia Government and the Litunga of Barotseland on the future position of Barotseland within Northern Rhodesia, the British Government has decided that Northern Rhodesia, under the name of the Republic of Zambia, should become independent on the 24th October, 1964".

11. The Constitution of independent Northern Rhodesia provides for a National Assembly of seventy-five elected members, a President to be elected at the same time as the general election of members of the National Assembly, and a Cabinet consisting of a Vice-President and not more than fourteen ministers, of which the chairman will normally be the President.

12. Special provisions were, however, made for the election, before 24 October 1964, of the person who would assume the office of the President when Northern Rhodesia became independent on that date.

13. Under these provisions, the first President was to be elected by the National Assembly by secret ballot. On 25 August 1964, when the time limit for the nomination of candidates expired, Mr. Kaunda was the only candidate nominated for the post of President. Accordingly, Mr. Kaunda, the Prime Minister of Northern Rhodesia, was declared President-designate of the Republic of Zambia.

II. GAMBIA

A. *Action taken by the Special Committee in 1963 and by the General Assembly at its eighteenth session*

14. Following its consideration of the Gambia, in September 1963, the Special Committee unanimously adopted a resolution concerning this Territory at its 210th meeting on 13 September 1963 (A/5446/Rev.1, chap. XI, para. 105). In this resolution, the Special Committee reaffirmed the inalienable right of the people of the Gambia to self-determination and independence; declared that the provisions of General Assembly resolution 1514 (XV) of 14 December 1960 must be applied without delay; and invited the administering Power to comply with the provisions of resolution 1514 (XV).

B. *Information on the Territory*

15. Information on the Territory is contained in the report of the Special Committee to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. XI). Supplementary information is set out below.

Constitutional developments

16. On 2 July 1963, the Governor of the Gambia announced that the United Kingdom Government had agreed that Gambia should become fully self-governing as soon as the necessary procedures could be completed. Following discussions held in London in August 1963 between representatives of the Governments of the United Kingdom and Gambia, the Constitution was amended to provide for the Territory's new status.

17. The present Constitution of Gambia is based on the Gambia (Constitution) Order in Council, 1962 (see A/5446/Rev.1, chap. XI), and the amendments thereto agreed upon in August 1963. These amendments are contained in the Gambia (Constitution) (Amendment) Order in Council, 1963, and provide, *inter alia*, for the following.

18. *Governor.* The executive authority of the Gambia will be exercised on behalf of Her Majesty by the Governor. The Governor, acting in his discretion, will be responsible for external affairs, defence and internal security, including the Police Force.

19. *Cabinet of Ministers.* The Executive Council will be replaced by a cabinet of ministers composed of the Prime Minister and not less than six other ministers. The ministers will be appointed by the Governor on the advice of the Prime Minister and will have the general direction and control of the Government. They will be collectively responsible to the House of Representatives.

20. *Judiciary.* There will be a Supreme Court presided over by a Chief Justice. Its members will be appointed by the Governor acting on the advice of the Prime Minister.

21. *Public Service.* Control of the Public Service will be vested in a Public Service Commission whose members will be appointed by the Governor acting after consultation with the Prime Minister.

22. *Fundamental rights.* There is a detailed section on the fundamental rights and freedoms of the individual, including the right to form or belong to a trade union or other association for the protection of his interests.

23. The amendments to the Constitution came into effect on 4 October 1963 when Gambia acceded to full internal self-government. Mr. David Jawara, the head

of the Peoples Progress Party and Premier of the Territory since the 1962 elections, became Gambia's first Prime Minister.

Independence Conference

24. The Gambia Independence Conference was held in London from 22 to 30 July 1964. The Gambia delegation included the Prime Minister of the Gambia and members of his Government, the leader of the Opposition, Mr. P. S. N'jie, and three Opposition members and also the Governor of Gambia and other officials.

25. On 30 July 1964, the United Kingdom Government announced that the Gambia would become independent on 18 February 1965. The Territory will become a constitutional monarchy with the Queen as Head of State, and will seek membership in the Commonwealth. The United Kingdom also agreed to assist Gambia in its development programme over the next three years and to help with its recurrent budget over the same period.

26. At a press conference held on 30 July, the leader of the Opposition, Mr. N'jie, stated that the Opposition had refused to sign the agreement reached at the Conference because its demand that elections should be held before independence had not been accepted. He also said that the Opposition would continue to request elections when its members returned to the Gambia.

Association with Senegal

27. In September 1963, following the request of the Government of Senegal and the Government of Gambia, with the consent of the Government of the United Kingdom, the Secretary-General of the United Nations appointed a team of four experts to study the possibility of some form of association between the two countries, after Gambia had attained full sovereignty.

28. The team comprised experts in public administration, constitutional law, economics and finance. Their report was released for publication by the two Governments on 15 June 1964.¹

29. In their conclusions and recommendations, the experts emphasized the natural geographical and economic affinity of the two countries, the identical ethnic origin of their peoples, and the advantages of an association. They concluded that complete political integration might be unrealistic and probably would not be acceptable to both countries at this time.

30. They advocated a process of association in successive stages, beginning with a federation, strictly limited in its central powers. The experts considered however, that it might be more practical, initially, to limit the association to a treaty relationship establishing a common defence, common international representation, and common organs to align trade, customs and development policies, and to facilitate mutual relations between the citizens of the two countries.

31. The experts were of the opinion that the ending of customs barriers and the partial "harmonization" of the fiscal systems should be among the early objectives. They felt that harmonization of administrative structures and monetary unification were less urgent, but that the latter would have to be carried out after a certain point in the association was reached. The

¹ United Nations, *Report on the Alternatives for Association between the Gambia and Senegal* (TAO/Gambia/Senegal/1).

co-operation of the authorities and institutions in the franc and sterling zones was considered indispensable for monetary unification.

32. The experts recommended that the Governments of Senegal and the Gambia enter into negotiations as soon as possible, concerning their future co-operation, to be implemented once Gambia has obtained its independence, and that such negotiations be assisted by a common Secretariat. Among others, the experts also recommended that, in case an agreement was reached, the development of the Gambia River valley in its widest sense, should be undertaken, if appropriate, in consultation and agreement with the Government of Guinea (in whose territory the Gambia River has its origin), as a project of paramount importance for the economy of the two countries, with the assistance of the Special Fund of the United Nations or such other international or bilateral aid as they might find desirable and could obtain.

33. On 27-29 May 1964, the Gambian and Senegalese Governments met jointly to consider the United Nations report and its proposals for association. In a communiqué issued after that meeting, it was stated that "the two delegations recognized the necessity for the two countries to take steps to set up adequate machinery to strengthen the natural solidarity of the two countries". A further meeting was held on 8-9 June 1964.

34. During the Independence Conference in London held in July 1964 reference was made to certain aspects of future relations between Gambia and Senegal. The United Kingdom welcomed the progress already made and the intention of the Gambia Government to examine further the problems of closer association. On 30 July 1964, the Secretary of State for Commonwealth Relations and for the Colonies stated in the House of Commons that there were no plans for the merger between the two countries and that it was a matter for Gambia to decide on its own.

Economic conditions

35. Gambia has limited natural resources, and the development of its greatest asset, the Gambia River, has been restricted by the boundaries of the Territory which cut off the hinterland and, consequently, its use as an avenue of trade to the interior of West Africa.

36. The agricultural economy of the Territory is based almost solely on the production of ground-nut and ground-nut products. The crop totalled 75,000 tons in 1962 and 1963 and is reported to average around 80,000 tons a year. Rice is becoming more important as a secondary cash crop as a result of efforts to diversify agricultural production, but, in general, the financial and economic situation in Gambia is dependent on the world market for ground-nuts.

37. The Territory imports virtually all of its manufactured goods. Its main imports consist of textiles, machinery, rice, metal products, motor vehicles, petroleum products and sugar.

38. The balance of trade continued adverse in 1962 and 1963. Owing to the reduced world price of ground-nuts, farmers received subsidies for the fourth successive year to maintain a guaranteed price of £27 a ton to producers.

39. The total value of exports in 1962 was about £3.5 million, almost entirely derived from the sale of ground-nuts. Imports amounted to just under £5 million.

40. Revenue and expenditure are approximately as follows:

	1962	1963 (Million pounds)	1964 (estimated)
Revenue	1.7	2.0	2.1
Expenditure	2.6	2.5	2.5

United Kingdom grants-in-aid for 1962 and 1963 amounted to £639,000 and £565,000. The grant-in-aid for 1964 is expected to be approximately £420,000.

41. Gambia's earlier development programme, which was to run from 1963 to 1965, has been replaced by a new development programme to cover the period 1964-1967. This programme envisages an expenditure of £4.4 million, divided as follows: agriculture, forests and fisheries, including marketing and processing, £920,000; internal and external communications, £1.3 million; works and utilities, £609,000; land development and housing, £251,000; education and social welfare, £460,000; health, £225,000; and other, £578,000. Proposed sources of revenue for the programme are: allocations from the recurrent budget, £598,000; Colonial Development and Welfare grants, £2.8 million; loans, £715,000; Overseas Aid Scheme, £88,000; British Technical Co-operation, £117,000; and revenue from projects, £85,000.

42. The main development expenditures under the earlier development programme were for roads, schools, agriculture, medicine and veterinary services and the development of Bathurst and Kombo St. Mary. Among the projects recently completed is a ground-nut oil mill. A second mill was under construction in 1963.

Social conditions

43. *Labour.* In 1963 it was reported that approximately 90 per cent of the population was engaged as farmers in the production of ground-nuts. In that year an estimated 5,640 persons were engaged in government service, 5,982 in distributive services, 77 in shipping and 90 in the building trades. There were three registered trade unions in the Territory, the largest of which had approximately 6,000 members.

44. *Public health.* There are two general hospitals, one at Bathurst and one at Bansang, with a total of 250 beds. In the Bathurst area there is also a tuberculosis sanatorium, a mental hospital and a home for the infirm which is used for long-term cases too. Near Bansang there is a small leprosy settlement which is being expanded. In addition there are eight health centres and fifty-one dispensaries and sub-dispensaries throughout the Territory. Maternity and child welfare clinics are held at twenty-one health centres and dispensaries and treatment for leprosy is available at fifty clinics. An expert in health administration has been engaged to make a survey of the health and medical needs of the Territory. Government expenditure on medical and health services amounted to £239,844 in 1962.

45. Vital statistics are available for Bathurst only. In 1962, the birth-rate was 51.7 per 1,000, the death-rate was 16.1 per 1,000 and the infant mortality rate per 1,000 live births was 68.1.

Educational conditions

46. In September 1962, all primary schools in the Protectorate, except those run by the missions, were transferred from the jurisdiction of the area councils to the central Government; all schools are now run by

the Government or by the missions, with the exception of the Gambia High School which is independent.

47. In Bathurst, primary pupils follow a six-year course, after which a selection is made for entry to secondary grammar and post-primary schools. In 1962, about 10 per cent gained entry to the grammar schools and about 40 per cent to the post-primary schools. The remainder, with some exceptions, attended an afternoon school run by the Bathurst Town Council. It was estimated that about 50 per cent of the children of school age attended school in the Bathurst area and about 55 per cent in the Kombo area, where all ex-primary school pupils wishing to do so may enter secondary modern schools. It is reported that about 14 per cent of the children of school age in the Protectorate attended school in 1962.

48. In the same year, there were 65 primary schools in the Territory, with a total enrolment of 9,430; 5 secondary and post-primary schools with an enrolment of 1,857; 1 vocational school with 44 students; and 1 teacher-training school with an enrolment of 143 students. Two hundred and twenty-eight Gambian students attended university or other higher educational courses in the United Kingdom during 1962. Of this number, 38 held scholarships.

49. Government expenditure on education totalled £229,176 in 1962.

III. CONSIDERATION BY THE SPECIAL COMMITTEE

50. The Special Committee considered the Territories of Northern Rhodesia and Gambia at its 293rd meeting on 22 October 1964.

General statements by members

51. The representative of the United Kingdom recalled that since the question of Northern Rhodesia had last been discussed in the Committee in July 1963, the Federation of Rhodesia and Nyasaland had been dissolved, and Nyasaland had become independent under the name of Malawi. General elections had been held in Northern Rhodesia under the present Constitution and the Territory had attained full internal self-government. At the Northern Rhodesia Independence Conference held in London in May 1964, agreement had been reached on the Constitution that would be in force when the Territory became independent. Simultaneously with the Conference, discussions had taken place in London between the United Kingdom Government, the Northern Rhodesia Government and the Litunga of Barotseland. The Litunga had agreed to terminate his special treaty relationship with the United Kingdom, and the Northern Rhodesia Government had undertaken to maintain the special position of Barotseland after independence.

52. Arrangements had been made for Northern Rhodesia to become independent on 24 October 1964 under the name of Zambia. Mr. Kaunda, the President-designate of the new independent Zambia, had been unanimously elected by a secret ballot of the Legislative Assembly. Zambia would be the twentieth member of the Commonwealth and before long, it was to be hoped, the 115th State Member of the United Nations.

53. Under its future Constitution, the Republic of Zambia would have at its head a President with broad powers. He would appoint the members of his Government and preside over the Cabinet. All members of

the Government except the President would sit in Parliament. In future, the President would be elected at the time of the general elections for the National Assembly, the candidates for which would have to declare in advance which presidential candidate they supported. The President might dissolve Parliament, but if he did so, there would have to be a presidential election at the same time as the general elections.

54. The existing Legislative Assembly, elected in January 1964, would continue after independence. There would be no new elections until the expiration of its term in 1969 or until it was dissolved. The ten seats at present allocated to Europeans would disappear after the end of the term of the present Assembly, and the President would have the power to nominate up to five special members either to represent special interests or because of their special qualifications. Like the present Constitution, the new Constitution would contain a bill of rights. The existing Constitutional Council would be dissolved, but its functions would be taken over by a tribunal of judges. There would be a strongly organized judiciary and an independent Director of Prosecutions.

55. Zambia would start with other assets also: a vigorous and independent people, a soundly based Civil Service and administrative structure, a rapidly developing economy based on rich mineral deposits and adequate capital resources, an abundance of good agricultural land suitable for development by modern farming methods, several years' experience of extensive autonomy and, lastly good friends in the world, among which the United Kingdom was happy to be the first.

56. He was sure that the Special Committee would welcome Zambia's attainment of independence by removing Northern Rhodesia from its agenda.

57. Turning to Gambia, he recalled that he had informed the Committee in September 1963 that the Government of Gambia had asked the United Kingdom Government to grant it full internal self-government. Gambia had attained self-government on 4 October 1963, and Mr. Jawara had become Prime Minister. The team of constitutional, economic and fiscal experts appointed by the Secretary-General to examine the general question of association between Gambia and Senegal had visited the area from October to December 1963 and had presented its report in March 1964.² However, he did not think that the decision which the two Governments would take on that question was within the Special Committee's jurisdiction.

58. According to its custom, after the granting of internal self-government to Gambia, the United Kingdom Government had held an Independence Conference for that country in London in July 1964. The outcome of the Conference had been almost entirely in accord with the proposals of the Gambia Government. It had been decided that Gambia would become independent on 18 February 1965 and that the other Commonwealth Governments would be informed of Gambia's desire to join the Commonwealth. The Conference had welcomed the progress in the negotiations between the Governments of Gambia and Senegal on the question of an association.

59. The future Constitution of independent Gambia would differ very little from the present Constitution (see paragraphs 16-23 above). The reserve powers in

² *Ibid.*

the present Constitution would, of course, revert to the Government of Gambia. There were certain entrenched clauses relating to fundamental human rights and the establishment of Parliament.

60. The United Kingdom representative was sure that the Special Committee would wish to welcome those developments and join the United Kingdom delegation in extending its good wishes to yet another African country that would soon be joining the international community.

61. The Chairman, speaking as the representative of Mali and on behalf of a number of members of the Special Committee, especially the African delegations, stated that he was most happy to welcome the accession to independence of Northern Rhodesia and Gambia.

62. The Committee could be proud of its contribution to the successful outcome of the struggle for the emancipation of Northern Rhodesia, which was to become independent on 24 October 1964 under the name of Zambia. As far back as its 8th meeting on 20 March 1962, it had decided to give priority to the Territories in the Federation of Rhodesia and Nyasaland, and Northern Rhodesia had been the second Territory on the agenda of its first session.

63. Mr. Kenneth Kaunda, a competent and dynamic leader, was to be commended for the stimulus and encouragement he had given to the Zambian people in their struggle when, in 1963, he had asked for the dissolution of the Federation and the establishment of an early target date for his country's accession to independence.

64. Many tasks awaited the new, independent Zambia, the most immediate being the recovery of its sovereignty over its mineral riches. It was to be hoped that the restoration of that sovereignty would be effected in accordance with the provisions of the Charter concerning the development of friendly relations with other States, based on respect for the principle of self-determination.

65. The Committee wished Zambia good luck and looked forward to the time when it would accede to the international dignity of membership in the United Nations.

66. The Committee could also be proud of the forthcoming attainment of independence by Gambia, on 18 February 1965. Gambia had been one of the Territories with which the Committee had dealt in 1963. It had been the subject of a resolution which had reaffirmed the inalienable right of its people to self-determination and independence and had declared that the provisions of General Assembly resolution 1514 (XV) must be applied without delay. It should be noted that the Government of Gambia intended to pursue the question of a closer association with its neighbour, Senegal, in view of the geographical and economic affinity existing between the two countries. Whatever decision Gambia took after its accession to independence, the Committee wished it every possible success in the free exercise of its sovereign rights.

67. He also congratulated the United Kingdom Government for having taken the measures which were to culminate in the granting of independence to Zambia and soon to Gambia. He appealed to the United Kingdom Government to display the same willingness to co-operate with the peoples still under its domination so that they might speedily attain independence in ac-

cordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

68. The representative of India said how glad his delegation was that Northern Rhodesia had reached the threshold of independence under the enlightened leadership of Mr. Kenneth Kaunda. India had followed the long struggle of the people of Zambia with admiration, and it had no doubt that they would succeed in solving the remaining difficulties, particularly with regard to mining rights, in their own best interests.

69. His delegation was also happy to note that Gambia would attain independence in February 1965. It offered its best wishes to the leaders and people of Gambia, with whom India hoped to have close relations.

70. He also paid tribute to the administering Power for the manner in which it had promoted the constitutional development of those two African countries. He was convinced that there would be no delay in Gambia's independence, which was to be proclaimed on 18 February 1965.

71. The representative of Cambodia welcomed the forthcoming attainment of independence by Zambia and Gambia and expressed the hope that they would soon become Members of the United Nations.

72. The path followed by Northern Rhodesia, which was to become Zambia, had been in conformity with the recommendations of the Special Committee and the General Assembly. At every stage of its progress, it had been able to count on the perseverance and wisdom of its outstanding leader, Mr. Kenneth Kaunda, Prime Minister and President-designate of the new Republic of Zambia. A tribute should also be paid to the United Kingdom Government, and it was to be hoped that the example of Zambia would be followed by other Territories still under United Kingdom administration.

73. His delegation was pleased that, like Malawi, Zambia had adopted a policy of non-alignment and that a delegation from Zambia, headed by Mr. Kaunda, had attended the Second Conference of Heads of State or Government of Non-Aligned Countries held at Cairo in October 1964. He was sure that in consolidating its political and economic independence Zambia would be able to count on the assistance of all nations which cherished peace, justice and freedom.

74. With regard to Gambia, which was to become independent on 18 February 1965, he hoped that the administering Power would not make the Opposition leader's insistence on elections before independence a pretext for delaying independence. As far as Gambia's association with Senegal was concerned, he thought that the United Nations team of experts had done excellent work. He took note of the communiqué issued after the meetings held on 27, 28 and 29 May 1964, stating that the Gambian and Senegalese delegations had agreed on the need to establish as soon as possible a system to strengthen the natural solidarity between their two countries.

75. The representative of Ethiopia hailed the accession to independence of Zambia under the enlightened leadership of Mr. Kenneth Kaunda. He was certain that the new State would overcome its difficulties and play a prominent role in the United Nations.

76. It should be emphasized, however, that the independence of the future Zambia would be incomplete without that of Southern Rhodesia.

77. He welcomed the forthcoming attainment of independence by Gambia; in his view, its political progress reflected the wishes of the Gambian people.

78. The representative of the Union of Soviet Socialist Republics expressed gratification that Northern Rhodesia was about to become the independent country of Zambia. That happy event would end the long years of suffering endured by the country during the colonial period; the African leaders of the country, under the guidance of Mr. Kaunda, were determined to stamp out the last vestiges of colonialism.

79. In that country, where over 90 per cent of the population was illiterate, plans were already under way for training thousands of teachers, doctors and engineers. The African Government envisaged the establishment of a Central African University in the capital. There were also plans to set up special centres for the training of administrative personnel, and the Government aimed to extend Africanization not only to the government services but also to the mining industry. The intention in the latter case was to establish equal working conditions, without discrimination on grounds of colour, for all workers in the famous copper belt. The Government had drawn up a programme of universal free education which would be introduced in secondary schools by 1969. In addition, measures were being taken to bring about total integration of the schools.

80. The Committee could not, however, confine itself to expressing satisfaction at the attainment of independence by one more African State. The chief problems of the future independent Zambia were related mainly to the copper belt—the main source of the country's natural wealth—and to the policy of the monopolies which were trying to retain their so-called exclusive rights to that wealth for another twenty years. The conflict between Zambia and the monopolies was so serious that the United Kingdom Press had recently alluded to the possibility of Zambia's independence being delayed until that question had been settled. The right of peoples to sovereignty over the natural resources of their country was confirmed in United Nations decisions and recognized by the vast majority of States. Recognition of that right implied recognition that colonialist manoeuvres to strengthen control by foreign monopolies over the economies of States about to attain independence were illegal. After unsuccessful attempts to postpone as long as possible the attainment of independence by the former colonial territories, monopolist capital was now searching for an opportunity to strengthen its hold over the independent States and to continue the exploitation of their African population and resources. That concerned not only Zambia but the whole of southern Africa, where foreign companies with centres in New York, London and other European capitals were obstructing the attainment of freedom and independence by the peoples of Southern Rhodesia, Angola, Mozambique and South Africa.

81. The Constitution on the basis of which Zambia was to become independent included an article 17 under which the British South Africa Company retained the rights to the country's mineral resources for a period of twenty-two years following the attainment of independence. That company's activities were completely parasitic, as it was not concerned with mining the copper but merely with issuing permits to various other companies for that purpose. The profits of the British South Africa Company, after taxes, amounted to £12

million a year, and it had been estimated that by 1986 it would have made a profit of £154 million. The treasure-house of Zambia—the copper belt—was mainly exploited by two groups of companies: the Anglo-American Corporation of South Africa, founded by Oppenheimer in 1917 and comprising United Kingdom, United States and South African capital, and the Rhodesian Selection Trust Company, with a preponderance of United Kingdom and United States capital, which exploited 40 per cent of Northern Rhodesia's copper. It should be pointed out that more than half the shares of the Rhodesian Selection Trust Company had been acquired or bought up by United States companies. According to *The Wall Street Journal* of 30 September 1964, those companies together mined 16 per cent of the world's copper output. Both those companies paid royalties to the British South Africa Company, which was under the direction of one of the pillars of the notorious "Rhodesian lobby", Emrys Evans.

82. The position of the Government of Zambia was that, after the country's independence had been proclaimed, it could not permit the British South Africa Company to continue to exploit its riches, which should belong to the independent State. It considered that, if the United Kingdom Government wished, suitable compensation could be paid to the monopolies but that that operation in no way concerned Zambia. According to information in the United Kingdom and United States Press, the Government of Zambia was prepared, as a gesture of goodwill, to pay the companies £2 million (\$5.6 million) and thus settle the problem. The independent State of Zambia would be in a position to determine, without instructions from London, under what conditions the foreign companies would continue their operations. Its Government had already stated that it would hold a referendum for the purpose of amending those articles of the Constitution which deprived the country of its natural resources. The Africans were justified in linking independence with the restitution of their rights to the land and the mineral resources. The British South Africa Company was resorting to every kind of stratagem to maintain control. That method of disguising monopolies was very much in fashion, and an attempt was being made to represent them as a new force which had nothing to do with colonialism. Fortunately, the leaders of the future State of Zambia had fully realized that it was essential to eliminate the colonial character of the country's economy, which depended solely on copper, and that the imperialist monopolies were not their benefactors. The position of the British South Africa Company was not popular, even in the United Kingdom. According to *The Observer* of 18 October 1964, Mr. Harold Wilson, head of the Labour Party, had supported Zambia's position, and many newspapers had followed suit. The Special Committee should associate itself with those who were defending the legitimate rights of the people of Zambia, and should condemn the policy of the monopolies in that country as well as throughout southern Africa. It was the concern of the Committee not only to promote the attainment of independence by as many colonial peoples as possible but also to see that they attained independence in the most favourable conditions, so that they started their existence as independent States with as few problems as possible, especially problems such as those now facing Zambia. The Soviet delegation greeted the people of Zambia,

who were embarking upon a course of independent development as a State, and expressed full solidarity with them in their struggle for true independence, for the elimination of the foreign interests on their soil and for the eradication of neo-colonialist tendencies, which could undermine the country's independence unless suitable, urgent and firm measures were taken to counteract them.

83. Another country, Gambia, was on the threshold of independence, which had been demanded by Gambia patriots as early as 1960 when the Peoples Progress Party, which was at present in power, had called for independence by 1962. The Soviet delegation wished to convey its best wishes to the people of Gambia in the tasks before it, namely, those of resolving fully the problems it had inherited after more than a century of foreign rule; of changing what was now a single-crop economy and building an industrial infra-structure; and of settling relations with Senegal in such a way as to satisfy the interests of the peoples of both countries.

84. The representative of Yugoslavia expressed satisfaction that the peoples of Northern Rhodesia and Gambia had finally succeeded in their struggle, and were about to attain independence. He stated that in the world of today there was no place for colonial relations, and that no obstacles in the form of remnants of the colonial past should be left by the departing colonial administrations to the newly-liberated States. He paid due tribute to the United Kingdom for having set a date for the independence for these two Territories, and expressed the hope that the United Kingdom would grant independence to the remaining Territories under its administration in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples. He congratulated the peoples of Zambia and Gambia on their forthcoming attainment of independence, expressing confidence that they would make their contributions to the final liquidation of all forms of colonialism and to the strengthening of peace and understanding among the peoples of the world.

85. The Yugoslav delegation eagerly awaited the day when Zambia and Gambia would be welcomed into the international community, where they could make their contribution to the final elimination of all forms of colonialism.

86. The representative of Italy extended his delegation's warm congratulations to the people of Northern Rhodesia on their forthcoming independence. That happy event was due above all to the indefatigable determination of the people of Zambia and the wisdom of their leaders. It was due also to the enlightened policy pursued by the United Kingdom, which had discharged its decolonization task not so much because of the pressure of international opinion as in response to the people's wishes in compliance with the imperatives of a moral code. The Italian Government and people had already had contacts with several Zambia leaders, including the Prime Minister, and had been able to appreciate their patriotism and remarkable political gifts.

87. His delegation entertained similar sentiments and wishes in regard to Gambia which, it felt sure, would attain independence in the same climate of harmony as characterized Northern Rhodesia's attainment of independence.

88. The representative of Poland, speaking on behalf of the Bulgarian delegation as well as his own, expressed

pleasure at the forthcoming independence of Northern Rhodesia and Gambia.

89. The liberation of the future Zambia was due above all to the efforts of its people led by Mr. Kaunda. Independence was never due to the charity of the colonial Powers. But for the tireless struggle of the colonial peoples and the pressure of world opinion, and, in the first place, that of the United Nations, the number of still dependent peoples would be far greater today. Decolonization had been achieved in Zambia with much sacrifice of human life and with the support, solidarity, example and inspiration of other African peoples.

90. Nevertheless, two days before the independence of Zambia, the citadel of colonial exploitation still remained standing. The Consultation, under which Zambia would accede to independence, preserved the alleged rights of the British South Africa Company over mineral resources of the Territory. The Zambian Government's repeated appeals to the administering Power had been in vain. The right of peoples to permanent sovereignty over their natural resources was an essential element of their right to self-determination. The Polish and the Bulgarian delegations felt that it was the duty of the United Kingdom to solve the problem with the British South Africa Company so that, as Mr. Kaunda had said on 1 October 1964, the people of Zambia might have their property restored to them.

91. The Polish and Bulgarian delegations were likewise happy to note that Gambia would attain independence on 18 February 1965. That country's history and geographical shape provided one of the most striking examples of the way in which the colonial Powers had carved up Africa. It was to be hoped that in association or co-operation with Senegal and with the aid of other friendly African States, Gambia would succeed in resolving the problems inherited from its colonial past.

92. The happy events for which preparations were being made were tangible proof that the pressure of the national liberation movements was irresistible. The Polish and Bulgarian delegations were confident that, once independent, Zambia and Gambia would help to strengthen the cause of peaceful coexistence and international co-operation for peace, justice and progress and to eliminate the last remnants of colonial rule in Africa and elsewhere.

93. The representative of Iran associated himself with the remarks made by other speakers and wished the two new African States, their peoples and leaders every success in the different tasks they would be undertaking. His delegation also congratulated the United Kingdom for having wisely encouraged that historic process in an atmosphere of harmony and peace. He hoped to be able soon to congratulate Southern Rhodesia also in its attaining independence in similar conditions.

94. The representative of the United States of America likewise congratulated Zambia and Gambia on their forthcoming attainment of independence, which was a significant milestone in the decolonization of Africa. She also wished to pay tribute to the role played by the United Kingdom in leading the peoples of those countries to self-government and independence. She was pleased to observe that the number of independent African countries would have thus risen from four to thirty-six in just over a decade.

95. The representative of Denmark, speaking on behalf of the Danish and Australian delegations, con-

gratulated the Republic of Zambia and noted the fact that Gambia was also due to attain independence soon. The Danish and Australian delegations welcomed the radical changes that had taken place in the political map of Africa since the Second World War. He observed that Zambia was the twenty-sixth British colony to obtain its independence and paid tribute to the United Kingdom's efforts to discharge its obligations and lead its colonies to independence. He hoped that the two new States would live in happiness and prosperity and would co-operate with all other countries in a spirit of friendship.

96. The representative of Syria said that his own delegation and the delegation of Iraq associated themselves with the statement made by the Chairman and were happy to see the peoples of Zambia and Gambia regain their independence. Nevertheless, the task of the United Nations was not yet finished. The United Nations and the developed countries had a duty to grant all possible assistance to those two countries. In that connexion, he expressed the hope that the United Kingdom, after liberating over 646 million human beings, would find it possible to restore to Zambia full ownership of its natural resources, which were indispensable for the economic and social development of its people.

97. The representative of Chile expressed the satisfaction felt by the delegations of Uruguay, Venezuela and Chile at seeing Zambia attain independence. The Chairman had rightly stated that the Special Com-

mittee could be proud of the important role it had played in that development. He congratulated the people of Zambia and their leader, Mr. J. N. N. N. The three delegations were ready to extend a fraternal welcome to Zambia on its admission to membership of the international community.

98. He was also pleased to note that Gambia would achieve independence in February 1965. He hoped that many Territories would follow those two countries along the road to independence and that the activities of the Special Committee and the General Assembly would soon bring about the complete disappearance of colonial rule.

Concluding statement by the Chairman

99. The Chairman, on behalf of the members of the Special Committee, expressed satisfaction that they would soon be able to welcome Gambia and Zambia³ as Members of the United Nations, and that the two countries would be making their contribution to the liberation of other Territories still under colonial domination.

100. On behalf of the Special Committee, he also expressed the hope that all problems still outstanding between the Territories and the United Kingdom would be settled in accordance with the principles of the Charter.

³ Northern Rhodesia became independent as the Republic of Zambia on 24 October 1964.

CHAPTER XIII

FIJI

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963 AND BY THE GENERAL ASSEMBLY AT ITS EIGHTEENTH SESSION

1. After considering Fiji at its meetings in June and July 1963, the Special Committee at its 197th meeting on 19 July 1963, adopted a resolution (A/5446/Rev.1, chap. VII, para. 165) in which it noted with regret that the administering Power had taken no effective steps to transfer all powers to the people of Fiji in conformity with General Assembly resolution 1514 (XV), and further noted that the Fiji Constitution was not based on generally accepted democratic principles. It affirmed the right of the people to self-determination and independence in conformity with the provisions of resolution 1514 (XV) and invited the administering Power: to work out with representatives of the people of Fiji a new constitution providing for free elections conducted on the principle of "one man, one vote" and the creation of representative institutions; to take immediate steps for the transfer of all power to the people of the Territory in accordance with their freely expressed will and desire; and to endeavour, with the co-operation of the people, to achieve the political, economic and social integration of the various communities.

2. At its eighteenth session the General Assembly, after considering the part of the report of the Special Committee concerning Fiji, adopted resolution 1951 (XVIII) of 11 December 1963, with provisions similar to those contained in the Special Committee resolution on Fiji.

B. INFORMATION ON THE TERRITORY

Introduction

3. Information on the Territory is contained in the report of the Special Committee to the General Assembly at its eighteenth session (A/5446/Rev.1, chap. VII). Supplementary information is set out below.

General

4. At the end of 1963, the total population was estimated to be 441,301 and was made up as follows: Fijians, 183,383; Indians, 220,175; Europeans, 10,418; Part-Europeans, 9,449; Chinese, 5,294; and other Pacific Islanders, 12,582.

Political and constitutional developments

5. The Constitution of Fiji, set out in the Fiji (Constitution) Order in Council of 27 February 1963, came into force on 1 March 1963 (A/5446/Rev.1, chap. VII).

6. In 1963, discussions were held by the United Kingdom Parliamentary Under-Secretary of State for Commonwealth Relations and for the Colonies with representatives of all communities in Fiji. As a result, the administering Power made proposals for the introduction of a membership system of government, and for a conference to be convened in London during 1964 or early in 1965 to work out a new constitutional framework for Fiji.

7. The proposal for the introduction of a membership system did not involve any amendment to the Consti-

tution of Fiji, and after a debate early in 1964, the Legislative Council voted unanimously for it. Only unofficial members of the Legislative Council participated in the vote, since this was regarded by the Government as a question which only the elected representatives of the people could properly decide.

8. Under the proposed system, a number of unofficial members of the Legislative Council were to be invited to join the Executive Council and undertake the supervision of government departments. They were to be asked to agree to accept collective responsibility for Council decisions. If any members were opposed to a major policy decision, they were to be free to resign, as are cabinet ministers in the cabinet system of government.

9. On 24 March 1964, the Secretary of State for Commonwealth Relations and for the Colonies announced that the proposed constitutional conference would be held in London within the next twelve months.

10. On 7 May 1964, he stated that the membership system of government would be brought into operation in Fiji on 1 July 1964 and that just before that date, the Executive Council would be reconstituted. The Governor of Fiji proposed to seek the approval of the Secretary of State for the appointment to the Executive Council of six unofficial members (two European, two Fijian and two Indian), three of whom would be associated with the formulation and presentation of policy for natural resources, social services, and works and communications respectively.

11. On 8 June 1964, the Government of Fiji issued a statement naming the six unofficial members of the Legislative Council whom the Governor proposed to appoint to the Executive Council under the membership system. The members who were to be associated with the formulation and presentation of policy for subjects placed under their charge were: Mr. J. N. Falvey, Member for Works and Communications; Mr. Ratu K. K. T. Mara, Member for Natural Resources; and Mr. A. D. Patel, Member for Social Services. The members who were to be general advisers not associated with any particular subject were: Mr. R. Kermode, Mr. Ratu Penaia Ganilau and Mr. J. Madhavan.

12. In addition to the six unofficial members, the Executive Council was to include the following official members: the Colonial Secretary, the Attorney-General, the Financial Secretary and the Secretary for Fijian Affairs and Local Government. The functions of the Development Commissioner were to be absorbed in the Natural Resources Office. The Development Commissioner was to remain as a member of the Executive Council until the merger took place.

13. The statement continued as follows:

"Under the membership system of government, the Executive Council will continue to be advisory to His Excellency the Governor as at present and all matters of policy will continue to be decided by the Governor in Council. There will, however, be one significant change in that there will in future be collective responsibility of members of Executive Council in the formulation and implementation of Government policy.

"If any unofficial member disagrees with any policy decided in the Executive Council to the extent that he is not prepared to bear his share of collective responsibility for that decision, then the proper

course will be for him to resign and His Excellency will appoint another in his place.

"Constitutionally, the Governor is alone entitled to propose subjects for discussion in Executive Council, but in future the members will be responsible for framing policy for consideration by Executive Council on the subjects with which he deals, the position being that, in so doing, the member acts under authority delegated from the Governor who, however, retains final responsibility and authority in the matter."

14. It is reported that the new membership system came into force on 1 July 1964, as originally proposed.

Economic conditions

15. The economy of the Territory is predominantly agricultural. The main crops—sugar-cane and coconuts—accounted for more than 95 per cent of the total value of all agricultural exports in 1963. Subsistence crops, dairy products, meat and fish are produced for local consumption. Mining is the only substantial non-agricultural industry. In 1963, gold valued at £F1,495,000¹ was produced and the total value of all minerals amounted to £F2,007,748.

16. In the past, the main secondary industries have been based on the processing of agricultural produce, and consisted of sugar and copra mills. The development of manufacturing industries is now under way, and factories are producing a variety of products, both for domestic consumption and for export. In recent years the tourist industry has expanded rapidly, and the Government is encouraging investment in it by providing financial aid to individuals for the construction or improvement of hotels.

17. The value of all imports increased from £F17,386,146 in 1962 to £F20,103,593 in 1963; the principal countries of origin of imports were Australia, the United Kingdom and Japan. The value of exports increased from £F15,745,676 in 1962 to £F21,547,328 in 1963, and consisted mainly of sugar, coconut products and unrefined gold. The principal destinations of exports were the United Kingdom, Canada, the United States and Australia.

18. Customs and excise duties, licenses and an income tax on individuals and companies are the major sources of revenue. Revenue and expenditure in 1962 totalled £F8,090,016 and £F8,043,167 respectively. In 1963, revenue and expenditure were estimated at £F8,956,875 and £F8,872,400.

19. A new five-year development plan for Fiji provides for the expenditure of £F15,000,000 during 1964 to 1968, with emphasis on an intensive land settlement and agricultural production programme. The main targets are to develop a large-scale cocoa industry: to double coconut production; and to reduce food imports by increasing the cultivation of rice and expanding the production of local staple crops. The plan also provides for the continuation of physical and demographic surveys and the expansion and improvement of communications and educational and medical facilities.

Social conditions

Labour

20. A large proportion of the population is settled on the land or is self-employed. In 1963, approximately

¹ £111 Fijian equal £100 sterling.

23,000 persons, excluding servants employed in private households and casual workers such as dockworkers and cane cutters, were wage earners.

21. More than half the total labour force is covered by some form of collective bargaining machinery, and terms and conditions of employment are set out in negotiated agreements. The general wage rate for unskilled workers is approximately 1s.10d. per hour and the average working week is forty-four hours. Wage differentials are applied to skilled workers and tradesmen.

22. The Labour Department advises and assists trade unions, workers and employers, conciliates disputes, administers the labour laws of the Territory and advises the Government on labour matters. Legislation provides for the inspection of factory premises, workmen's compensation and the establishment of wage councils and arbitration tribunals. In 1963, trade unions existed in most of the larger industries, and it was estimated that half the working population were members of a union.

Public health

23. Medical facilities in 1963 consisted of the following government hospitals and dispensaries: a central hospital at Suva with 285 beds; three district hospitals with 368 beds; fourteen rural hospitals with 362 beds; a tuberculosis hospital with 360 beds; a leprosy hospital with 622 beds; a mental hospital with 150 beds; and 45 rural dispensaries. The staff consisted of 37 medical and dental officers, 82 senior nursing staff, 131 locally trained assistant medical and dental officers and 427 locally trained nurses. Local medical and nursing staff are trained at the Central Medical School at Suva, which in 1963 had 108 medical and dental students from Fiji and most territories in the Western Pacific.

24. Government expenditure on medical services in 1962 was £F938,467, and in 1963 the total recurrent expenditure was estimated at £F1,148,300. Capital expenditure was £F100,382 in 1962.

25. In 1963 the crude birth-rate of the population was 38 per 1,000 and the crude death-rate was 6 per 1,000.

Educational conditions

26. Primary and post-primary education are provided by missions, private bodies and the Government. Education is not compulsory and in most schools fees are charged, ranging from £F4.10s. per annum (for government primary schools) upwards. In 1963, the full-time school roll rose by 4,724 to 91,868 and there were 650 schools and institutions scattered over 55 different islands, staffed by 2,891 teachers of whom 79 per cent were trained.

27. Approximately 89 per cent of all schools are registered, i.e., schools whose grounds, buildings and equipment satisfy the requirements of the Education Ordinance and which have been approved by the Director of Education as a school in which registered teachers may be employed.

28. In 1963, 146 students were attending overseas institutions on scholarships, mainly in Australia, New Zealand, India and the United Kingdom.

29. During 1962, the total gross expenditure on education was £F1,478,746. In 1963, the estimated expenditure was £F1,500,000.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

30. The Special Committee considered Fiji at its 293rd and 297th to 303rd meetings between 22 October and 6 November 1964.

Written petition

31. The Special Committee circulated a petition from Mr. Ayodhya Prasad, Secretary of the Fiji Farmers Association (A/AC.109/PET.264).

General statements by members

32. The representative of the United Kingdom said that he wished to describe a number of developments which had taken place since the Committee's last discussions of Fiji. The outstanding event on the constitutional front had been the introduction on 1 July 1964 of the membership system of government, under which a number of elected members of the Legislative Council were associated, within the Executive Council, with the formation and presentation of government policy in particular fields. Shortly before that date, the Executive Council had been reconstituted. It now comprised six elected members of the Legislative Council (two Fijians, two Indians and two Europeans) thus having a majority of elected members. The subjects with which three of the elected members were associated were natural resources, social services and communications and works. The other three elected members were not associated with any specific subjects. Four officials were also members of the Executive Council, over which the Governor presided. The members of the Executive Council had collective responsibility for the decisions of that body.

33. The origins of the new system went back to the formulation of the proposals in 1961 by the Fiji Government itself. The Colonial Secretary had suggested that the membership system should be introduced at this time so as to allow the Territory to make some advance towards self-government pending the forthcoming constitutional conference. At that conference, which would probably take place early in 1965, the British Government and leaders of representative opinion in Fiji would try to agree on concrete proposals for a constitutional framework under which further progress could be made in the direction of internal self-government, while still preserving, in accordance with Fijian wishes, continuing links with Britain.

34. In 1963, for the first time, women voted and Fijian men voted directly for their representatives instead of through the Council of Chiefs, and all income and property qualifications for electors had been removed. Nearly 60,000 voters had gone to the polls compared with 13,000 in 1959. The Legislative Council had then been enlarged to include up to nineteen instead of sixteen official members and eighteen instead of fifteen non-official members. But, with the introduction of the membership system, the composition of the Legislative Council had again been changed. The number of official members had been reduced from nineteen to ten so that the non-official members were now in the majority. Six of the non-official members, being members of the Executive Council, were pledged to support the Government.

35. As the Special Committee could see, the United Kingdom was progressively fulfilling its obligations in close consultation with all sectors of public opinion in

Fiji. In a country like Fiji, where different racial communities lived together, it was essential that the pace of development should be suited to local wishes. To go too fast aroused fears and suspicions. On the other hand the United Kingdom Government had no wish to go more slowly towards self-government than the people themselves wished. There was every reason to expect that at the London Conference there would be further progress.

36. Another important event had been the publication of a new Five-Year Development Plan for the period 1964 to 1968 envisaging expenditure of some £F15 million, with the emphasis on economic advancement. £F7 million a year was allocated to land development and a total of £F1 million for education. About £2¾ million would come from United Kingdom Colonial Development and Welfare grants up to March 1966 and it was hoped to obtain £3½ million of external aid in the latter part of the plan period.

37. In Fiji, 1963 had been a particularly favourable year for the sugar industry, nearly 300,000 tons of raw sugar having been produced.

38. Lastly, an event worth noting had been the success of the South Pacific Games held at Suva in September 1963. Nearly 700 competitors from thirteen Pacific islands or island groups had taken part.

39. The representative of Denmark noted with satisfaction that, despite great difficulties of a demographic and economic nature, the Territory had taken an important step towards internal self-government with the adoption of the membership system, under which elected representatives of the population had been made responsible for certain matters in the Executive Council. It was encouraging that the adoption of the system had been recommended unanimously in January by the Legislative Council, on the proposal of the representatives of the three ethnic groups—Fijian, Indian and European. As far as the Committee's conclusions and recommendations were concerned, he thought that the administering Power should first be asked to strengthen the Territory's economy, which was vulnerable because it was based on very few products. In that connexion, the Secretary-General might consider how United Nations economic and technical assistance could bolster the efforts made by the administering Power.

40. Furthermore, the Committee should recognize the importance of the steps taken by the administering Power in co-operation with the representatives of the different groups of the population and invite the administering Power to continue its efforts to create democratic institutions adapted to the special conditions in Fiji, in accordance with the wishes of the population, and thus prepare the way for independence, if that was the will of the population.

41. The representative of Cambodia said that his delegation had listened carefully to the statement made by the representative of the administering Power at the 293rd meeting on 22 October 1964 (see paragraphs 32-38 above). The administering Power regarded the introduction on 1 July 1964 of the membership system of government as an outstanding event on the constitutional front. Furthermore, it had announced that a conference would be held in London early in 1965 in an endeavour to reach an agreement with a view to internal self-government for the Territory. However, the United Kingdom representative had mentioned neither the Declaration on the Granting of Independence to Colonial Countries and Peoples nor General Assembly

resolution 1951 (XVIII). That was tantamount to ignoring the background against which almost all States Members of the United Nations viewed the process of decolonization.

42. Although the United Kingdom representative had stated that his Government had acted in accordance with the wishes of the Fijians, in close consultation and in agreement with all sectors of Fijian public opinion, there had been neither a general election, to establish a fully representative assembly, nor a referendum. The administering Power had referred to the tensions set up by the presence of different racial communities; but the General Assembly, in its resolution 1951 (XVIII), had invited it to endeavour, with the co-operation of the people of Fiji, to achieve the political, economic and social integration of the various communities. Resolution 1514 (XV) provided for the transfer of all powers to the peoples of dependent Territories, without any conditions or reservations, in accordance with their freely expressed will and desire, and without any distinction as to race, creed or colour.

43. The membership system of government, in his view, was a far from adequate measure. The Executive Council still included four official members and was still presided over by the British Governor. It would continue to play a purely advisory role, and all matters of policy would continue to be decided by the Governor in Council. The Governor was alone entitled to propose subjects for discussion in the Executive Council. As to the conference to be convened in London early in 1965, he thought it would have been better not to wait so long, for resolution 1514 (XV) recommended immediate steps.

44. The Cambodian delegation noted, however, that economic and financial conditions in the Territory had improved and that the social situation was relatively good, although it would like to see more intensive development in the field of education. He hoped that the new United Kingdom Government would make all necessary efforts to lead the Fijian people rapidly to full self-government and independence.

45. The representative of India said that the statement made by the representative of the administering Power (see paragraphs 32-38 above) should be considered in the context of General Assembly resolutions 1514 (XV) and 1951 (XVIII).

46. Notwithstanding the provisions of operative paragraph 2 (a) of resolution 1951 (XVIII), the administering Power had failed to convene a constitutional conference and had given no valid reasons why it had not done so. Instead, it had informed the Committee that a constitutional conference might be held early in 1965, but the conference was not, apparently, meeting to discuss the implementation of resolution 1514 (XV). Moreover, since the people of the Territory, like peoples everywhere, desired not merely progress towards limited and purely internal self-government, but the possibility of exercising their inalienable right to self-determination and national independence, it was reasonable to conclude that the administering Power had largely failed to discharge the responsibility entrusted to it by the United Nations. It was therefore the Committee's duty to make sure that the administering Power would convene a constitutional conference immediately.

47. Instead of describing the steps taken to implement operative paragraph 2 (b) of resolution 1951 (XVIII), the United Kingdom representative had

given the Committee an account of the membership system in the Executive Council in Fiji. The Indian delegation was not clear about the nature of the duties, powers and responsibilities of the elected members of that Council. It would like to know whether those members had the same rights and authority as the other members of the Council, whether they had full independence in arriving at decisions and full authority in executing them, and whether the permanent heads of the respective departments were accountable only to them. In his opinion, the steps taken so far did not meet the requirements of operative paragraph 2 (b) and the net result of the changes made was negligible. What was required was the introduction, without undue delay, of a ministerial system of government. The people of Fiji were politically mature and could be entrusted with the task of governing themselves. He therefore requested the administering Power to convert the present membership system of government to a full ministerial system having full powers and full responsibility.

48. Although the administering Power had been invited, in operative paragraph 2 (c) of resolution 1951 (XVIII), to endeavour to achieve the political, economic and social integration of the various communities of Fiji, it apparently still tolerated undesirable racial, ethnic and linguistic divisions. The statement by the representative of the administering Power at the 293rd meeting had failed to mention that anything had been done to promote integration, which was, however, essential for the progress of all the communities on the island. In view of Fiji's history of freedom from racial disharmony and disturbances, his delegation found it hard to understand the reference in that statement to the tensions existing between a number of different racial communities. It was essential that any tendency to emphasize the sectional differences in the Territory should be discouraged if Fiji was to be welded into a nation.

49. The Fiji Colony annual report for 1963² showed that certain schools were segregated. While much statistical data were presented in terms of races, there were no data on the racial composition of the police force. He was anxious to know whether there was any racial discrimination in the police force and he would therefore ask the representative of the United Kingdom to state categorically that no discrimination was practised in the recruitment or promotion of the members of the police force, or of any other service, and that all posts were open to all the people of Fiji.

50. The annual report also showed that the unemployment problem in the Territory was assuming serious proportions, that there were only a few colleges or institutions of higher learning to cater for the needs of the people and that, in spite of bumper sugar crops, not enough had been done to diversify the predominantly agricultural economy, to develop and strengthen industries and other economic activities and to promote greater participation by the people of Fiji in such enterprises.

51. In conclusion, he appealed to the administering Power to implement resolutions 1514 (XV) and 1951 (XVIII) by convening a constitutional conference immediately, by introducing a ministerial form of government and by conducting future elections on the basis of a common electoral roll. While he did not

wish to minimize the problems and difficulties facing the administering Power in the Territory, much remained to be done and it should be done at an increasingly rapid pace.

52. The representative of Sierra Leone observed that, in the year that had elapsed since the adoption of resolution 1951 (XVIII), some changes had taken place in the constitutional field but not much progress had been made. It was significant that three years had elapsed between the formulation of the proposal for the introduction of the membership system of government and its implementation. If that was indicative of the rate at which progress was being made, it was difficult to see when resolution 1514 (XV) would be fully applied to Fiji.

53. The membership system bestowed little authority even on the Executive Council. It would appear that a policy of responsibility without commensurate authority was being pursued in Fiji, for even where the members of the Executive Council were permitted to frame policy, the Governor retained final authority in the matter.

54. The numerical composition of the Legislative Council was undemocratic. Although there were eight more unofficial members than official members, six of the unofficial members were pledged to support the Governor as members of the Executive Council. That left a bare majority of two. It would seem, therefore, that both the powers and the membership of the Legislative and Executive Councils needed drastic revision.

55. His delegation noted the existence of a five-year development plan for the Territory and hoped it would benefit the indigenous people and strengthen their economy. It also felt that greater attention should be paid to the educational needs of the Territory in order to create an indigenous leadership.

56. In conclusion, his delegation wished to impress upon the administering Power the need to implement all the provisions of resolution 1951 (XVIII), especially operative paragraph 2.

57. The representative of Iraq said that, while the statement by the United Kingdom delegation (see paragraphs 32-38) had shown that some progress had been made in certain fields, it had failed to give any assurance that the resolutions of the Special Committee and the General Assembly would be implemented. In fact, there did not appear to be any reference to independence, and the objective of the projected conference seemed to be not independence, but further progress in the direction of internal self-government. That was especially disappointing in view of the clear and firm stand taken by the new United Kingdom Government in connexion with the situation in Southern Rhodesia.

58. The representative of the United States of America welcomed the news that a constitutional conference would be held in London within a year; the conference should offer an opportunity for full discussion and agreement among all the parties on measures to achieve further political progress. The introduction of the membership system of government was also a significant political step and should result in closer co-operation between the various ethnic communities. By those two measures, the administering Power had shown its interest in assisting the people of Fiji to determine their political destiny. His delegation was confident that, despite their differences, the various communities would work together to find a mutually

² *Fiji—Report for the Year 1963* (London, Her Majesty's Stationery Office, 1964).

beneficial solution to their problems. The administering Power had demonstrated its willingness to accept whatever reasonable solution they might evolve.

59. The representative of the Union of Soviet Socialist Republics recalled the provisions of the resolution on Fiji adopted by the Special Committee in July 1963 (see paragraph 1 above). In addition, the wishes of the General Assembly on the subject were reflected in resolution 1514 (XV) and, more specifically, in resolution 1951 (XVIII). The administering Power's attitude to those resolutions, its implementation of or refusal to implement the provisions of the Declaration and of resolution 1951 (XVIII), was the yardstick by which the Committee should appraise the policy pursued by the United Kingdom in Fiji during the past year and its representatives' readiness to co-operate with the Committee.

60. The United Kingdom had not implemented any of the measures recommended by the General Assembly. Resolution 1951 (XVIII) had remained a scrap of paper. The indifference of the colonial officials to United Nations resolutions was not attributable to wilfulness on the part of the United Kingdom representatives on the spot but was the result of the Conservative Government's policy in the matter.

61. According to a Reuter's report published in *The Christian Science Monitor* of 1 August 1964, after the Special Committee had adopted a resolution on Fiji the United Kingdom Colonial Office had promptly made it clear to the Fijian leaders that the United Kingdom attached little significance to the United Nations resolution and did not consider itself in any way bound to carry it out. The inescapable inference was that the United Kingdom did not consider itself bound to grant Fiji the right to self-determination and independence, and did not consider itself under a duty to take effective steps to transfer power to the people of Fiji on the basis of generally recognized democratic principles, to develop the Territory's economy and to raise the level of living of its people.

62. That explained why there had been no political or constitutional progress in Fiji during the past year, why the archipelago was still being exploited by foreign companies and why none of the complex problems facing the Fijian people had been solved.

63. Politically speaking, Fiji was as much a colony as it had been a year earlier. Its government was still based on the Fiji (Constitution) Order in Council of 27 February 1963, which concentrated all power in the hands of the Governor. The Governor's consent was required for all bills. In certain cases the Governor could declare that a particular bill or proposal which had not been adopted by the Legislative Council would have effect as if it had been so adopted. In exercising his powers, the Governor had to consult the Executive Council, except when exercising any power—conferred upon him by the Constitution or by any other law—that he was empowered to exercise at his discretion or in pursuance of instructions from Her Majesty, or when exercising any power—conferred upon him by any law—that he was empowered, either expressly or by implication, to exercise without consulting the Council. Moreover, the Governor was not obliged to consult the Executive Council in any case in which, in his judgement: (a) it was in the public interest that he should act without consulting the Council; (b) the matters to be decided were too unimportant to require the Council's advice; or (c) the urgency of the matter required him to act before the Council could be

consulted. The Governor could also act against the advice of the Executive Council.

64. The introduction of the membership system could hardly be described as an "outstanding event". The point of the system was to bind the unofficial members of the Legislative Council by the agreement to accept so-called "collective responsibility" for the decisions of the Executive Council, and to force them to take the side of the Governor if there were differences of view between him and the members of the Legislative Council. That, in effect, strengthened the position of members obedient to the Governor among those appointed to the Council. That was all the more true in that the only alternatives open to the unofficial members of the Council serving on the Executive Council were to agree with the Governor on everything or resign. The composition of the Legislative Council was undemocratic. The representation of indigenous Fijians and Fijians of Indian extraction, although inadequate, was more or less balanced as between the two groups, but the representation of European settlers and colonial officials was clearly disproportionate to the size of the European community in Fiji. A Legislative Council member of Fijian or Indian extraction represented an average of over 30,000 people, while each European member represented an average of 1,700 people; in other words, the vote of one European was equivalent to the votes of seventeen or eighteen inhabitants from the other two ethnic groups. Those figures related only to the elected members of the Legislative Council. When the appointed members were also taken into account, the conclusion was inescapable that the United Kingdom colonialists had striven to consolidate their position quite firmly even on that impotent body.

65. The Territory had a one-sided agrarian economy, mining being the only relatively large-scale industry. Less than 10 per cent of the land was being farmed although, according to the periodical *Asia and Africa Review* (vol. 3, No. 8, August 1963), a further 30 per cent would be cultivable after minor improvements. Yet another 32 per cent of the land could be used if drainage and other work was done. That would solve the problem of land hunger which was artificially created in Fiji by the maintenance of an obsolete system of land tenure. A solution must be found to that complex problem, for the longer it was postponed, the more complicated and confused the matter would become and the more friction it would cause between the two main communities in Fiji—the indigenous Fijians and the Fijians of Indian extraction, who were being exploited by the colonial authorities. The participation both of the indigenous Fijians and of the Fijians of Indian extraction must be enlisted in order to solve that problem as soon as possible. It must not be forgotten that 92 per cent of the Indians had been born in Fiji (*United Asia*, vol. 15, No. 10, October 1963); that they now accounted for almost half the total population and were the largest national community in the archipelago; and that, as the General Assembly had recommended, the way out of the situation that had arisen with regard to land tenure should be sought in political, economic and social co-operation between the two communities. Only an equitable solution of the agrarian problem would give the Fijian people new opportunities to develop the islands in the interests of the entire population and to combat the dominance of foreign companies and their exploitation of Fiji's natural resources and people.

66. The foreign monopolies were extracting riches from the Territory and were using it as a source of raw materials and cheap labour and as a market for their goods. Fiji was dominated by the Colonial Sugar Refining Company, the Colonial Pineapple Packing Company, the Copra Board and other foreign companies. Australian companies played a special role in Fiji. According to the *Pacific Islands Monthly* of June 1964, Australian corporations owned or operated at least 70 per cent of Fiji's trade and industry; Australia sold millions of pounds' worth of goods to Fiji annually, and bought virtually nothing from it. The Burns Philp Company, which was made up of some fifty large companies, had ships, hotels, stores and trading stations throughout Melanesia, including Fiji. The biggest Australian bank, the Bank of New South Wales, which financed trading agencies, insurance companies and firms in the Pacific, was also extending its operations into Melanesia, particularly New Guinea and Fiji. An article in the *Financial Times* of 28 February 1964 had described how the foreign companies took advantage of the weakness of the Fijian economy and how the system of land tenure drove the farmers into bondage to the Fiji Development Corporation.

67. In the light of those facts, it was impossible to believe statements to the effect that the Fijians had agreed to remain under colonial domination. Unfortunately the Committee could not hear the voice of the people of Fiji. They continued to be spoken for by the administering Power, which wanted to maintain its interests in the South Pacific. The United Kingdom colonialists were not alone in that endeavour. The colonial Powers with possessions in Melanesia and throughout the South Pacific cherished hopes that the movement of national liberation would not touch that part of the world, that the wind of change in the colonial world, which had left nothing but debris in the place of the colonial empires, would pass the Pacific by, and that they would succeed in preserving their interests. Those hopes were vain. Colonialism in Melanesia, including Fiji, was no different in nature than colonialism in Africa, Asia or Latin America. The colonial régime in Fiji was just as humiliating for the inhabitants of the archipelago as the colonial régimes had been for the inhabitants of the now independent African and Asian States. There could be no doubt that however small and scattered they might be, the peoples of the region, relying on the support of all freedom-loving peoples and on the assistance of the United Nations, would gain their freedom.

68. The Special Committee should note the fact that the administering Power had completely ignored the United Nations resolution on Fiji; it should reaffirm the recommendations it had made in 1963 and ask that they should be implemented; it should condemn the exploitation of Fiji's resources by foreign companies and draw the attention of the administering Power to the need to co-operate with the United Nations, in deed as well as in words, in implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples.

69. The representative of Poland said that his delegation had studied the working paper prepared by the Secretariat (see paragraphs 1-29 above) and had taken note of the statement made by the United Kingdom representative about developments in the Territory of Fiji. The political situation in the Territory had undergone little change during the past year, and the provisions of General Assembly resolution 1951

(XVIII) had not been carried out. There was nothing in the statement by the administering Power to indicate that the latter had taken or was planning to take steps to prepare the population of Fiji for the exercise of their right to self-determination and independence.

70. It was true that the composition of the Legislative Council and the Executive Council had changed; but instead of being introduced by means of new elections, that reform had been carried out under the Constitution of February 1963, which prevented the Fijians from exercising effective powers of internal self-government and was at variance with the Declaration on the Granting of Independence to Colonial Countries and Peoples. The composition of both the Legislative Council and the Executive Council continued to be based on race, and the Europeans were still in a privileged position. Although the number of official members of the Legislative Council had been reduced to ten, the Governor still had a docile majority in it, for of the eighteen non-official members six had been appointed by him to serve on the Executive Council and were pledged to support his policies, and four of the non-official members were nominated by him. As for the Executive Council, although the majority of its members were elected representatives, it continued to be purely advisory to the Governor, who decided all matters of policy.

71. With regard to the constitutional conference to be held early in 1965, the facts were that no representative institutions or political parties existed in the Territory, that the administering Power was trying to guide the Territory toward internal self-government while still preserving its links with the United Kingdom, and that the population had not been consulted either by a plebiscite or by any other democratic means concerning the kind of relationship it desired with the United Kingdom.

72. The representative of the administering Power had laid emphasis on the ethnic differences dividing the population of Fiji; but since 1874 the United Kingdom had done little to integrate the two main communities in the Territory—the Fijians and Indians. On the contrary, it had taken advantage of their differences to delay their political progress and, consequently, the fulfilment of the objectives of resolution 1514 (XV). The new system of membership in the Executive Council was based on the ethnic structure of the population and, as a result, could only further separate the various communities to the detriment of the development of a sense of national unity. Fiji could and should become a multiracial society, and the best way to achieve that objective was to grant Fiji its independence at the earliest possible date. He hoped, therefore, that the administering Power would soon grant the Territory a new constitution, drafted in consultation with the representatives of the population, under which free elections would be held on the basis of universal adult suffrage and would be followed by the transfer of powers to a democratically elected Government.

73. In the Polish delegation's view, the Special Committee should draw the attention of the General Assembly to the reluctance of the administering Power to discharge its responsibilities to the Territory of Fiji and, in particular, to take steps, as provided in resolution 1951 (XVIII), to implement without delay the Declaration on the Granting of Independence to Colonial Countries and Peoples. His delegation would support any proposal aimed at expressing the concern

of the Special Committee over the lack of co-operation shown by the administering Power and reaffirming the principles he had mentioned.

74. The representative of Chile, recalling that his delegation had voted for General Assembly resolution 1951 (XVIII), said that the membership system of government which had been introduced in Fiji on 1 July 1964 was far from being a form of ministerial government responsible to an elected parliament. He hoped that at the constitutional conference which was to be held in London early in 1965, the administering Power would give due regard to resolution 1951 (XVIII), by which it was invited to work out, together with the representatives of the people of Fiji, a new constitution providing for free elections conducted on the principle of "one man, one vote" and the creation of representative institutions.

75. In the economic field, his delegation noted with satisfaction that a five-year plan of economic development had been adopted recently. He hoped that it would have a favourable effect on the development and diversification of the economy of the Territory. The situation with regard to education and employment still left much to be desired, and the administering Power must redouble its efforts, so that no delay would hamper the harmonious political development of the Fijian people, who should be permitted to exercise their right of self-determination as soon as possible in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

76. The representative of Yugoslavia observed that yet another year had passed without the administering Power's taking really effective measures to carry out General Assembly resolution 1514 (XV) in the Territory of Fiji. The United Kingdom representative had assured the Special Committee that his Government had taken measures for the gradual introduction of internal self-government in the Territory, but that "self-government" was far from being the application of the right to self-determination provided for in resolution 1514 (XV), and only delayed the exercise of that right. All powers remained in the hands of the administering Power, instead of being transferred to the people without conditions or reservations and in accordance with their freely expressed desire.

77. The newly introduced membership system of government was entirely based on ethnic differences. Instead of stressing those differences, the administering Power should ensure, in co-operation with the people of Fiji, the political, economic and social integration of the various communities, in conformity with resolution 1951 (XVIII).

78. The Committee should invite the United Kingdom Government to take steps immediately to improve the economic, political and social situation in the Territory with a view to the earliest possible attainment of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, for the people of Fiji were perfectly capable of governing themselves and choosing their future in all dignity and sovereignty.

79. The representative of Australia said that the 172,000 Fijians who constituted the indigenous element of the Territory had possessed a well-defined social system before the arrival of the Europeans. They had remained proud and independent in spirit and wished to preserve their constitutional links with the United Kingdom. Of the non-indigenous people, the most

important group were the Indians, who numbered 205,000. They were emigrants who had been settled in the island for eighty years and had preserved their own ways of living and thinking, but had developed under the influence of forces outside their country of origin. Their home was now Fiji, where they lived side by side and in harmony with the indigenous people. In addition, there were 36,000 inhabitants of various origins and races.

80. Consequently, it was essential that those various groups should achieve some degree of cohesion before the aims set forth in resolution 1514 (XV) and 1951 (XVIII) could be attained. In that connexion, he recalled the statement made in 1963 (A/5446/Rev.1, chap. VII, para. 29) by the Australian representative, who had said that the primary task of the administering Power must be to promote common cultural, social and economic purposes among the people as a whole. Those purposes would stimulate political aspirations, which would be the aspirations of the majority of the people of both major groups, and those aspirations in their turn would lead to and determine the timing and outcome of the application of the principle of self-determination.

81. It was primarily a matter for the people of Fiji to find the solution to their problems; the administering Power could only assist and counsel and stimulate. The United Nations should not regard itself as a super-entity which always knew what was best for a particular people and could therefore apply pressure to drive them willy-nilly in a particular direction. In the case of Fiji, the United Nations might well ultimately destroy the things which the people of the Territory were seeking.

82. Although the constitutional development of Fiji still fell short of the recommendations of resolution 1514 (XV), it should nevertheless be acknowledged that political progress, economic advancement and social development were taking place in Fiji, that the Fijians enjoyed all the basic freedoms and that none need fear unjust laws.

83. In conclusion, as in 1963, the Australian delegation recommended that the Committee should call upon the administering Power and the representatives of the different elements in the Territory to hasten towards the emergence of a common view on the constitutional development of the Territory, so that further progress could be made in accordance with the wishes of the people towards the speedy attainment of the objectives of the Charter and of the relevant resolutions of the General Assembly.

84. The representative of Ethiopia noted with regret that the Special Committee would be unable to present to the General Assembly a positive report on the situation in Fiji, as had been envisaged at the time of the adoption of General Assembly resolution 1951 (XVIII). The conference to formulate a new constitution would not meet until 1965 and the introduction of a membership system of government in the preliminary constitutional arrangement was contrary to the spirit and letter of resolution 1514 (XV). The whole question of the membership of the Legislative and Executive Councils and of the constitutional framework should be resolved under the terms of those two resolutions, immediate steps being taken for the transfer of all powers to the people of the Territory in accordance with their freely expressed will and desire.

85. As the administering Power had taken no positive steps for the political, economic and social

integration of the various communities in Fiji, his delegation, in the interests of orderly and harmonious progress, would press for the adoption of a recommendation for the immediate implementation of operative paragraph 2 (c) of resolution 1951 (XVIII).

86. He hoped that the new five-year development plan would help to promote the economy, the diversification of which was another desirable objective. In the fields of labour, health and education, intensified efforts were needed to solve unemployment problems, to increase health and medical services, to train teachers and to provide additional educational institutions, scholarships and fellowships, so that the Territory would be self-sufficient in those respects. His delegation would support any draft resolution reflecting the views he had expressed.

87. The representative of Syria observed that political advancement in Fiji was not so encouraging as his delegation had expected; he hoped that the United Kingdom representative could give an assurance that the constitutional conference, which his Government had thus far failed to convene, would in fact take place early in 1965. In his statement (see paragraphs 32-38 above) that representative had spoken of the preservation of certain links with the United Kingdom—a statement which appeared to prejudice the results of the conference. If the links envisaged were similar to the free association of the people of Gibraltar with the United Kingdom, such a relationship might constitute an obstacle to independence. His delegation reserved its judgement on the political advancement of the Territory pending clarification of those points, but it considered that the Committee should take note of the encouraging innovations introduced in the 1963 elections, which, however, were not sufficient to satisfy fully the provisions of resolution 1951 (XVIII).

88. The introduction of the membership system of government, described by the United Kingdom representative as the "outstanding event on the constitutional front", was a disappointing step. The representative of Syria failed to understand why it should have taken three years to adopt a complicated and outmoded system, and why it should be so difficult to create modern democratic institutions based on universal suffrage which would help the Fijians to assume self-government and to prepare themselves for independence. A system under which the Executive Council would have little, if any, authority and the Governor would continue to decide all matters of policy did not inspire great confidence in the implementation of resolution 1514 (XV). While he would not comment in detail on the composition of the two Councils, it seemed that most of the members, elected or appointed, had a sense of loyalty to the Governor as the supreme authority in the Territory and were unable to act counter to his directives and wishes. He hoped that the United Kingdom representative would clarify the points raised by the representative of India at the 299th meeting (see paragraph 47 above) concerning the duties, powers and responsibilities of the elected members of the Executive Council, and he joined previous speakers in advocating the introduction of a cabinet system of government.

89. The administering Power could not absolve itself of its responsibility in the matter of racial division and should redouble its efforts to bring about genuine co-operation among all the people of Fiji, without which independence would be meaningless. The five-year development plan was a good beginning in the economic

field, and he hoped that it would be kept under constant review in order to keep pace with economic advancement. The future independent Government ought not to be handicapped by an unstable economy. He therefore urged the United Kingdom to be generous in granting unconditional financial and technical assistance to the Territory; in addition, the Secretary-General and the specialized agencies, in consultation with the administering Power, should render all possible economic, social and educational assistance.

90. His delegation considered that the Special Committee should reaffirm the provisions of resolution 1951 (XVIII) and call upon the United Kingdom to accelerate the political, social, economic and educational reforms which were essential to an independent Fiji.

91. The representative of the United Kingdom, replying to points raised during the debate, said that, although the elected members who were also members of the Executive Council had no executive control over departments, the latter had an obligation to carry out collective government policy as decided in the Executive Council, where there was a majority of elected non-official members.

92. Unemployment was not a serious problem in Fiji; where employment registers existed, the rate of unemployment was less than 1 per cent.

93. A great deal was being done to diversify the economy; 43 per cent of the total expenditure under the current development plan would be for economic development, including the doubling of copra production, the promotion of cocoa, fruit and vegetables as alternative crops, and a major expansion of the timber production industry. The tourist industry was expanding at the rate of 30 to 40 per cent annually.

94. Reference had been made to the question of discrimination between the different communities in education and the public services. The Public Services Commission was directed to preserve a racial balance in initial appointments, but promotion within the Civil Service, as in the police force, was solely on grounds of merit. It was the policy of the Fiji Government to encourage the development of multi-racial education, but the fact that the usual medium of instruction in the first four years of primary school was the children's mother tongue and that over one third of the schools were in areas where the population was predominantly of one race, inevitably limited the speed at which that policy could be implemented. The Government's training college, the youth movement and the sports associations were all multi-racial.

95. A number of speakers had referred to the necessity of expanding higher educational facilities. The Fijian School of Medicine provided a five-year course for medical officers, the Suva Technical Institute had over 1,000 students and offered a number of courses in technical and professional subjects, and plans for further expansion were being actively worked out. In the meantime, hundreds of students, including 146 holding government scholarships, were attending educational institutions abroad. At the primary and secondary levels, the proportion of children between the ages of six and fourteen attending school was between 80 and 90 per cent—a substantially higher figure than in many countries at a comparable stage of economic and social development.

96. The representative of India thanked the United Kingdom representative for the additional assurance given on the question of the unemployment problem in

Fiji. He had raised the question of unemployment because the Fiji Colony annual report for 1963 had suggested that the unemployment problem might be greater than was indicated by the numbers registering for work at labour exchanges. More than 54,000 persons had left school in the six years previous to 1963. A considerable proportion of them must, of necessity, seek paid employment. But in 1963, of about 2,000 registered as unemployed, employment for only 400 was available. This ratio, when taken for various years, would indicate the seriousness of the unemployment situation.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

97. At the 301st meeting on 4 November 1964, the representative of the United Republic of Tanzania introduced a draft resolution on Fiji (A/AC.109/L.162) jointly sponsored by Cambodia, Ethiopia, India, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, the United Republic of Tanganyika and Zanzibar, and Yugoslavia.

98. The representative of Mali said it was clear from the working paper (see paragraphs 1-29 above) and from the statement made by the representative of the administering Power (see paragraphs 32-38 above) that no political change of any moment had occurred in Fiji. General Assembly resolution 1951 (XVIII), which reproduced the terms of paragraph 5 of resolution 1514 (XV), had not been implemented.

99. Her delegation was somewhat concerned that the statement of the United Kingdom representative made no mention of any measures to grant the people of Fiji their right to self-determination and independence in the near future. The only reforms which had taken place, in connexion with the composition of the Legislative Council and the Executive Council, had been instituted, not as the result of elections, but by virtue of the undemocratic Constitution of 1963. The Governor remained the undisputed master, since he was assured of a majority in the Legislative Council, and the functions of the Executive Council were still purely advisory.

100. The delegation of Mali also regretted the stress placed by the United Kingdom on ethnic and racial differences, in both the Executive Council and the Legislative Council. After more than a century of United Kingdom colonization, one was led to conclude that the administering Power was apparently continuing to apply the principle of "divide and rule". Moreover, the principle of "one man, one vote" was not applied in Fiji, since the right to vote was subject to literacy qualifications. While recognizing that constitutional changes required discussions, her delegation considered the objective to be the immediate application to the Territory of the provisions of resolution 1514 (XV). The representative of Mali hoped, therefore, that the draft resolution, which simply reminded the United Kingdom of its obligations, would be adopted unanimously by the Committee.

101. The representative of the United Kingdom said that he would begin by replying to two questions put by the representative of Syria at the preceding meeting (see paragraphs 87 and 88 above). First, although no specific date had been fixed, the constitutional conference would definitely take place in the near future. Secondly, the question of a "continuing link" between Fiji and the United Kingdom was fully explained in part B, paragraph 109, of the

Special Committee's report to the General Assembly at the eighteenth session (A/5446/Rev.1, chap. VII).

102. With regard to the question raised by the representative of India at the same meeting, he wished to state that, according to the information available to his delegation, unemployment was not a serious problem in Fiji.

103. Turning to the draft resolution (A/AC.109/L.162), he noted with regret that, despite the information provided by his delegation concerning progress in the Territory, the draft resolution repeated almost word for word the text which had been adopted by the Committee in 1963 and had been incorporated by the General Assembly in its resolution 1951 (XVIII), and that it failed to take account either of the introduction of the membership system, although that represented a major move towards the transfer of power to the people, or of the decision to convene in the near future a constitutional conference which would enable the Territory to make further progress towards internal self-government. That was especially disappointing in view of the fact that the United Kingdom was constantly being urged to call constitutional conferences for its Territories.

104. There seemed, therefore, to be no justification for the language of the fourth preambular paragraph. The same was true of operative paragraph 2, sub-paragraphs (a) and (b), which took no account of the real situation or of the progress made. Moreover, sub-paragraph (a) prejudged the outcome of the constitutional conference, whereas it was for the people themselves to decide what constitutional arrangements they wanted. In attempting to influence the people of Fiji, the draft resolution seemed, therefore, to be in conflict with paragraph 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which recognized the right of peoples freely to determine their political status. With respect to sub-paragraph (c), it was unnecessary to repeat the request which had already been made in paragraph 2 (c) of resolution 1951 (XVIII) and which referred to a policy already being carried out in the Territory. Paragraph 3 also was unnecessary. The United Kingdom would continue, as in the past, to provide the Committee with all relevant information.

105. Because of the regrettable shortcomings in the draft resolution, his delegation would abstain when it was put to the vote.

106. The representative of the Ivory Coast noted with regret that one year after the adoption of General Assembly resolution 1951 (XVIII), the administering Power had taken no steps to implement it within the framework of resolution 1514 (XV). The recent constitutional changes were not, after all, such as could ensure the completely representative character of the Legislative and Executive Councils. His delegation hoped that those changes which, in spite of resolution 1951 (XVIII), had not followed the holding of new elections, would only be temporary and that the forthcoming conference would lead to the framing of a new constitution.

107. It was for those reasons that his delegation had co-sponsored the draft resolution before the Committee; it hoped that it would be adopted.

108. The representative of Denmark said that although his delegation would vote for the draft resolution, it would have preferred the fourth preambular paragraph to be more positively worded and to take

into account the constitutional progress that had already been achieved. Denmark was firmly opposed to all forms of racial discrimination but believed that the membership system, despite the criticisms that had been levelled against it, had the unanimous support of the people of Fiji and marked some progress towards a fully democratic constitution.

109. The representative of Venezuela said that his delegation would vote for the draft resolution, which, however, called for a few observations. First, it might have been better to say in the fourth preambular paragraph that the administering Power "has still not taken all effective steps to implement resolution 1951 (XVIII)", as the administering Power had in fact tried to find solutions. Secondly, operative paragraph 4 requested the Secretary-General to provide economic, financial and technical assistance to the Territory, but it might be asked whether the Secretary-General could on his own initiative provide such assistance, which, it would seem, must first be requested by the Member State concerned. As, moreover, such assistance would have budgetary and administrative implications, the Secretariat should be asked whether the Committee had the power to request the Secretary-General to allocate funds from the United Nations budget.

110. He requested a separate vote on operative paragraph 4 because he did not wish to take a decision on it without having all the necessary information.

111. At the 302nd meeting on 5 November 1964, the Special Committee adopted operative paragraph 4 of the draft resolution by a vote of 20 to none, with 4 abstentions.

112. The whole of the draft resolution (A/AC.109/L.162) was adopted by a vote of 21 to none, with 3 abstentions.

113. The representative of Italy said that although his delegation had voted for the draft resolution, it wished to express reservations in regard to the fourth preambular paragraph, which failed to take recent constitutional developments and the forthcoming constitutional conference into account. He recalled that Italy had abstained in the vote on resolution 1951 (XVIII), as well as in the vote on the resolution adopted by the Special Committee in 1963, for reasons which were still valid.

114. The representative of the United States of America said that his delegation had abstained because the resolution did not take into account two developments reported by the United Kingdom, namely, the introduction of the membership system and the announcement of a forthcoming constitutional conference, both of which were significant steps in the political advancement of the Territory.

115. The representative of Australia said that his delegation had abstained because the resolution did not recognize the most important facts of the existing situation. As he had said at the 300th meeting (see paragraphs 79-83 above), the solution of the problem of Fiji depended in the first place on the extent to which the whole population succeeded in reaching agreement on common cultural, social and economic aims. Such aims would stimulate political aspirations, which in turn would determine the timing and outcome of the application of the principle of self-determination. Whatever assistance the administering Power and the United Nations might be able to give the people of Fiji, it was for the Fijians themselves to resolve their problems without being pushed willy-nilly in any

particular direction. The constitutional conference which was to take place in London early in 1965 would be particularly important, and it was only on the basis of the discussions and decisions which would then emerge that the future course of the people of Fiji could be determined.

116. The representative of Venezuela pointed out that his delegation had abstained only because it did not have all the necessary information.

117. At the 303rd meeting of the Special Committee, the Under-Secretary for Trusteeship and Non-Self-Governing Territories replied to the question of the representative of Venezuela concerning the implications of paragraph 4 of draft resolution A/AC.109/L.162. He stated that he wished to point out, first, that requests for technical assistance to a Territory normally emanated from the Government or the administering Power in charge of the Territory. The Secretary-General did not establish programmes of technical co-operation without a prior request or without the consent and active co-operation of the Governments concerned. Secondly, under the existing procedures, projects were established in the light of the priorities expressed by requesting Governments. Thirdly, when the United Nations received requests in the proper form and funds were available, such requests, like those for other countries, were accommodated, provided that they fell within a field in which the United Nations was active.

118. The Secretary-General would therefore interpret the Special Committee's resolution in accordance with the existing procedures and within the limits of the funds at his disposal. If the assistance envisaged in the resolution called for large outlays of a special nature, that would necessitate the provision of additional sums by the General Assembly to the Secretary-General for the purpose. A final point was that requests for technical assistance in the fields of competence of the specialized agencies should be submitted directly to those agencies through the Resident Representative.

119. The resolution on Fiji (A/AC.109/105) adopted by the Special Committee at its 302nd meeting, on 5 November 1964, reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962, 1951 (XVIII) of 11 December 1963 and 1956 (XVIII) of 11 December 1963.

"Having considered the question of Fiji,

"Having heard the statements of the administering Power,

"Noting with regret that the administering Power has still not taken effective steps to implement General Assembly resolution 1951 (XVIII),

"1. Reaffirms the inalienable right of the people of Fiji to self-determination and national independence in conformity with the provisions of General Assembly resolution 1514 (XV);

"2. Requests the administering Power to implement without further delay the provisions of the General Assembly resolutions, and in particular

operative paragraph 2 of the resolution 1951 (XVIII), which invites the administering Power:

“(a) To work out, together with the representatives of the people of Fiji, a new constitution providing for free elections conducted on the principle of “one man, one vote” and the creation of representative institutions;

“(b) To take immediate steps for the transfer of all power to the people of the Territory, in accordance with their freely expressed will and desire and without any conditions or reservations;

“(c) To endeavour, with the co-operation of the people of Fiji, to achieve the political, economic and social integration of the various communities’;

“3. *Further requests* the administering Power to report to the Special Committee and the General Assembly on the implementation of this resolution;

“4. *Requests* the Secretary-General to provide economic, financial and technical assistance commensurate with the urgent and special needs of the Territory through the United Nations programmes of technical co-operation and the specialized agencies.”

CHAPTER XIV

MAURITIUS, SEYCHELLES AND ST. HELENA

A. INFORMATION ON THE TERRITORIES

1. *Mauritius*

Introduction

1. Mauritius, an island of volcanic origin, lies in the Indian Ocean about 500 miles east of Madagascar. It has an area of 720 square miles (1,865 square kilometres), excluding its four dependencies, which have an aggregate area of 89 square miles (231 square kilometres). The northern part of Mauritius is a flat plain rising to a fertile central plateau. Bordering the plateau are three main mountain ranges with rocky peaks, the highest of which is 2,711 feet (831 metres). There are many short, swift rivers with waterfalls, some of them used to generate hydro-electric power.

2. At 30 June 1962, the date of the latest census, the population of Mauritius totalled 680,305 bringing population density to an average of 945 per square mile. Over-population and the continued high rate of population increase are a major problem on the island. Approximately 67 per cent of the population is Indo-Mauritian; 29 per cent is referred to as the “general population”, consisting of a mixed population of French and African origin, and Europeans (approximately 10,000) mainly of French origin; and 4 per cent is Sino-Mauritian or Chinese.

3. Port Louis, with an estimated population of 89,900 in December 1960, is the capital of Mauritius. Other main towns are Curepipe, Beau Bassin/Rose Hill, and Quatre Bornes.

4. The most important of the dependencies is Rodrigues, a mountainous island of volcanic origin with an estimated population of 17,467 inhabitants, situated 350 miles to the east of Mauritius. The other three dependencies, which had a total estimated population of 1,900 in 1960, are the Chagos Archipelago, 1,180 miles north-east of Mauritius, Agalega, 580 miles north of Mauritius, and Cargados Carajos, 250 miles north of Mauritius.

Status

5. Mauritius is a Colony and has been under British control since 1810. The Island of Mauritius was reportedly first settled in 1638, when a small Dutch settlement was established. The settlement was abandoned in 1710 and France claimed the island in 1715, introducing a new settlement beginning in 1722. Mauritius was later captured by a British expedition in 1810.

6. A Council of Government was first established in the Territory in 1825, and in 1886 the first Legislative Council with elected members was established.

Constitution

7. The present Constitution of Mauritius, set out in the Mauritius (Constitution) Orders in Council 1958 to 1962, embodies the first of two stages of constitutional change proposed by the Secretary of State for the Colonies at a conference held in London during June and July 1961 (see paragraphs 20-28 below). Its main provisions are set out below.

8. *Governor*. The Governor is the Queen's representative and the formal head of the Government. Except as otherwise specifically provided, he is required to seek and act on the advice of the Executive Council. His assent is required for laws passed by the Legislative Council.

9. *Executive Council*. The Executive Council, presided over by the Governor, consists of thirteen ministers: the Chief Minister, who is the leader of the majority party in the Legislative Council, nine other ministers appointed by the Governor from the elected or nominated members of the Legislative Council; and three *ex officio* ministers (Chief Secretary, Attorney-General and Financial Secretary). In the present Executive Council, all ministers except the Chief Secretary and the Financial Secretary are Mauritians. Six of the appointed ministers, including the Chief Minister, are members of the Labour Party, two are members of the Muslim Committee Action, one is a member of the Independent Forward Bloc and one is a nominated member of the Legislative Council. The ministers are responsible for the administration of specified departments or subjects and accept the rules of collective responsibility.

10. The Executive Council is the principal instrument of policy in the Territory, being responsible for the direction and control of the Government. Except in specified matters, including external affairs, defence, internal security and public service appointments, the Governor is required to consult the Council and normally to act in accordance with its advice. He is authorized to act against the advice of the Executive Council if he has obtained the prior approval of the United Kingdom Secretary of State for the Colonies, or in cases of urgent necessity, provided he reports his action to the Secretary of State.

11. *Legislative Council*. The Legislative Council is composed of a Speaker appointed by the Governor from

outside the Council and fifty-five members, of whom forty are elected by universal adult suffrage, three are *ex officio* (Chief Secretary, Attorney-General and Financial Secretary), and twelve, the maximum allowed under the Constitution, are nominated by the Governor. The normal life of the Legislative Council is five years.

12. The Legislative Council has power to legislate for all aspects of the internal affairs of the Territory, including its budget and taxation, subject to the proviso that the Council may not proceed on any Bill imposing or increasing a tax or increasing expenditure from revenue or other territorial funds except on the recommendation of the Governor or with his consent. All laws passed by the Legislative Council are subject to the assent of the Governor. The Governor's assent to certain types of bills is subject to his receipt of prior instructions from the Secretary of State for the Colonies, or, in cases of urgent necessity, subject to report to the Secretary of State. Such bills include those affecting the currency of the Territory, those imposing differential duties, those affecting the control of naval, military or air forces, those inconsistent with United Kingdom treaty obligations, and those of an extraordinary nature and import which might prejudice United Kingdom prerogatives, the property rights of British subjects not residing in the Territory, or trade, transport or communications of any part of the dominions or any territory under United Kingdom protection. The Governor, if he considers it expedient in the interest of public order, public faith or good government, may declare in effect a bill or motion introduced in the Legislative Council if it fails to pass or be carried; he is required in such cases to report to the Secretary of State, and to forward any objection to his action made by any member of the Legislature. Any law or motion thus declared in effect by the Governor is subject to revocation by the Secretary of State. Any law passed by the Legislative Council and assented to by the Governor is subject to disallowance by Her Majesty acting through a Secretary of State.

Electoral system

13. Universal adult suffrage was introduced under the 1958 Constitution. The forty elective members of the Legislative Council are elected in single-member constituencies, the candidate polling the largest number of votes winning the seat. Elections are normally held every five years.

14. New elections were held in October 1963, after the dissolution of the old Legislative Council by the Governor (see paragraph 30 below). The results of these elections were as follows:

		Previous membership of the Legislative Council
Mauritius Labour Party.....	19	23
Parti Mauricien	8	3
Independent Forward Bloc.....	7	6
Muslim Committee of Action.....	4	5
Independents	2	1
Trade Unionists	—	2
TOTAL	40	40

Judiciary

15. The laws of Mauritius are mainly based on old French codes (Civil Code, the Penal Code, the Code of Commerce and the Code of Civil Procedure).

However, a number of more recent laws are based on English precedents, such as the Bankruptcy Law, the Company Law, the Law of Evidence, the Law of Criminal Procedure and the Labour Laws. The highest judicial authority is the Supreme Court, which has similar powers, authority and jurisdiction as the High Court of Justice in England. It consists of a Chief Justice and three puisne judges. Appeals lie to the Court of Criminal Appeal (which is constituted by three of the judges of the Supreme Court) and in certain cases to the Privy Council in England.

16. There is an Intermediate Criminal Court consisting of three senior magistrates, which has jurisdiction to try criminal cases and power to impose sentences of up to five years of penal servitude. In addition, there are eleven magistrates who preside over the several district courts which deal with less serious offences.

17. All the judges and all the magistrates are of local origin.

Public Service

18. Appointments to the Public Service are made by the Governor at his discretion. He is advised by a Public Service Commission, but is not bound by its advice. At the end of 1962, there were 66 pensionable overseas officers in the Public Service, comprising 19 local officers who were members of the Overseas Civil Service, and 47 other officers. Non-pensionable overseas officers numbered 31, and local and other officers totalled 338. Non-overseas local and other officers of all categories, excluding daily-paid staff, numbered 10,585.

Local government

19. There is a well-established system of local government in Mauritius. The capital is a municipality with a wholly elected membership of sixteen. In the three other main towns, there are town councils with a majority of elected members. The franchise for municipal and town council elections is on the basis of universal adult suffrage, and certain taxpayers' qualifications. Rural local government is based on village councils consisting of 7 to 9 elected members with 3 members appointed by the Governor. There are more than 100 village councils, which undertake such functions as road repairs, construction of bridges and markets, improvement of water supplies, etc., with funds provided by the central Government. District councils co-ordinate and supervise the work of village councils in their area. These consist of 15 members, including 10 chairmen of village councils elected by and from village councils in the district, and 5 persons appointed by the Governor. In 1962, government servants ceased to be members of village councils while the civil commissioners changed their role from member of district councils to that of adviser. Local government elections were held in the Territory in December 1963.

Recent political and constitutional developments

20. A two-stage plan for the constitutional advance of Mauritius towards full internal self-government was proposed by the United Kingdom Secretary of State for the Colonies at a Conference held in London from 26 June to 7 July 1961. The Conference was attended by the main political parties in the Territory, namely, the Mauritius Labour Party, the Independent Forward Bloc, the Muslim Committee of Action, and the Parti

Mauricien, as well as by two independent nominated members of the Mauritius Legislative Council.

21. According to the first stage of the plan, which was brought into effect in 1961 and 1962, the leader of the majority party in the Legislature would have the title of Chief Minister. He would be consulted by the Governor on such matters as the appointment and removal of ministers, the allocation of portfolios, and the summoning, proroguing and dissolution of the Legislative Council. While not in general bound to accept the Chief Minister's advice, the Governor would act on his advice in the appointment or removal of ministers belonging to the Chief Minister's party. The number of unofficial ministers in the Executive Council would be increased to ten, and the Colonial Secretary would be re-styled Chief Secretary.

22. Under the proposed second stage, the Executive Council would be called the Council of Ministers, and the Chief Minister would be given the title of Premier. The Chief Secretary would be the only official member of the Council; he would also become Minister for Home Affairs and an unofficial Deputy Minister for Home Affairs would be appointed. Provision would be made for the post of Attorney-General to be filled by either an official or unofficial minister. If the former, while ceasing to be a member of the Council, he would be available to attend meetings as an adviser. If the post were filled by an unofficial minister, a new official post of Director of Public Prosecutions would be created, with sole responsibility for the initiation, conduct and discontinuance of prosecutions.

23. The Legislature, to be renamed the Legislative Assembly, would contain forty elected members as before, but the maximum number of nominated members would be increased from twelve to fifteen; it was contemplated that two or three of these appointments should be held in reserve. The Financial Secretary and, if an official, the Attorney-General, would cease to be members of the Legislative Assembly.

24. The Speaker would be elected by the Legislative Assembly from among its members rather than appointed by the Governor from outside of the Legislature as at present. Provision for the election of the Speaker was not to become effective until the retirement of the present Speaker, who is not required to vacate his office by reason of the dissolution of the Legislature.

25. In the second stage of the plan, the existing Public Service and Police Service Commissions and a proposed Judicial and Legal Service Commission would remain advisory to the Governor, who would, however, be required to consult the Premier in respect of the appointment of the senior administrative officer in a ministry and heads of departments. Later, during the life of the Legislative Assembly following the next general election, the commissions would become executive. At that time, while the Governor would continue to appoint the chairman and members of each commission in his discretion, he would be required to consult the Premier in respect of these appointments.

26. Under the constitutional proposals, external affairs, defence and internal security would remain within the responsibility of the Governor, but he would consult with the Premier on these matters. Operational control of the police and special forces would continue to be the responsibility of the Commissioner of Police under the authority of the Governor. The proposed constitution would also include provision for safeguarding human rights and fundamental freedoms and

for the redress of infringements of these rights and freedoms in the courts.

27. According to a communiqué issued at the end of the Conference, the proposals were unacceptable to the Independent Forward Bloc and the *Parti Mauricien*. The Mauritius Labour Party considered that the proposals did not provide the measure of advance which they were fully justified in claiming, and the Muslim Committee of Action did not consider that they adequately safeguarded the interests of the Moslem community. These two parties nevertheless reluctantly accepted the proposals as a compromise. The communiqué stated that the Secretary of State for the Colonies had informed the Conference that, while it was clear that unanimous agreement could not be reached, in his view a sufficient measure of acceptance had been indicated to justify his recommending the adoption of his proposals.

28. The second stage of the plan was to be implemented after the next general elections, if the constitutional proposals were then approved by the new Legislative Council and recommended to the Secretary of State for the Colonies by the Chief Minister. The new Legislative Assembly was to meet on 3 March 1964.

29. In July 1963, the Chief Minister, Dr. S. Ramgoolam, stated that his country should achieve independence by the middle of 1964.

30. On 14 September 1963, the Legislative Council which had been in existence since 1959, was dissolved by the Governor. In the elections which took place on 21 October 1963, the Labour Party headed by Dr. Ramgoolam was returned to power as the party receiving the highest percentage of votes. It was supported in the Council by the Muslim Committee of Action.

Political parties

31. The main political parties in the Territory are now the Mauritius Labour Party, whose leader, Dr. S. Ramgoolam, is the Chief Minister; the *Parti Mauricien*, headed by Mr. J. Koenig; the Independent Forward Bloc, under the leadership of Mr. S. Bissoon-doyal; and the Muslim Committee of Action, headed by Mr. A. R. Mohamed. Two other parties which had contested seats in the 1959 general elections are the Trade Unionist Party and the Independent Labour Party.

Economic conditions

32. The sugar industry dominates the whole economy of Mauritius. Sugar cane covers 90 per cent of the total area under cultivation and the yield represents 96 per cent of all arable production and accounts for about 97 per cent of the Territory's exports. The Territory is dependent on imports for most of its local food requirements, although some maize, vegetables and fruit, livestock, fish, tobacco and tea are produced locally, tea yielding a small surplus for export. Aloe fibre for making sacks is also produced. Mauritius is completely lacking in mineral resources. Its main industries are the processing of local crops, namely, cane-milling factories, alcohol distilleries, tea, fibre and sack factories. There are also small manufacturing enterprises producing wine, oil and soap, cigarettes, aerated beverages, dairy produce, salt, lime and bricks, and various small trades, including printing, tanneries and mechanical and electrical workshops. Efforts are being made to develop a tourist industry.

33. Domestic exports amount to about Rs.300 million¹ a year. Imports, valued at over Rs.286 million in 1959, rose to over Rs.331 million in 1960 and to over Rs.323 and Rs.322 million in 1961 and 1962, respectively, establishing a recurrent unfavourable balance of trade in recent years. Over 90 per cent of the Territory's exports go to the United Kingdom and other preferential tariff countries, more than 80 per cent to the United Kingdom alone. About 70 per cent of the Territory's imports come from the United Kingdom and other preferential tariff countries, the percentage of imports from the United Kingdom itself having been reduced from 36.9 per cent in 1959 to 29.9 per cent in 1962.

34. The Territory has enjoyed relative prosperity since the Second World War, owing largely to increased sugar production and favourable prices under the Commonwealth Sugar Agreement, which runs to the end of 1968. From 1953 to 1961 the gross national product increased by 24.6 per cent, from Rs.566 million to Rs.705 million, though temporary setbacks have been experienced. In 1960, two cyclones inflicted severe damage on the island. Sugar production fell from a record high of 580,372 metric tons in 1959 to 235,578 metric tons in 1960, resulting in a reduction of exports to Rs.184,985,942 and a drop in the gross national product to Rs.559 million. Another cyclone which struck the island in February 1962 reduced the sugar crop from an estimated record high of 650,000 metric tons to 532,000 metric tons.

35. Ordinary recurrent revenue of the Territory, derived mainly from import, excise and export duties and income tax, increased from Rs.15.6 million in 1938/39 to Rs.55 million in 1949/50 and Rs.154.5 million in 1961/62. Recurrent expenditure for the same years amounted to Rs.16.4 million, Rs.50 million and Rs.156 million, respectively. For the financial years 1960/61 and 1961/62, capital revenue amounted to almost Rs.36 million and Rs.39 million respectively for the two years. The bulk of the capital revenue for the two years combined was derived from loans (Rs.24.5 million), transfers from the recurrent budget (Rs.19.5 million), grants (Rs.16.1 million) and capital receipts connected with Colonial Development and Welfare schemes (about Rs.12.9 million). At 30 June 1962, the Territory had a public debt of Rs.152,150,916, of which Rs.18,667,283 was covered by an accumulated sinking fund.

36. A five-year development programme for the period 1957-1962, initially estimated to cost some Rs.210,252,000, had to be wound up because of the cyclone damage to the Territory in 1960, and a new five-year programme was formulated covering the period 1960-1965. The new development programme places emphasis on cyclone repair and reconstruction and the construction of cyclone-proof houses, as well as some measure of diversification of the economy by the encouragement of secondary industries. Projected sources for financing the programme, to a total of Rs.326.9 million are: local resources (Rs.158.5 million); loans and grants from the United Kingdom for a low-cost cyclone housing programme (Rs.72.2 million); other loans and grants from the United Kingdom Colonial Services Vote and Colonial Development and Welfare funds (Rs.45.9 million); external sources (Rs.50 million); and miscellaneous grants (Rs.0.3 million).

37. A loan of \$7 million was granted to Mauritius by the International Bank for Reconstruction and Development (IBRD) in September 1963. The loan was to be used to finance the construction of a 12,000-kilowatt diesel power station at Port Louis and an expansion and improvement of the transmission and distribution system, thus increasing the Territory's public power supplies by nearly one third.

Social conditions

38. *Labour.* The main labour force in Mauritius is made up of the sugar plantation workers, whose number reaches its maximum from July to December during the harvest season. Approximately 67,000 workers were employed on the plantations in September 1962. There were at the end of June 1962, 69 trade unions consisting of 32 associations of employees in private employment, 24 of government servants, 11 of employers and 2 registered federations. The membership of the Plantation Workers' Union then stood at 13,956 and that of the Agricultural Workers' Union at 4,596.

39. The Ministry of Labour and Social Security is responsible for implementing labour laws and for advising on all matters involving the rights and welfare of workers. Through its Employment Service Division, the Ministry registers unemployed workers, provides information on employment opportunities and a full placing service, collects and analyses statistics, in co-ordination with the Central Statistical Office, relating to employment information, and promotes vocational training schemes. The Ministry prosecutes labour law breakers before the Industrial Court. Labour laws are kept constantly under review to give effect to International Labour Conventions which have been applied to the Territory.

40. *Public health.* Medical and health services, which until April 1962 had been administered by a Director of Medical Services, are now the responsibility of the Ministry of Health and Reform Institutions. There were eight general hospitals (1,566 beds) and 42 dispensaries (32 of which were in the rural areas) run by the Government in 1962, while private institutions included 25 sugar estate hospitals (500 beds), 18 dispensaries and 5 nursing homes and clinics (89 beds). In addition, the Government provided or subsidized the following facilities: 9 maternity and child welfare centres, 18 social welfare centres, a mental hospital, an emergency tuberculosis hospital, a leprosarium, a chest clinic, 7 maternity wards in hospitals as well as 10 mobile clinics for medical, dental and ante-natal care. Medical and health staff in the Territory were as follows:

	Government	Private
Registered medical practitioners.....	98	64
Dentists	6	25
Nurses of senior training.....	11	—
Nurses in hospitals.....	259	—
Dressers in hospitals.....	287	—
Midwives	74	—
Sanitary inspectors	64	—
X-ray technicians	14	—
Pharmacists	3	51

41. Assistance by the World Health Organization (WHO) is provided for the eradication of malaria and tuberculosis from the Territory. In 1962, 226 cases of malaria were reported, none of which was mortal (in 1945 there were 3,534 deaths). There were sixty-four deaths from tuberculosis in 1962, compared with

¹ One Mauritius rupee is equivalent to 1s.6d. sterling; 1 million rupees to £70,000 sterling.

seventy-five in 1961 and ninety-three in 1960. The normal death rate in the Territory is .93 per cent. Infant mortality is 6 per cent. Government expenditure on medical and health services in the financial year 1961/62 was Rs.17,426,996 or 11.17 per cent of the Territory's budget.

Educational conditions

42. The primary school age population in the Territory has been estimated at 137,000, out of a total population of about 700,000. The educational system provides for a primary course of six years, and the number of children attending primary schools in 1962 was 125,667, of whom 22,942 were in Standard VI, the final year of primary schooling.

43. Secondary education is almost exclusively of the grammar school type, leading to university courses. Secondary schools offer either a five-year course leading to the Cambridge School Certificate or a seven-year course up to the Cambridge Higher School Certificate level. The four government secondary schools can meet only part of the demand. In October 1962, there were 1,750 pupils in these schools. (The previous year the number of applications for admission was seven times the number of places available.) A number of private schools—offering either the five-year or the seven-year course—are subsidized and are known as "approved secondary schools". They numbered thirteen in 1962 and had an enrolment of 4,688. The number of unaided secondary schools was eighty-eight, with an enrolment of 20,423 during the same year.

44. In addition to the "academic" education provided by the schools referred to above, the Technical Institute offers technical and commercial courses of three or five years' duration and had an enrolment of 147 in 1961. The government central schools, one for boys and one for girls, provide a three-year course in ordinary academic subjects, with a bias for practical subjects such as woodwork and metal-work for boys and domestic science for girls. There were eighty boys and seventy-eight girls on roll in 1961. There was a total enrolment of 319 in these three institutions in 1962. In the same year, 575 students were in the Teachers' Training College.

45. The institution for higher education in the Territory is the College of Agriculture where sixty-seven boys were enrolled in 1961.

46. The Government of Mauritius awards annually six scholarships to Form VI students (four boys and two girls) for university education in the United Kingdom or other approved countries. In addition, twenty awards were made by Commonwealth countries under the Commonwealth Scholarship Plan.

47. Under the Education (Amendment) Ordinance 1960, the progress and development of the educational system of the Territory is the direct responsibility of the Minister of Education and Cultural Affairs. Expenditure on education during the financial year 1961/62 amounted to Rs.23.53 million, of which Rs.20.66 million was recurrent and Rs.2.87 million was capital expenditure. Recurrent expenditure represented nearly 14 per cent of total government expenditure of a recurrent nature.

2. Seychelles

Introduction

48. The Territory of the Seychelles comprises some ninety-two islands situated in the Indian Ocean, approximately 1,000 miles (1,600 kilometres) east of

the Kenya coast. Thirty-two of the islands are granite and the rest coral. The total area of the islands is about 156 square miles (404 square kilometres), including the Aldabra lagoon, which measures over 50 square miles (129 square kilometres). The granite islands, which have a total area of 103 square miles (267 square kilometres), are predominantly mountainous. They form a fairly compact group, none being more than 35 miles from Mahé, the principal island. Mahé covers an area of 55 square miles (142 square kilometres). The other important granite islands are Praslin and La Digue. The outlying coral islands, situated at distances varying between 60 and 612 miles from Mahé, are flat, elevated coral reefs at different stages of formation. They have no permanent inhabitants.

49. The population of Seychelles at the time of the last census, in 1960, numbered 41,425, of whom 40,594 were native-born Seychellois and 831 were foreign-born. It was estimated that the population had increased to 43,748 at 30 June 1962. The population comprises descendants of the early French settlers, Africans, persons of mixed race, and a small number of Indians, Chinese and Europeans. Nearly nine-tenths of the total population lives on Mahé. The capital, Victoria, with a population of over 10,000, is the only important town.

Status

50. In 1810, the British took possession of the Seychelles from France, which had occupied them since 1768. The Seychelles were incorporated as a dependency of Mauritius from 1810 to 1903, when the Territory became a separate Crown Colony.

Constitution

51. The Constitution of the Seychelles is contained in the Seychelles Letters Patent, 1948 and 1955, and the Seychelles (Legislative Council) Order in Council, 1960. The main provisions of the Constitution are set out below.

52. *Governor.* The Governor is head of the administration of the Territory. In the exercise of his powers he is advised by and is required to act in accordance with the advice of the Executive Council, except in specified circumstances. His assent is required for laws passed by the Legislative Council.

53. *Executive Council.* The Executive Council, under the chairmanship of the Governor, is composed of four official members (Colonial Secretary, Attorney-General, Administrative Secretary, and Treasurer) and such other persons, at least one of whom must be a non-official, as the Governor may appoint. The present Executive Council consists, apart from the *ex officio* members, of four non-official members, of whom three are elected members of the Legislative Council and one is a nominated member. The non-official members are Seychellois.

54. The Executive Council is the principal executive organ in regard to all matters affecting the internal government of the Territory. In such matters the Governor acts on the advice of the Executive Council, but he may act against it in specified circumstances. Administration is the responsibility of the *ex officio* members of the Council who control the various departments such as the police, education, labour and welfare, public works, etc.

55. *Legislative Council.* Under the Seychelles (Legislative Council) Order in Council, 1960, the Legislative Council is composed of the Governor as President, four *ex officio* members, five elected members, and three nominated members, at least one of whom must not be a public officer. Of the three members nominated by the Governor to serve in the Legislative Council formed in 1960, two were civil servants, and one a non-official. The 1960 legislation increased by one the number of elective members, which had been fixed at four between 1948 and 1960. The Legislative Council's life was recently increased from three to four years.

56. The Legislative Council is empowered to enact ordinance for the peace, order and good government of the Territory. All ordinances require the assent of the Governor. Reserve power to declare a bill or motion in effect, if it fails to be passed in the Legislative Council, may be exercised by the Governor, who is required in that event to report his action to the Secretary of State for the Colonies. The Queen, through a Secretary of State, reserves the authority to disallow any law assented to by the Governor, and the Queen in Council retains general reserve powers to make laws for the Seychelles.

Electoral system

57. Five members of the Legislative Council are elected every four years by adult suffrage, subject to a small property and literacy qualification. In elections held in 1960, four of the members elected to the Legislative Council represented the Taxpayers and Producers' Association and one was an independent. Elections for five members of the Legislative Council were held in 1963. For the first time in the history of the Territory, they were contested on party lines, with four candidates supported by the Taxpayers and Producers' Association, four supported by the Seychelles Peoples United Party and one candidate supported by both sides.

Judiciary

58. There is a Supreme Court in the Territory, presided over by the Chief Justice, with full civil and criminal jurisdiction. In addition, there is a magistrates' court, which has civil and criminal jurisdiction in respect of less serious offences. Appeal in civil cases lies to the Supreme Court of Mauritius, and in criminal cases to the East African Court of Appeal. The legal system in the Territory is based on the Napoleonic Code, as amended from time to time by local ordinance.

Public Service

59. Officers in the Public Service are appointed by the Governor. At the end of 1962, there were thirteen pensionable officers in the overseas public service, of whom eight were Europeans, three were Mauritians and two were Asians; and 29 non-pensionable overseas officers, all of whom were Europeans. There were also 44 other local officers in the Public Service, and a total of approximately 1,734 local officers employed by the Administration.

Local government

60. There are two elected district councils in the Territory, *viz.*, the Victoria District Council and the Praslin District Council, the latter covering the Island of Praslin and five other islands. These councils perform such functions as maintenance of roads and markets, and raise revenue from property on taxes

and fees. There are local boards in North Mahé and South Mahé, La Digue and Silhouette. Members of these boards are appointed by the Governor and their powers are more restricted. A local government board is responsible for supervising the work of the Victoria and Praslin District Councils and acts as adviser to the local boards.

Political parties

61. The Taxpayers and Producers' Association was, until recently, the only political party in the Seychelles. In its election manifesto, issued in 1963, it is reported to have called for internal self-government, with defence and foreign affairs reserved to the United Kingdom; the abolition of the post of Governor; the reform of various government departments; the withdrawal of privileges for expatriate civil servants and the filling of civil service posts as far as possible by Seychellois.

62. The United Party was formed in April 1963. Its President is Mr. R. Jumeau. The manifesto of the Party has called for equal pay, no discrimination, development of education and the co-operative movement, and the promotion of higher living standards. The Party strongly opposed the Taxpayers Association manifesto.

Economic conditions

63. The economy of the Territory is agricultural. Most of the cultivated land is under coconuts, and the price of copra, the principal export, is the most important economic factor governing the life of the Territory. The Territory also produces cinnamon and vanilla, while the cultivation of tea and coffee has recently been introduced. The average *per capita* income has been estimated at a little over £30 a year.

64. From 1959 to 1961, despite an increase in copra production from 4,570 to 4,885 metric tons, the value of exports fell from Rs.7.9 million² to Rs.6.6 million owing to a drop in the price of copra. Exports recovered to a value of Rs.7.3 million in 1962. Imports have risen progressively from Rs.9.2 million in 1959 to Rs.12.7 million in 1962. Food is the main import item, representing 43.4 per cent of total imports in 1962. Commonwealth countries, in particular India and the United Kingdom, are the principal trading sources, normally accounting for over 80 per cent of both imports and exports.

65. From 1948 to 1957, recurrent annual expenditure exceeded territorial revenue, and in 1958 the United Kingdom began subsidizing expenditure by grants-in-aid. From 1958 to 1961, expenditure rose from Rs.5.3 million to Rs.7 million and territorial revenue declined from Rs.5.7 million to Rs.5.4 million. During those years, the United Kingdom contribution increased proportionately from 14.32 per cent of the total ordinary expenditure in 1958 to 20 per cent in 1961.

66. Development plans in the Territory have provided, *inter alia*, for the development of educational and health facilities, agriculture, water supplies, and for reafforestation, roads, electricity, and the promotion of tourism. The Territory has no natural resources other than agriculture and its potential as a vacation area. A site for the Territory's first aerodrome was surveyed in 1962. Development plan expenditure from 1947 to 1960 totalled Rs.15,330,100, of which Rs.-

² One Seychellois rupee is equivalent to 1s.6d.; 1 million rupees to £70,000.

13,443,015 was financed from grants by the United Kingdom under a Colonial Development and Welfare scheme, and Rs.1,887,085 from territorial funds.

Social conditions

67. *Labour.* According to the census of 1960, only 14 per cent of the working population is engaged in agriculture and fishing, although these are practically the only sources of wealth of the Territory. The other main occupations are crafts, public works, domestic service, trade and commerce and public administration. The percentage of unemployed is 8 per cent and could rise to 14 per cent if some of the works undertaken by the Public Works Department were to come to an end. A number of fishermen and labourers are recruited each year on contract for the Mauritian islands of Chagos and Agalega, and a small percentage are engaged in the British Army or the Royal Fleet Auxiliary.

68. In 1962, there were six registered trade unions in the Territory, the main ones being the Seychellois Christian Workers' Union and the Stevedores and Lighterage Workers' Union.

69. The Labour Department is headed by the Labour and Welfare Officer, who is directly responsible to the Administrative Secretary. Its functions include the ensuring of equitable labour conditions, the settlement of labour disputes and acting as an employment exchange for local as well as overseas inquiries.

70. *Public health.* Public health is under the control of the Administrative Secretary who, as already stated above, is an *ex officio* member of the Executive Council. In 1962, the Public Health Service included a medical officer, eight health inspectors and ten public health nurses. There were five government hospitals, including one mental hospital, four clinics and one leprosy settlement. The total number of beds was 252. A dental clinic and a maternity unit were attached to the main hospital at Victoria. Hospitals and clinics were scattered over the main islands, while the outlying islands, with a population of some 1,500 persons, had only first-aid chests. A few infant welfare clinics operate in rural areas. Equipment for these clinics, as well as gifts of milk powder, is provided by the United Nations Children's Fund (UNICEF). In 1961, WHO carried out a survey of the incidence of tuberculosis on the island of Mahé, after which the Medical Department of the Territory was to conduct a follow-up operation.

71. Although within the tropics, Seychelles has very few diseases usually associated with tropical climates. The death-rate is 11.5 per 1,000, and the infant mortality rate is 40.4 per 1,000. Expenditure on medical services in 1962 amounted to approximately Rs.-1,043,000, or 14.5 per cent of the Territory's budget.

Educational conditions

72. The majority of the schools in the Seychelles are owned and run by religious missions. However, the Government is responsible for the training of teachers and for their salaries, and provides all educational materials and school meals for one child in three, as well as assists in the building of new primary schools with a 50 per cent grant.

73. All primary education is free. Secondary education is free only in the two "modern" schools owned by the Government. The educational system includes primary, post-primary (or "secondary modern"), secondary and post-secondary courses. The primary

course is of four years' duration (Standards I to IV). In 1962, there were thirty primary schools, of which two were government schools, the remaining being mission or independent schools. The total number of children in these schools was 4,788, compared with 4,584 in 1961 and 4,504 in 1960.

74. The secondary modern course is of five years' duration, including two post-primary years (Standards V and VI) and three intermediate years (Forms I to III). The syllabuses include a number of practical subjects in addition to ordinary scholastic work. In 1962, there were five schools of this type, of which two belonged to the Government. The total number of children was 2,644 (70 per cent of whom attended the two government schools), compared with 2,231 in 1961 and 2,000 in 1960. In view of the increased demand for this type of education, the Government decided in 1960 to abandon its plans to build a secondary technical school offering a six-year course and to build instead more secondary modern schools over which should be superimposed a selective technical high school. It was anticipated that 2,280 new places would be available by 1963.

75. There are two secondary grammar schools offering a five-year course (Forms I to VI) leading to the Cambridge School Certificate and the General Certificate of Education examinations. A total of 279 students were enrolled in these schools in 1962, as against 261 in 1961 and 231 in 1960.

76. There is a Teacher Training College which provides a two-year course for post-School Certificate students. Most of these students are trained for work in secondary modern schools. An alternative one-year course is provided for selected uncertificated teachers. The number of students on roll in 1961 and 1962 were 32 and 34, respectively. Vocational training and evening classes for adults are also provided in the schools.

77. At the end of 1962, there were twenty Seychellois taking courses of further study and training in the United Kingdom, financed by Colonial Development and Welfare grants. Subjects of study included medicine, pharmacy, surveying, electrical engineering, nursing, teaching and administration.

78. The Education Department is headed by a Director who is directly responsible to the Administrative Secretary in the Executive Council of the Territory. There is also an Education Advisory Council, which includes the heads of the secondary grammar schools, the major government departments and members of the community. Expenditure on education was estimated at Rs.1,020,777 in 1962, or 14.2 per cent of the total budget of the Territory.

3. St. Helena and dependencies

Introduction

79. St. Helena lies in the South Atlantic Ocean, in latitude 16 degrees south and longitude 5 degrees 45 minutes west, about 1,200 miles (1,920 kilometres) from the south-west coast of Africa. It covers an area of 47 square miles (122 square kilometres). Ascension Island, a dependency of St. Helena, which lies about 700 miles northwest of St. Helena, has an area of 34 square miles (88 square kilometres). Tristan da Cunha, the main island of a group forming another dependency, lies about 1,500 miles south-south-west of St. Helena and about midway between South Africa and South America. The Island of Tristan da Cunha has an area of 40 square miles (104 square

kilometres). The total area of St. Helena and its dependencies is 161 square miles (419 square kilometres). Jamestown, with a population of about 1,600, is the only town and port.

80. The population of St. Helena is largely of mixed European, African and Asian origin. In December 1961, St. Helena had an estimated population of nearly 4,700. The population of Ascension Island at the end of 1961 was 336. It consisted of 65 overseas employees of Cable and Wireless Ltd., which maintains a relay station for transatlantic communications on the island, and 271 St. Helenians. The 264 inhabitants of Tristan da Cunha were evacuated to the United Kingdom in October 1961 when volcanic eruptions forced them to leave the island. In December 1962, the islanders were asked in a secret vote whether they wanted to return to the island or remain in Britain. Nearly all voted for repatriation. The last group of islanders left for the island in October 1963.

Status

81. St. Helena was under the control of the East India Company from 1673 to 1834, when it was brought under the direct government of the British Crown by an Act of Parliament of 1833. Ascension and Tristan da Cunha were made dependencies of St. Helena in 1922 and 1938 respectively.

Constitution

82. The present Constitution dates from 1956 and was amended in October 1962. Its main provisions are set out below.

83. *Governor.* The Governor is head of the administration of the Territory.

84. *Executive Council.* The Executive Council consists of three civil servants (Government Secretary, Colonial Treasurer, and Education Officer) and three non-official members, who are local residents. Under the chairmanship of the Governor, its functions are to advise the Governor in the exercise of his powers.

85. *Advisory Council.* The Advisory Council comprised originally from seven to ten members, of whom five represented the five districts of the island and two represented the "Friendly Societies". In 1962, provision was made for its enlargement to sixteen members, i.e., two *ex officio* members (the Government Secretary and the Treasurer), two official and four unofficial members appointed by the Governor, and eight elected members. The new Council's membership was completed on 30 September 1963. Legislative powers are vested in the Governor, but the Governor submits the drafts of all laws for the consideration of the Advisory Council before enactment.

Electoral system

86. Universal adult suffrage was introduced into the Territory in 1963 for the first time. St. Helena was divided into eight electoral areas, each of which was to elect one member for the Advisory Council. The elections were held on 11 September 1963. Two candidates were elected unopposed, while in the six constituencies where elections took place the total number of candidates was seventeen.

Judiciary

87. The Supreme Court of St. Helena has full criminal and civil jurisdiction and deals with cases according to English procedure as far as local circum-

stances permit. The trial of a person is by a jury of eight. Appeal under certain circumstances lies to the Privy Council. In view of the small number of cases, the Governor acts as Chief Justice; when cases occur which are unsuitable to be heard by the Governor in his capacity as Chief Justice, a judge from outside the Territory is appointed Chief Justice as a temporary measure. There is also a magistrates' court, which may be presided over by the magistrate (who is the Government Secretary) or by any two justices of the peace. In addition, there is a Small Debts Court and a Juvenile Court.

Local government

88. Certain welfare and municipal services in Jamestown, the capital, such as control of markets and street lighting, are administered by a local board.

Political parties

89. There are no political parties in the Territory.

Economic conditions

90. The production of New Zealand hemp is the mainstay of the economy of St. Helena. This plant, known locally as flax, was introduced into the island in 1874. Most of the population who are not engaged in regular employment by the Government or in the hemp mills are engaged in agriculture. The only industry is the production of fibre, tow, rope and twine. There were five mills operating in 1961. Production figures for 1962 were as follows:

	Tons	Value (pounds)
Fibre	966	60,658
Tow	288	9,298
Rope and twine.....	50	5,308
		<hr/> 75,264

These products were exported to the United Kingdom, South Africa, France, the Netherlands and Italy. Imports amounting to nearly £245,000 (manufactured consumer goods, timber, machinery, etc.) came mainly from the United Kingdom, South Africa and other Commonwealth countries.

91. The Territory relies on a substantial regular grant-in-aid from the United Kingdom Government in order to balance its budget. The grant-in-aid and grants from Colonial Development and Welfare funds in 1962 were estimated at £152,500, while internal territorial revenue was estimated at £102,000.

Social conditions

92. *Labour.* The principal employers of labour are the flax mills and the Government. In 1962, the labour force was as follows:

- Flax industrial workers: 291;
- Agricultural labourers: 155;
- Skilled and general labourers: 250;
- Fishermen and boatmen: 30;
- Building tradesmen and apprentices: 50;
- Mechanics, engine and motor drivers: 30.

About 243 St. Helenians were employed on Ascension Island by Cable and Wireless Ltd. and by a United States company. There is some unemployment on the island. The Government provides relief to the unemployed. At the end of 1962 there was a total of 177 men on the relief list.

93. Labour inspection is the responsibility of the Social Welfare Officer and the Factories Inspector.

There is no legislation regulating hours of work and other general labour conditions.

94. *Public health.* The Public Health Department is headed by a senior medical officer. In 1964, the staff of the Department included another medical officer, a part-time woman doctor, a mental health officer, eighteen nurses, a midwife, a laboratory technician and a public health inspector. The hospital, situated in Jamestown, had sixty beds. There were also six out-patient clinics in the rural areas and a mental hospital with twenty-two beds. There are no private practitioners in the Territory. On Ascension Island, Cable and Wireless Ltd. have a medical officer and maintain a small hospital.

95. Health conditions in the Territory are reported to be good. The only endemic disease is ascariasis. In spite of the very limited supplies of foodstuffs (particularly meat, fruit, green vegetables and even fish) there are very few signs of malnutrition. Free issues of powdered milk and cod liver oil supplied by UNICEF have greatly helped in supplementing the people's diet. The death-rate in St. Helena is 11.9 per 1,000, and the infant mortality rate is 33.6 per 1,000.

96. Expenditure on health in 1962 was estimated at £22,121 (£20,109 in 1961) or approximately 10 per cent of the total budget of the Territory.

Educational conditions

97. The Education Department is headed by the Education Officer, who is an official member of the Executive Council. There is a Board of Education, comprising professional members as well as members of the Church and charity schools, which advises on government educational policy and administrative problems. Education is free and compulsory for all children between the ages of 5 and 15. Transition from primary to secondary school is made at the age of 11 plus. Nearly all of the population is literate.

98. The total number of children in schools in 1962 was 1,250. There were eight primary schools with a total enrolment of 741 in 1961, and four secondary schools with a total enrolment of 466. Students are taught in the secondary schools between the ages of 11 and 15. Students at the age of 14 plus can sit for the St. Helena General Schools Examination, which was introduced in 1957. Further educational opportunities are restricted to classes in aloe work, lace work and woodwork, and to teacher training. Five scholarships are awarded each year for teacher training. The total number of teacher trainees in 1961 was nine, compared with eleven during the previous year. The duration of the training course is four years.

99. Educational expenditure was estimated at £21,365 in 1962 (£17,801 in 1961), or 8.8 per cent of the total budget of St. Helena.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

100. At its 245th meeting on 20 April 1964, the Special Committee heard general statements on these Territories.

101. At its 299th, 300th, and 302nd to 304th meetings between 2 and 9 November 1964, the Special Committee considered the report of Sub-Committee I on Mauritius, Seychelles and St. Helena, which appears as an annex to this chapter.

Written petitions

102. The Special Committee circulated the following petitions concerning Mauritius and Seychelles:

<i>Petitioner</i>	<i>Document No.</i>
<i>Mauritius</i>	
Mr. Louis César and others.....	A/AC.109/PET.319
Mr. Pillay	A/AC.109/PET.320
Mr. T. Sibsurun, Secretary-General of the Mauritius Peoples Pro- gressive Party	A/AC.109/PET.324
<i>Seychelles</i>	
Mr. F. A. René, President of the Seychelles Peoples United Party.	A/AC.109/PET.321

Statements by members of the Committee

103. The representative of the United Kingdom of Great Britain and Northern Ireland described the geography and reviewed the history of Mauritius. He said the island had been uninhabited until the seventeenth century. By the middle of the nineteenth century the population was 300,000 and it had more than doubled in the last century. Two thirds were of Indian descent or origin. The island's central economic problem was the pressure of its rapidly expanding population of 700,000 on the limited area of productive land available out of a total area of 720 square miles. The Mauritius Government was very conscious of the need for maximum utilization of all available resources and was anxious to encourage the diversification of agriculture, which was concentrated in sugar production. It had introduced a five-year tea development programme in 1961 which aimed at planting a further 2,500 acres of tea by mid-1965. Land had been leased to individual planters under a government-sponsored scheme and the Mauritius Agricultural Bank had started granting loans for tea plantations on Crown lands. While in 1953 Mauritius had produced only 900,000 pounds of tea and had imported more tea than it had exported, by 1963 annual production had risen to over 3.25 million pounds, of which about two thirds had been exported. There was also scope for increasing the production of vegetables and other food-crops, and the Mauritius Government planned to establish a marketing organization to encourage producers. Improvements were also planned in the cattle industry in order to increase the output of milk and other animal products.

104. The Government of Mauritius had submitted a request to the United Nations Special Fund for assistance in a land and water resources survey, which would be considered by the Governing Council of the Fund within the next few months. If the project could be successfully carried out, the data collected would enable the Government to plan maximum use of its natural resources based on total control of the land and water resources and to prepare a follow-up programme of soil and water conservation, reforestation of watersheds, replanning of existing farms, and resettlement of fragmented holdings.

105. The Mauritius Government was doing everything in its power to encourage the establishment of manufacturing and processing industries; it had made income-tax concessions to new industries and revised the customs tariffs in order to give preferential treatment to selected industries. Those incentives had already produced results, both in a marked increase in the number of products manufactured locally and in the establishment of a modern sawmill, brewery and milk-

processing factory. One of the principal instruments at the Government's disposal for stimulating the diversification of the economy was the newly created Development Bank, which would make funds available for investment in productive enterprises, particularly in the field of secondary industry and tourism.

106. Under the current development programme a major effort was being made to strengthen the island's physical infra-structure in a number of important sectors. New harbour installations were being constructed at Port Louis, the island's only port, to improve the existing facilities; plans had been made for the further development of the international airport at Plaisance, including the extension of the runway to enable it to handle heavy jet aircraft; the construction of a new double carriage-way trunk-road between Port Louis and Phoenix had been completed and a big programme was under way to improve roads and bridges in other parts of the island; and IBRD had made a \$7 million loan to Mauritius in September 1963 for an electric power project which would increase the island's public power supply by nearly one third.

107. Mauritius had financed the greater part of its development in recent years from its own resources, but an important contribution had also been made by the British Government in grants and loans under the Colonial Development and Welfare Acts and in other assistance towards reconstruction after the 1960 cyclones. In all, the United Kingdom Government was contributing about one third of the total cost of the 1960-1965 development programme, which envisaged a total expenditure of approximately \$26.5 million.

108. In the social sphere, the United Kingdom representative noted that housing was a very important problem, particularly in view of the destruction wrought by the disastrous cyclones of recent years. The Mauritius Government had in January 1961 established a Central Housing Authority, which had let contracts for the construction of 6,000 houses in urban areas and 3,000 houses in rural areas, of which 5,471 had been completed by mid-1963. The Government's scheme for the construction of a new Central Hospital for the North with an attached nursing school was now in the architectural planning stage and would add 550 beds to the more than 1,500 beds in the existing eight hospitals.

109. In the field of social security, Mauritius had had an extensive system of public assistance for many years and an advanced system of non-contributory pensions for all. Since January 1962, a family allowance scheme had been in force. In the field of education, the current development programme provided for the expenditure of over £1 million on the improvement of primary and secondary educational facilities. Primary education was virtually universal.

110. Reviewing political and constitutional developments since the first general elections in 1959, he said that, as a result of the second general elections held on the basis of universal suffrage in October 1963, the Labour Party had won nineteen seats, the *Parti Mauricien* eight, the Independent Forward Bloc seven, the Muslim Committee of Action four, and the independents two. In accordance with the provisions of the 1961 constitutional review talks, the Legislative Council had requested the introduction of the second stage of constitutional advance towards internal self-government (see paragraphs 20-28 above). The necessary changes had accordingly been brought into force on

12 March 1964. The Executive Council had now become the Council of Ministers with Dr. Ramgoolam, the leader of the Labour Party, which was the majority party in the Legislature, as Premier. The Legislative Council had become the Legislative Assembly.

111. An important feature of the new Constitution was that the Council of Ministers was not a majority-party government but rather an all-party government including representatives of the other parties or elements which had accepted the principle of collective responsibility. The present Government had six ministers, including the Premier, from the Labour Party, three from the *Parti Mauricien*, two from the Independent Forward Bloc, two from the Muslim Committee of Action and one independent.

112. As a result of the changes, Mauritius had made substantial progress towards full internal self-government. The willingness of the political parties to co-operate in the implementation of the new Constitution and their agreement to serve in an all-party Government were encouraging signs for the future. In a communiqué issued after the constitutional review talks in 1961, the Mauritius political parties had accepted that the next step after the introduction of the second stage should be to continue the advance towards internal self-government and had agreed to discuss that question during the year beginning October 1965. With regard to the future status of Mauritius, paragraph 5 of the communiqué had stated that it was not possible at that stage to suggest what should be the precise status of Mauritius after the attainment of full internal self-government; while it was the general wish that Mauritius should remain within the Commonwealth, whether that should be achieved as an independent State or in some form of special association either with the United Kingdom or with other independent Commonwealth countries were matters which should be considered in the next few years in the light of constitutional progress generally. That remained the position.

113. Turning to Seychelles and St. Helena, the United Kingdom representative said the Territories had much in common. Both were isolated in the ocean and had a very small population—43,000 in the Seychelles and 4,700 in St. Helena. Neither Territory was inhabited before the arrival of the first Europeans. Both had been carrying out important development programmes with assistance from the United Kingdom Government. Since 1945, the Seychelles Government had received \$4.2 million in direct grants under the Colonial Development and Welfare Acts to finance over 100 development schemes of various kinds. Under a new over-all development plan for the two-year period ending 31 March 1966 expenditure would reach over \$2.1 million, of which \$1.5 million would take the form of grants from the United Kingdom Government, the rest being locally raised loans. The bulk of the grants would be devoted to natural resources, public works and communications, and social services. The Seychelles Government had for some years been implementing an important land settlement scheme for the local population under which small-holders leased from the Government, at an economic rate, plots of land averaging five acres on which they grew export and food crops for local consumption. It was hoped that that scheme would eventually result in the production of a significant quantity of such crops.

114. In order to encourage diversification of agricultural production, tea-growing had recently been

introduced in Seychelles and a government loan was being made available for the erection of a factory. Strong efforts were also being made to promote the tourist industry and the Seychelles tax laws provided for development loans as an encouragement to the hotel industry and to fishing, processing and manufacturing industries.

115. In the case of St. Helena, development grants totalling well over \$750,000 had been made in the last five years and a further \$420,000 had been made available to meet development costs in the two-year period, April 1964 to March 1966. Development since 1959 had been concentrated on agriculture and road improvement, in addition to electricity distribution, housing and education.

116. The constitutional arrangements in Seychelles and St. Helena were not elaborate but were designed to suit the basic requirements of efficient administration and popular representation. The main executive organ in each case was the Executive Council, presided over by the Governor, and consisting of twelve members in the case of Seychelles—six being Seychellois—and six in the case of St. Helena, three of whom were islanders. In addition to the Executive Council, Seychelles had a Legislative Council of twelve members, five of whom were elected, and St. Helena had an Advisory Council of sixteen members, eight of whom were elected. The Governor presided over the Council in each case. Elections had been held in both Territories last year.

117. With regard to the future of the two Territories, he emphasized that the United Kingdom Government was fully conscious of its obligations under Article 73 of the United Nations Charter. In both Territories, general elections had been held within the last nine months and there was complete freedom of expression and a general acceptance of the present constitutional position. The inhabitants had no desire to sever their links with the United Kingdom. The exact form which those relationships of friendship and co-operation should take in the future and the way in which they might find expression in the constitution of each Territory were matters which would be worked out between the United Kingdom Government and the inhabitants of the Territories through the normal processes of consultation and discussion.

118. The representative of Madagascar said that Madagascar, which was a neighbour of Mauritius, had no territorial ambitions in regard to that Territory and was pleased to note that inter-racial relations on the island were excellent. In the opinion of his country, the population of Mauritius enjoyed a degree of self-government which he could wish for many other African countries. Political, social and economic conditions in the Territory were excellent and the people had many times had occasion freely to express their views on the form of progress they desired for their country. He was therefore firmly convinced that Mauritius was being administered according to the principles underlying the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960). He hoped that the political advancement of the Territory would, as in the past, continue in wisdom and tranquillity and that the people would, when the time arrived, freely express their desires in regard to the final constitution which they wished their country to have. He therefore supported the report on the Territory of Mauritius.

119. The representative of the Union of Soviet Socialist Republics said that the provisions of the Declaration were applicable to all Territories irrespective of size and location. The Committee should devote special attention to small Territories, which found it more difficult than larger ones to throw off the colonial yoke. No matter how grievous was the lot of the large colonial Territories, no matter how savagely the colonizers treated the peoples of those Territories, their prospects, viewed against the background of historical development in the modern age, looked more hopeful. They had the advantage that, by uniting, they could throw off age-old oppression and colonial slavery. The numerically small peoples did not enjoy that advantage, and it was therefore the duty of the United Nations and of all opponents of colonialism to speak up in defence of the human rights of peoples and to give all possible support to their aspirations for freedom. All peoples, large and small, irrespective of their stage of development, had the same right to freedom and independence and the same right to decide on their internal structure and their path of development. The attempts of the colonialist Powers to preserve their domination over those peoples and their refusal to implement the provisions of the Declaration were a violation of the fundamental rights and freedoms of colonial peoples and of the provisions of international law. By adopting the Declaration, the United Nations had recognized that the fight of colonial peoples for freedom and independence, including armed struggle if necessary, was legitimate and justified and that the attempts of the colonialist Powers to preserve their domination was unlawful and criminal.

120. In considering the application of the Declaration to small Territories, the Committee should proceed from certain premises.

121. First, there must be unconditional respect for the principle, embodied in the Declaration, that all peoples had the right to self-determination and independence, irrespective of the size and population of any colonial Territory, irrespective of the degree of development or backwardness of a particular Territory. The decision on the question of the future status of any colonial Territory must be approached on the basis of that principle.

122. If any nation or nationality was denied the right to vote freely—through universal and equal elections or through a popular consultation, plebiscite or referendum—and to decide, without the slightest coercion, on the forms of its future existence as a State, then the unification of that nation or nationality with another State, no matter in what form—whether association, integration, federation or some other form—could only be regarded as annexation: i.e., as seizure by brute force. The question of the future state status of any Territory, the forms of its future state structure and the lines of its development must be decided by the people themselves without the slightest coercion. That was the only way consistent with the letter and spirit of the Declaration to decide the question of the future status of any Territory, even a small Territory.

123. The situation varied from one small colonial Territory to another. There were some territories, such as Hong Kong and Macao, which, although under colonial occupation, were unquestionably an integral part of another independent State. Territories which had been thus torn from the mother country should be returned to it; their immemorial lands had been returned to India and Dahomey for example. Other

Territories might wish to unite, or associate themselves, with a neighbouring ethnically related population in a unitary or federal State, or again, might prefer complete independence. In any event, the decision whether to form a federation or association with any State should be taken by the population of the Territory concerned and not by the colonial Power. To that end the Committee should prepare and recommend to the General Assembly measures designed to verify that the peoples of small Territories were really given full freedom to determine their own future, whether through elections held on the basis of universal suffrage or through a national referendum. Such elections or referendum should be conducted under United Nations supervision.

124. A second premise, of extreme importance to the free and unimpeded expression of the people's will in small colonial Territories, was complete and unrestricted freedom of activity for all democratic organizations in the Territory concerned. Freedom of meeting and assembly, freedom of the Press and of speech for all democratic elements in the country should be guaranteed. All laws and regulations permitting national or racial discrimination should be repealed; all bans and restrictions on the activity of political parties, trade unions and other social organizations of the indigenous population should be rescinded. All political prisoners should be released immediately. Political exiles who had worked for self-determination and independence should be allowed to return to their own Territory and engage in political activity there without restriction. Unless such measures were taken, statements by the representatives of individual colonial Powers concerning their Government's readiness to implement the Declaration were empty and meaningless from the standpoint of the principles embodied in the Declaration and in the United Nations Charter.

125. A third and essential premise for the unhampered expression of the will of the population of colonial Territories regarding the future status of such Territories was the withdrawal of all the administering Powers' troops and military personnel and the elimination of all foreign military bases from those Territories.

126. The Soviet delegation could not agree with the view held by certain delegations that the question of military bases maintained by colonial Powers in the Territories under their control was one that should be settled after a Territory had acceded to independence. It rejected out of hand the "theory" advanced by the Australian representative that the presence of foreign bases in colonial Territories was not an obstacle to the complete liberation of peoples from colonial rule. Experience constantly showed that the presence of such bases in any foreign territory not only constituted centres of aggression against freedom-loving and peace-loving peoples but threatened the future independent development of young States. The United Kingdom was using its base in Aden to combat the national liberation movement in the Arab and African States and to suppress that movement in South Arabia itself. It should also be remembered that the people of colonial Territories were denied any opportunity to state their views on the question of foreign bases and, when they attained independence, often received, into the bargain, foreign military bases, which laid a heavy burden on a country and restricted its sovereignty. Hence any attempts on the part of the colonial Powers to retain their bases in the Territories under their control, to justify or to explain the retention of those bases, were nothing more or less than an endeavour to restrict in

advance the sovereign rights of those Territories' peoples.

127. It had been asserted in the debate in the General Assembly that small colonial Territories would not be viable unless they maintained some kind of link with the metropolitan country. Views had even been expressed that the best thing that could happen to such small Territories would be to merge with the former colonial Powers; in other words, the idea had been that the metropolitan countries should simply absorb their former colonies. The Committee could not concur in such views. The people of the small Territories would be able to solve the problems of economic development for themselves. If they were to do so, however, not only must the domestic resources of the small Territories be mobilized, but the privileges of the metropolitan countries and of their nationals and enterprises must be abolished. The wealth of the Territories must be used for the well-being of the Territories' peoples, and all land alienated on any pretext whatever must be returned to the peoples. In addition, the United Nations could examine that question on the basis of requests for assistance submitted by the peoples concerned, and not on the basis of decisions taken by particular United Nations organs over the heads of those peoples. That question required further study. The United Nations would, of course, have to pay particular attention to the question of organizing economic and other assistance to such Territories, and would have to devise forms of assistance that would afford a secure opportunity for self-supporting economic and political development under conditions of equality and freedom.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE I

128. The representative of the Union of Soviet Socialist Republics thought that the Sub-Committee's report recorded the position of the USSR adequately, though not fully, particularly in view of the statement made by the Soviet delegation at the 3rd meeting of the Sub-Committee on 28 April 1964—a statement which the United Kingdom, despite the clumsy endeavours of its representatives, had not been able to refute.

129. Since the Territories in question had been studied, several important events had occurred. As was known, Mauritius and the Seychelles were in the Indian Ocean; that Ocean had lately become the object of attention in military circles in the Western countries which, owing to the liquidation of the colonial régimes in large colonial Territories, had been compelled to change their policy on their island colonial possessions in favour of using them as military bases. The Soviet delegation had already stated that those Territories and St. Helena, and their dependencies, were being used by the Western Powers for military purposes. The United States and the United Kingdom were now reaching agreement to establish joint military bases in the British possessions in the Indian Ocean. Talks were at present proceeding between the military commands of the two countries in the greatest secrecy, since, as *The Daily Telegraph* had written, the two States were afraid of an anti-colonial storm in the United Nations.

130. It was now known that a plot was being hatched not only against the peoples of those colonial Territories but against the peoples of States in the Indian Ocean area. On 11 October 1964, *The Washington Post* had written that the Chiefs of Staff of the United

Kingdom and the United States were examining the recommendations of an Anglo-American naval mission which had selected the Island of Diego Garcia in the Chagos Archipelago, which was a dependency of Mauritius, and the Aldabra Islands, which were administered with the Seychelles, and had also studied the possibility of establishing bases on islands close to the Arabian Peninsula and the shores of India. *The Daily Telegraph* had indicated that Mr. McCloskey, the representative of the State Department, had confirmed those plans. *The Washington Post* had written, on 29 August, that the State Department had spoken in favour of an American presence in the Indian Ocean—a presence which in its view would be a politically stabilizing factor and would facilitate action by British and United States forces in South and South-East Asia. Some British officials, according to the 11 October issue of the same newspaper, thought that the bases in the Indian Ocean could if necessary take the place of those in Aden; while according to some reports, it was also planned to station "landing forces" there for operations against the national liberation movement in the area.

131. The plans to establish military bases in the Indian Ocean were part and parcel of the military plans of the Western Powers, which were striving to retain footholds in various parts of the globe. *The Washington Post* had reported on 29 August that island bases had long figured as an aim in the plans of some United States naval strategists because political unrest affected the rights to bases in other countries. It was frankly admitted that the only bases which could be relied upon in the long term were bases which could not become an object of nationalist agitation. It was certain that the United States wished to participate in colonial policy in that region too; but it was also certain that the attitude of the administering Power with regard to the establishment of such bases should be founded only on the opinion of the population of those Territories. In that connexion, the Soviet delegation drew the Committee's attention to the communication dated 23 September 1964 (A/AC.109/PET.321) in which Mr. F. A. René, the President of the Seychelles Peoples United Party, had drawn the attention of the United Nations to the fact that there was in the Seychelles a strong movement in favour of independence and stated that, if a base was established in the islands, the inhabitants would have to fight for its removal, once they had obtained their independence.

132. He recalled the statement made by the Soviet delegation on 20 April 1964 in the Special Committee to the effect that foreign military bases were not only an impediment to the establishment and strengthening of the independence of the developing countries, but also a serious obstacle to the liberation of peoples still under colonial domination, a grave threat to the future development of those Territories, and a *point d'appui* for aggression against peace-loving peoples.

133. The Soviet delegation, which resolutely opposed the installation or maintenance of such bases, associated itself unreservedly with the passages in the Declaration entitled "Programme for Peace and International Co-operation" (A/5763)³ which condemned the existence or future establishment of bases in Non-Self-Governing Territories. The Soviet representative thought that the Special Committee should bear all those considerations in mind when it examined the situation in small colonial

Territories, for there could be no free and unhampered expression of the will of the population of colonies concerning their future as long as foreign colonial troops and foreign bases remained in colonial Territories.

134. The representative of India said that the people of Mauritius, Seychelles and St. Helena had an inalienable right to self-determination and independence and that the provisions of the Declaration on the Granting of Independence were applicable to all those Territories.

135. His delegation was in general agreement with the conclusions and recommendations of Sub-Committee I as set forth in its report (see annex to this chapter). When Dr. Ramgoolam, the leader of the Labour Party in Mauritius, had become Chief Minister of the Territory in the autumn of 1963, Mr. Nehru had sent him a telegram of congratulations, to which the Chief Minister had replied by saying that he was working to build a multi-racial society and a nation in which all men and women would have an equal share. The constitutional development of Mauritius had opened the way to full internal self-government. However, external affairs, defence and internal security remained the responsibility of the Governor. The Legislative Assembly was not fully elective, and the next elections were not due until 1968, although constitutional discussions might be held in 1965 or 1966.

136. In his delegation's view, the Territory's march towards independence should be further expedited so that the people of Mauritius, like those of the other Territories dealt with in the Sub-Committee's report, could exercise their choice with regard to their future status and independence without undue delay.

137. The representative of Poland expressed appreciation to Sub-Committee I for its report and for the objective manner in which it had carried out its task. His delegation agreed with the conclusions and recommendations of the report, which rightly stated that the provisions of the Declaration on the Granting of Independence were applicable to Mauritius, Seychelles and St. Helena. The peoples of those Territories should already have been given the opportunity to exercise their right to self-determination and independence. However, it was stated in paragraph 63 of the report that progress towards self-government in the three Territories had so far been too slow and that no satisfactory progress had been made with regard to the transfer of power to the people.

138. In Mauritius, where the overwhelming majority of the people were asking for independence at the earliest possible date, nearly all effective powers were still concentrated in the hands of the United Kingdom Governor. The so-called second stage of constitutional advance had brought for the most part only nominal changes. Moreover, it should be noted that the number of nominated members of the Legislative Assembly had increased, while the number of elected members had remained the same.

139. In the Seychelles, nothing had been done to implement resolution 1514 (XV). The Governor held virtually absolute power. A large number of the members of the Executive and Legislative Councils were appointed. The Governor also had the final say in all matters of government, and the suffrage was limited by prosperity and literacy qualifications.

140. The situation in St. Helena was even worse. All legislative powers were vested in the Governor,

³ Adopted by the Second Conference of Heads of State or Government of Non-Aligned Countries, held in Cairo from 5 to 10 October 1964.

and the so-called Executive Council had only an advisory function.

141. All of the foregoing showed that the administering Power had so far failed to implement resolution 1514 (XV) and had delayed the granting to the people of the Territories of their right to decide about their future status. The Polish delegation felt that those peoples should be given an opportunity as soon as possible to express their wishes by means of elections based on universal suffrage. It also supported the Sub-Committee's recommendation that the constitutional conference on Mauritius should be convened immediately, with the participation of all the political parties, in order to draw up a constitution for the Territory and to fix an early date for its independence.

142. His delegation wished to comment on some very recent developments which had taken place after Sub-Committee I had adopted its report. In a petition (A/AC.109/PET.321), the President of the Seychelles Peoples United Party sought United Nations assistance in preventing the establishment of a military base on one of the islands of the Territory. Moreover, information which had appeared in the Press indicated that the United Kingdom and the United States were attempting to establish naval bases on the Island of Diego Garcia, in the archipelago of Chagos, which was a dependency of Mauritius, and in the Aldabra Islands, which were part of the Seychelles.

143. The Polish delegation felt that it was the duty of the Special Committee to denounce those plans. Recent history had shown that military bases were used not only to impede the process of decolonization but also to exert pressure on newly independent countries. The African Heads of State and Government at the recent Conference of Non-Aligned Countries had expressly condemned the plan to establish military bases in the Indian Ocean as an attempt to intimidate the emerging countries of Africa and Asia and a manifestation of the policy of neo-colonialism and imperialism (A/5763, section VIII). The representative of Poland recalled that the Special Committee had already requested the removal of the military base in Aden, which had been used for the suppression of the liberation movement, and felt that a similar action with regard to the preparations for the establishment of military bases in Mauritius and the Seychelles would be fully justified.

144. His delegation proposed that the Committee should adopt the report of Sub-Committee I with the following amendment; the words "and to an even greater extent the Constitutions of Seychelles and St. Helena" should be inserted after the words "the present Constitution of Mauritius" in the first sentence of paragraph 62 and, in the same sentence, the words "three Territories" should be substituted for the word "Territory".

145. The representative of Syria said that, since his delegation had been a member of Sub-Committee I, its views on the matter under discussion were reflected in the Sub-Committee's report. His delegation felt that the people of the islands in question were entitled to full independence. The Seychelles had served as a place of detention for political exiles from a number of countries, including some in the Middle East. Many of the exiles had suffered from ill health and some had died there.

146. It was a known fact that Mauritius and the Seychelles were regarded as of great strategic impor-

tance. In May 1964, the United Kingdom representative in Sub-Committee I had denied the existence of plans for the establishment of military or naval bases in the islands. However, according to reports published in the Press on 4 November 1964, studies were being made by certain great Powers with a view to the establishment of joint military bases on the islands. While he would not attempt to evaluate the accuracy of that information, he wished to say that his Government was opposed to the establishment of military bases anywhere by anyone. The islands under discussion were not very far from Aden and the Arabian Peninsula or from Africa—a fact which could not fail to arouse some concern. The Heads of State or Government of Non-Aligned Countries had, in their Declaration, condemned the expressed intention of imperialist Powers to establish bases in the Indian Ocean as a calculated attempt to intimidate the emerging countries of Africa and Asia and an unwarranted extension of the policy of neo-colonialism and imperialism (A/5763, section VIII). That declaration had been unanimously adopted by forty-seven Heads of State or Government representing more than one third of the world's population. In his opinion, the Committee was in duty bound to give the most serious attention to the apprehension expressed in the declaration. Constitutional advances should be made in the Territories without delay, and the idea of converting them into military bases should be totally discarded.

147. The representative of the United Kingdom said that his delegation had taken note of the Sub-Committee's report and would transmit it to its Government when adopted. He reserved the position of his Government on the recommendations addressed to it.

148. He proposed the replacement, in paragraphs 64 and 67 (d), of the words, "coalition government" by "all-party government", which better described the Government of Mauritius.

149. His delegation had noted the recommendation in paragraph 67 (d) that a constitutional conference should be convened immediately. In both the pace and the direction of constitutional advance in the Territory, his Government would be guided by the wishes of the people, as expressed through democratic procedures and through their freely chosen leaders and representatives. It was surely the unanimous feeling of the Special Committee that it was what the people themselves wanted, that must be regarded as the decisive consideration, in accordance with the principle of self-determination and with paragraph 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

150. The representative of the United States of America believed that the conclusions and recommendations of the report did not take fully into account the political situation in the Territories, particularly Mauritius. It would appear from paragraph 62 of the conclusions that the Legislative Assembly of Mauritius had no power whatsoever. That conclusion was misleading in view of the information given by the United Kingdom representative as set forth in paragraph 28 of the report. A large degree of self-government was to be seen in the Legislative Assembly, the Council of Ministers which advised the Governor on government and administrative matters, and the Prime Minister.

151. With regard to the recommendations in the report, his delegation, while supporting the principles embodied in the recommendations, considered that the people of those Territories had every opportunity to

express their wishes concerning their future political and constitutional status and would be able to decide their future status when they were ready to do so. As to the method of supervision of the act of self-determination, his delegation believed that that was a question solely for the administering Power.

152. At the 304th meeting, on 9 November 1964, the Special Committee approved the report of Sub-Committee I concerning Mauritius, Seychelles and St. Helena (see annex to this chapter) and adopted without objection the conclusions and recommendations contained therein with the following oral amendments:

(a) In the first sentence of paragraph 62, the insertion of the words "and to an even greater extent the Constitutions of Seychelles and St. Helena" after the words "the present Constitution of Mauritius"; and the replacement of the word "Territory" by the words "three Territories", as proposed by the representative of Poland.

(b) In paragraphs 64 and 67 (d), the replacement of the words "a coalition government" by the words "an all-party government", as proposed by the United Kingdom.

153. The conclusions and recommendations adopted by the Special Committee are as follows.

Conclusions

154. The Special Committee is of the opinion that the present Constitution of Mauritius, and to an even greater extent the Constitutions of Seychelles and St. Helena, do not allow the representatives of the people to exercise real legislative or executive powers, and that authority is nearly all concentrated in the hands of the United Kingdom Government and its representatives in the three Territories. All laws passed by the Legislative Assembly are subject to the assent of the Governor, who is empowered, moreover, to give legal effect to any bill before the Assembly even if it has not been voted upon.

155. Progress towards self-government in the three Territories has so far been too slow. No satisfactory progress has been made with regard to the transfer of power to the people.

156. The Special Committee was pleased to learn that the various political parties of Mauritius had recently combined their efforts to form an all-party government of the Territory.

157. The Special Committee has come to the conclusion that key positions of responsibility in the administration of the Territories are still in the hands of United Kingdom personnel. The training of indigenous persons in administration and higher education for such positions is slow and inadequate, particularly at a time when these Territories are approaching self-government and independence.

158. The economy of the Territories is characterized by lack of diversification and insufficient capital investment. The steps taken by the administering Power in the field of economic development are slow and inadequate.

Recommendations

159. The peoples of Mauritius, Seychelles and St. Helena have an inalienable right to self-determination and independence in accordance with the United Nations Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Special Committee accordingly recommends that

the administering Power should take the following measures:

(a) The provisions of the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples should be fully applied to these Territories without delay.

(b) The people of the Territories should be given the opportunity to exercise their right to self-determination without delay under United Nations supervision and in complete freedom.

(c) The people should be guaranteed the right to decide for themselves their status and the form of government and constitutional system that they will adopt for the future.

(d) Concrete steps should be taken for the final transfer of powers of government to the democratically elected representatives of the inhabitants. Bearing in mind that an all-party government has been formed in Mauritius, the Special Committee considers that the constitutional conference on this Territory should be convened immediately, with the participation of all the political parties, in order to draw up a constitution for the Territory and to fix an early date for its independence.

(e) The training of indigenous inhabitants for key positions of responsibility in the administration of the Territories concerned should be speeded up.

(f) Measures should be taken for the rapid and planned development of Mauritius, Seychelles and St. Helena in the economic, social and educational fields. More funds should be allocated for this purpose by the administering Power, and co-operation with the specialized agencies, wherever already established, should continue.

(g) The Declaration on the Granting of Independence to Colonial Countries and Peoples and the relevant documents on the work of the Special Committee should be brought to the attention of the peoples of the Territories utilizing all mass information media.

ANNEX

Report of Sub-Committee I on Mauritius, Seychelles and St. Helena*

INTRODUCTION

1. At the 234th meeting on 25 March 1964, the Special Committee decided that the Territories included in the preliminary list which were not considered in 1963 should be divided into three groups and referred, for consideration and report, to three Sub-Committees to be appointed by the Chairman.

2. In accordance with this decision, the Territories referred to Sub-Committee I were as follows:

<i>Territories</i>	<i>Administering Power</i>
Mauritius	United Kingdom
Seychelles	United Kingdom
St. Helena	United Kingdom

The Special Committee also decided to entrust Sub-Committee I with the task of considering, in co-operation with the Secretary-General and the agencies of the United Nations, the implications of the activities of the mining industry and the other international companies having interests in South West Africa, in order to assess their economic and political influence and their mode of operation, and reporting to the Special Committee.^a

* Previously issued as document A/AC.109/L.119.

^a General Assembly resolution 1899 (XVIII), paragraph 8 (b).

3. At the 239th meeting of the Special Committee on 2 April 1964, the Chairman announced that Sub-Committee I would be composed of the following members: Denmark, Ethiopia, Mali, Syria, Tanganyika, Tunisia, the Union of Soviet Socialist Republics and Yugoslavia.

4. At the same meeting the Chairman informed the Special Committee that the representative of the United Kingdom had informed him that the United Kingdom of Great Britain and Northern Ireland did not wish to participate as a full member in any of the three Sub-Committees, but that it would prefer to participate in their work in accordance with the agreement of the Special Committee when it adopted the seventh report of the Working Group (A/AC.109/L.104). Consequently he had not included the United Kingdom as a member in any of the three Sub-Committees.

5. At its 1st meeting held on 13 April 1964 Sub-Committee I elected Dr. Tesfaye Gebre-Egzy (Ethiopia) as Chairman and Mr. Miloš Melovski (Yugoslavia) as Rapporteur.

6. At the same meeting the Sub-Committee decided that it would first consider Mauritius, Seychelles and St. Helena, administered by the United Kingdom.

CONSIDERATION BY THE SUB-COMMITTEE

7. The Sub-Committee considered the Territories of Mauritius, Seychelles and St. Helena at its 2nd to 6th meetings, held on 23, 28 and 29 April and 6 and 13 May 1964.

8. The Sub-Committee had before it the working paper prepared by the Secretariat (see paragraphs 1-99 of this chapter). It also had before it the statement concerning these Territories which the representative of the United Kingdom made at the 245th meeting of the Special Committee on 20 April 1964 (see paragraphs 103-117 of this chapter).

9. At the request of the representative of the United Kingdom and in accordance with the procedure agreed upon by the Special Committee, the Chairman invited the representative of the United Kingdom to participate in the consideration of the three Territories. Accordingly the representative of the United Kingdom participated in the 3rd, 4th and 5th meetings of the Sub-Committee.

Mauritius

10. The representative of Denmark pointed out that Mauritius was developing towards full internal self-government. The Territory had a mixed population, and it was interesting to note that the different political parties in Mauritius were participating in a coalition government. Elections had recently been held in the Territory and the prerequisite for a truly democratic political representation was thus present. Substantial progress had also been made with regard to local government, and the way had been opened towards full internal self-government.

11. The remaining question was what status Mauritius should have after the attainment of full internal self-government. The Danish delegation's view was that the Sub-Committee should make no recommendation but leave the decision completely to the people of the Territory. Its one-sided economy and its small size might call for some special arrangement. Having representative elected organs, the people were assured that they could express their views freely.

12. The representative of Ethiopia stated that much remained to be accomplished to improve economic, social, health and educational conditions in Mauritius. The administering Power should accelerate the establishment of schools. Facilities for higher education were very limited. At a time when the Territory was approaching independence, there should be an adequate number of trained persons, and it was to be hoped that the number of scholarships for higher study would be increased. His delegation wished also to stress the need for expanding health facilities and for strengthening the contacts already made with WHO. It had been pleased to learn that IBRD had granted Mauritius a loan of \$7 million, and it hoped that relations of that kind with United Nations agencies would expand as the Territory progressed towards complete independence.

13. The representative of Ethiopia noted that although, according to the Declaration on the Granting of Independence to Colonial Countries and Peoples, immediate steps should be taken for the transfer of powers to the inhabitants of the Territory, progress in that direction was unduly slow. The second stage of constitutional advance for the Territory would not represent any real advance, as it mainly involved a change of names; what was more, it would increase the number of nominated members in the Legislature from twelve to fifteen, while the elected members would remain at forty. In addition, no date had been proposed for independence, and the conditions for the achievement of self-determination had not been anticipated.

14. The representative of Tanganyika said that in Mauritius development towards self-government was slow. The posts of Chief Secretary and Financial Secretary were still held by representatives of the colonial Power. Only an insignificant minority in Mauritius sought to prolong colonial domination and the overwhelming majority of the people were asking for independence at the earliest possible date. The role of the United Nations should be to make it clear to the people that they had the right to self-determination and independence in accordance with resolution 1514 (XV). The administering Power should be urged to publicize the Declaration in the Territory. The United Nations could also send a team of experts to the area to make sure that the people exercised their right to self-determination in full freedom and knowledge.

15. The representative of the Union of Soviet Socialist Republics reminded the Sub-Committee that his delegation had already stated in the Special Committee the principles which should be followed in considering the application to the small Territories included in the agenda of the Sub-Committee of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Those principles were the following: unconditional recognition of the right of all peoples, whether large or small, to self-determination and independence, regardless of how developed any particular Territory might be; full and unlimited freedom for the population to express their wishes regarding their future; withdrawal of all armed forces and dismantling of the administering Powers' military bases in order to create conditions in which the people could express their will without hindrance; and elimination of any special rights and privileges of the metropolitan countries in relation to the economies of the Territories.

16. The representative of the USSR pointed out that the constitutional changes introduced in Mauritius had had very little effect on its colonial status. All authority in the colony was still vested in the United Kingdom Governor, who held all legislative, executive and judicial power. The rights and privileges of the colonial Power and its nationals were strictly protected by the Constitution of the Territory. All laws required not only the assent of the Governor, but also the approval of Her Majesty's Government, which could disallow any legislative measure even if it had been assented to by the Governor. The prerogatives of the Council of Ministers were very limited. The franchise was subject to property qualifications, the effect of which was to deprive a large part of the working population of the colony of the vote. The constitutional reforms planned by the colonial Power, to which the United Kingdom representative had referred, would enable the Governor to retain all his present powers.

17. The representative of the USSR drew attention to the colonial structure of the economy and the low level of living in Mauritius and said that the economy was wholly controlled by United Kingdom and French capital. The penetration of United States monopolies into the island was a recent development. Among other things, they owned plantations and tobacco factories. There was an odd sort of division of labour between the British and French on the island: the British were mostly employed in the local colonial administration, while the French owned the main sugar and tea plantations and most of the sugar mills and tea processing plants.

18. The social situation in Mauritius was also extremely unsatisfactory. There was chronic unemployment on the island. The Legislative Council's establishment of a special mission to investigate working conditions on the plantations was evidence of the difficult situation of the workers, who, according to *The Times* of 11 October 1962, were protesting against the striking contrast between the lives of a handful of rich planters and the disinherited mass of workers. In 150 years of domination the colonial administration had been unable to improve the situation of the population in any way. The settlers spread various theories about the island being over-populated and propagated Malthusianism, which they needed in order to conceal from the people the real reason for their wretched situation. Racial discrimination had not been eliminated. Only Europeans—Franco-Mauritians or United Kingdom nationals—could work in banks. There were hotels "reserved for whites", which did not admit Africans and Indians. More than 65 per cent of the inhabitants were illiterate. The colonial administration consistently ignored the demands of the people of the island that its resources should be used and its economy developed in such a way as to serve the interests of the whole population and not just a handful of exploiters. The demands of the Mauritian trade unions for the establishment of a social security system and free education had also been ignored by the colonial administration. The Government of the island was giving great attention to economic and social development. It had established an economic development fund and co-operative banks, which provided the peasants with low-interest loans, and it had undertaken a road-building programme. It realized, however, that it could not promote economic reconstruction in earnest until independence had been achieved. There were already definite plans for the development of certain branches of industry. First of all, it was planned to set up paper factories and textile, footwear and food undertakings. They would work with local materials, which at present were exported. That would make it possible to reduce the amount of foreign currency spent on imported consumer goods and to accumulate the necessary capital for industrialization. A plan to nationalize docks and other port installations belonging to a French company also had first priority.

19. Those facts justified the following conclusions: (1) politically speaking, there existed a situation in the Territory which showed that the administering Power had ignored the provisions of Article 73 of the Charter and those of the Declaration on the Granting of Independence to Colonial Countries and Peoples; (2) economically and socially speaking, there was stagnation and destitution among the working masses as a result of the exploitation of the island's natural and human resources.

20. The representative of the USSR stated that the problems of the Territory also included a military aspect. According to the Indian weekly *Blitz* of 18 May 1963, the United States was planning to turn the island into a guided missile base, despite the opposition of the people. The construction of a powerful radio station on the island to be used by the United Kingdom navy had been completed in 1962. The military interest of the Western Powers in the Territory was evident and constituted a threat to the people. The struggle of the people of Mauritius for national liberation had become particularly intense since the Second World War. The aim of the present Government was independence. In July 1963, Mr. Ramgoolam, the Chief Minister of Mauritius, now Prime Minister, had said that Mauritius must gain its independence by the middle of 1964. The Mauritians realized that many stumbling blocks still awaited them on the road to independence. But scarcely anyone could doubt that despite all obstacles they would achieve their end.

21. In conclusion, the representative of the USSR stated that the Special Committee should adopt recommendations on the Territory providing for:

(a) Confirmation of the right of the people of Mauritius and its dependent territories to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) The holding of elections in the Territory based on universal suffrage and free from any limitation of the franchise, or a plebiscite, referendum or some other form of expression of the national will which would enable the people of the islands to decide their own future in complete freedom;

(c) The establishment in the Territory, following those elections, of truly representative national legislative and executive organs which would wield all powers;

(d) The withdrawal of all foreign troops and elimination of military installations and bases;

(e) The return to the inhabitants of all the wealth of the island and of all lands taken from them on any pretext.

22. The representative of Yugoslavia regretted that the administering Power's statement in the Special Committee had contained so little new information and had merely described those steps which were to enable the Territory to progress towards "internal self-government". The Yugoslav delegation had already stressed the fact that the Special Committee's task was not to discuss whether the progressive development of the colonies towards internal self-government was being ensured, but rather to see that they were granted the right of self-determination and independence without delay. It was not the Sub-Committee's task to discuss whether a particular small island could actually be an independent State or whether it would continue to remain within the Commonwealth or would choose some other form of association with the United Kingdom or some other independent State. That would be a question for the people to decide. The people must be given a chance to express themselves about their own destiny, and this would be achieved by giving them a chance for self-determination, under the control of the United Nations. The Sub-Committee should request the administering Power, first, to allocate immediately more funds for the economic, social and educational development of the Territory, and secondly, to apply resolution 1514 (XV) to it without delay.

23. The representative of Tunisia stated that the island's Constitution was still essentially a colonial constitution despite the existence of a Council of Ministers and of a Legislative Assembly, some of whose members were elected by universal adult suffrage and others directly appointed. The British Governor enjoyed excessive authority. While the Legislative Assembly could enact laws relating to the Territory's internal affairs, all such laws were subject to the assent of the Governor, who was, moreover, empowered to give legal effect to any bill before the Assembly even if it had not been voted. Thus, the powers of the two Mauritian bodies were purely residual. Since no real progress had been made with regard to the transfer of power to the Mauritians, the Tunisian delegation appealed to the administering Power to lose no time in implementing the provisions of General Assembly resolution 1514 (XV) and in granting self-determination and independence to the people of Mauritius.

24. The representative of Syria stated that while his delegation had taken note of the results achieved in the Territory, it felt that the United Kingdom could have done much more and hoped that it would increase its efforts to promote the people's advancement, particularly in the economic, social and educational fields. It was pleased to note that the Territory had recently entered into co-operation with international agencies and hoped that that co-operation would be intensified.

25. The Syrian delegation felt that it was time for the United Kingdom to speak of independence, rather than self-government, for the Territory. The people of the Territory were the best judge with regard to both their internal and their foreign affairs, and they should be permitted to express their wishes freely in accordance with the letter and spirit of General Assembly resolution 1514 (XV). The people of the Territory should be afforded an opportunity to exercise their right to self-determination under United Nations supervision.

26. The representative of Mali stated that the constitutional progress of Mauritius in the last few years had been mainly the result of the will of its people. In the economic field, the Territory had to import all consumer goods in spite of all its agricultural potential. It had been deprived of all means for serious industrialization and its trade balance had a constant deficit. It was necessary therefore to modify the methods of development and production. Many improvements were also needed in the social field.

27. The delegation of Mali considered that every dependent people would be impatient to attain their independence and that under paragraph 5 of resolution 1514 (XV) no conditions should be imposed upon them for the achievement of that goal. The Declaration should therefore be applied to Mauritius without delay. This should be done by concrete measures, including the confirmation of the right to independence, the holding of elections on the basis of universal adult suffrage, the creation of competent legislative and executive organs and the transfer of all powers to the democratically elected representatives of the people.

28. The representative of the United Kingdom pointed out that in respect of 95 per cent of the matters of day-to-day government and administration the Governor exercised his powers only after consultation with the ministers and in agreement with them. Section 59 of the Mauritius Constitution stipulated that, with certain very limited and specific exceptions, the Governor should not merely seek the advice of the Council of Ministers in the formulation of policy and in the exercise of the powers conferred on him by the Constitution, but should act in accordance with the Council's advice. The exceptions he had mentioned stemmed from the United Kingdom's responsibility for the international relations, defence and administration of Mauritius, and in no way inhibited the Council of Ministers from exercising full control over virtually all Government activities. Bills passed by the Legislative Assembly in Mauritius did not become law until the Governor had given his assent, but acts which came into force were those adopted by the Legislative Assembly and were not *diktats* handed down by the Governor. Regarding the electoral system in Mauritius, Sections 37 and 38 of the Mauritius Constitution stipulated that a British subject aged 21 or more who had resided in the island for a least two years before the date set for the registration of electors was entitled to vote. There was absolutely no income or property qualification. Furthermore, the electors had a choice of candidates from several parties and the ballot was secret. Provision for nominated members in the Mauritius Legislative Assembly had been included in the Constitution as a result of the recommendations of the 1958 Constitutional Commission and their number had been increased after consultations at the 1961 Conference. The object of reserving seats for nominated members was to ensure that the main communities in Mauritius were represented in the Legislature broadly in proportion to their percentage in the population. The Governor had in fact nominated only twelve members and had consulted the leaders of the political parties before doing so. The Constitution forbade him to use his power of nomination to frustrate the election results. The constitutional changes introduced in 1964 had not consisted merely in altering the titles of certain individuals or organs; their importance lay in the fact that Mauritius now had an all-party Government in which representatives of the main parties and communities were working together for the economic, political and social development of their country. In a multiracial Territory that was a remarkable achievement. The leaders of all the parties had agreed to tackle in a spirit of harmony the important problems facing the island and not to raise the question of further constitutional advance until October 1965, two years after the elections. Such were the wishes of the people.

29. Although it was true that the economy of Mauritius was based essentially on sugar cane, the reason was not colonial exploitation. The report of a commission of inquiry into the sugar industry in Mauritius, the Balogh Commission, had pointed out that the explanation for the dominant position of sugar cane was that it was among the plants most resistant

to the high winds which occasionally visited the island. If there was a cyclone, only one year's harvest was damaged, whereas the destruction of tree-crops, for example, would affect the island's economy for years. The Balogh Commission's report also stated that about half of the cane land belonged to sugar millers and the other half to independent planters. Only two of twenty-three sugar mills were not owned by Mauritian companies. The profits of the sugar companies were not very high and were taxed in such a way that the Mauritian Government received a fair share. The island enjoyed a preferential market and the United Kingdom Government guaranteed it a very favourable price for its sugar. There was no differentiation in treatment on racial grounds in Mauritius and relations between the different races in social and commercial life were good and close. There was complete integration in schools and other institutions. In the Mauritius Constitution it was stated that no law was to make any provision that was discriminatory either in itself or in its effect. He also denied that there were military bases in the Territory. There was only a small naval wireless station. Local Mauritius ministers had no objection to the presence of that radio station in their Territory, and relations between the naval personnel and the inhabitants of the island were good.

Seychelles

30. The representative of Denmark stated that the Territory was developing towards full internal self-government. Elections had recently been held, and the prerequisite for a truly democratic political representation was thus present. It was to be hoped that the advanced system now existing in Mauritius would be copied in the Seychelles. Substantial progress had also been made in the Territory with regard to local government, and the way had been opened towards full internal self-government. The remaining question was what status the Seychelles should have after the attainment of full internal self-government.

31. The representative of Ethiopia regretted that so much remained to be done before the provisions of General Assembly resolution 1514 (XV) could be implemented in the Seychelles. No plan had yet been made to implement the provisions of the resolution in that Territory. His delegation accordingly felt that the text of the Declaration on the Granting of Independence to Colonial Countries and Peoples and all other relevant information should be brought to the attention of the people of the Territory so that they might become aware of the opportunities which should be extended to them to determine their own future.

32. The representative of Ethiopia hoped that the administering Power would ensure the introduction of economic and agricultural diversification and the expansion of educational facilities. He hoped also that the Territory would be able to take advantage of the activities of international organizations so that it might be able to overcome economic, social and educational barriers and proceed to self-government and independence at the earliest possible time.

33. The representative of Tanganyika stated that in the Seychelles development towards self-government was slow. The Governor and the principal officers of the administration still held virtually all the political power. The people of Seychelles were in the minority in the Executive Council. That situation was a threat to the future of the Territory since the administering Power could enact measures which might not be in the interest of the people but which could be claimed to have the support of the people through their minority representatives. He considered that the legislative and executive organs of the Territory should henceforth have a clear majority of members elected on the basis of universal adult suffrage.

34. The representative of Tanganyika urged the administering Power to publicize the Declaration in the Territory. He considered that the United Nations could send a team of experts to the area to make sure that the people exercised their right to self-determination in full freedom and knowledge.

35. The representative of the Union of Soviet Socialist Republics, after referring to the principles to be followed in considering the application to the small Territories of the Declaration on the Granting of Independence to Colonial Countries and Peoples (see paragraph 15, above) pointed out that the Governor was absolute master of the Territory, a kind of petty king who wielded all legislative, executive and judicial power. The so-called universal suffrage introduced in the Territory was subject to electoral qualifications based on property and literacy, which deprived poor people of the vote. Of the thirteen members of the Legislative Council, only five were elected, the remainder being appointed by the Governor. The so-called universal suffrage thus lost all sense and meaning. Those constitutional manipulations were designed to delude world public opinion through the use of such words as "democracy" and "universal suffrage" and to give the impression that the administering Power was taking measures to extend the rights of the people and give them democratic freedoms. The administering Power had ignored the provisions of Article 73 of the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

36. The administering Power had imposed a one-crop economy on the Territory and had developed those sectors of the economy which promised the greatest profits to United Kingdom businessmen and industrialists. Copra production and trade was in the hands of a United Kingdom company composed of large planters, businessmen and shipowners. The company set coconut prices on the domestic market at will. The overwhelming majority of the inhabitants lived in poverty while the wealth of the islands belonged to a handful of the largest planters. A recent medical survey had shown that more than half the children were suffering from tuberculosis. A considerable number of people were undernourished. Mr. Jumeau, Chairman of the Seychelles United Party, had described the situation in the islands by saying that most of the people were very poor, undernourished and low paid; they ate once a day, and then it was breadfruit, week after week, day in, day out; poor workers with three to six children went to bed without eating; workers with families tried to live on £4.10.0 a month; that so-called subsistence wage was the standard rate fixed by the Government for agricultural workers, while those who worked on neighbouring islands or outside Victoria, the capital of Mahé, the biggest island, got only £3.7.6 a month. The average income *per capita* was not more than £30 a year.

37. The representative of the USSR stated that the Seychelles had been selected for the building of a United States satellite-tracking station, which was almost completed, in spite of opposition by the Chairman of the United Party, who had also cast doubts on the constitutionality of the agreement concerning the station.

38. In conclusion, the Soviet Union representative stated that the Special Committee should adopt recommendations on the Territory providing for:

(a) Confirmation of the right of the people of the Seychelles to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) The holding of elections in the Territory based on universal adult suffrage and free from any limitation of the franchise, or a plebiscite, referendum or some other form of expression of the national will which would allow the people to decide their own future in complete freedom;

(c) The establishment in the Territory, following the elections, of truly representative national legislative and executive organs which would wield all powers;

(d) The withdrawal of all foreign troops and the elimination of military installations and bases;

(e) The return to the population of all the wealth of the islands and of all lands taken from them on any pretext.

39. The representative of Yugoslavia regretted that the administering Power's statement in the Special Committee

had contained so little new information and had merely described those steps which were to enable the Territory to progress towards "internal self-government". It was not the Sub-Committee's task to discuss whether a particular small island could actually be an independent State or whether it would continue to remain within the Commonwealth or would choose some other form of association with the United Kingdom or some other independent State. That would be a question for the people to decide. The people must be given a chance to express themselves about their own destiny, and this would be achieved by giving them a chance for self-determination, under the control of the United Nations. The administering Power should be requested, first, to allocate immediately more funds for the economic, social and educational development of the Territory, and secondly, to apply resolution 1514 (XV) to it without delay.

40. The representative of Tunisia pointed out that the Executive Council of the Seychelles, over which the Governor presided, was in a sense nothing more than the Governor's counsellor, and he was not bound to follow its advice. The Legislative Council, composed largely of appointed members, was subject to the Governor's direct authority. All laws required his assent, and he could give legal effect to any bill even if it was not passed by the Council. It was to be regretted that no reforms had yet been enacted by the administering Power along the lines indicated in resolution 1514 (XV). The Seychelles should be granted self-determination and independence and the administering Power should apply to it without delay the provisions of the Declaration on the Granting of Independence.

41. The representative of Syria stated that while his delegation had taken note of the results achieved in the Territory, it felt that the United Kingdom could have done much more and hoped that it would increase its efforts to promote the people's advancement, particularly in the economic, social and educational fields. It was pleased to note that the Territory had recently entered into co-operation with international agencies and hoped that that co-operation would be intensified.

42. The representative of Syria stated that the people of the Territory should be afforded an opportunity to exercise their right to self-determination under United Nations supervision.

43. The representative of Mali stated that, in order to satisfy the needs of their industries for raw materials, the colonizers had specialized in the production of copra and coconuts. Statistics relating to health and education in the Territory showed that much had still to be done in those islands, which had been cut off from the rest of the world by the colonial Power. In spite of the assertion by the representative of the United Kingdom that the people of the Territory did not wish to break their ties to his country, the Mali delegation was convinced that, should their representatives be allowed to join the United Nations, they would refute that allegation. The administering Power should be urged to repeal the Constitution of the Territory, to implement immediately resolution 1514 (XV) and to transfer all powers and prerogatives to the qualified representatives of the people, who should be duly elected by universal adult suffrage.

44. The representative of the United Kingdom stated that the constitutional arrangements in the Seychelles met the basic requirements of efficient administration and total representation. The Executive Council, consisting of the Government, a few senior officials and a group of elected representatives, discussed the day-to-day business of government and made plans for economic and social development, while the Legislative Council enacted laws for the Government of the Territory. Elections had just been held in the Seychelles and there had been no sign of any desire on the part of the political parties for any radical changes in the present arrangements, which best suited the needs of the Territory. However, no constitution was perfect and changes would no doubt be made in the Constitution of Seychelles when that was considered desirable; but no proposals for any such changes had been put forward by the inhabitants of the Territory

at the present time. There was no racial discrimination of any kind in the Territory.

45. The representative of the United Kingdom denied that the Seychelles Copra Association exploited the small copra producers or was under foreign control. Membership of the Association was open to all producers whose properties yielded over 1,200 coconuts annually and was thus widely representative, with a present membership of 118. An important development programme was being carried out in the Territory; \$2.8 million had been made available for the five-year period ending in April 1964, and an additional \$1.4 million had been allocated for the two-year period ending March 1966. That aid had been directed to raising the living standards, and was in addition to annual subvention of the ordinary administrative budget. Regarding health situation, the WHO report in 1956/57 had stated that severe malnutrition was not a problem and that the diet of the inhabitants was not to any great extent deficient in any important food factors. Since that report, the school food programme had been developed, and the current development plans provided for improving water supplies. Educationally, conditions had improved substantially in the past few years and more than 8,300 children out of a total of 10,300 in the 5-17 year age group had been attending school in December 1963. There was no military installation of any kind belonging to any Government in the Seychelles. There was, however, a United States Satellite Tracking Station similar to those established in various parts of the world, in many cases in independent countries in connexion with the American Space Programme designed to further the peaceful uses of outer space. The Executive Council of the Seychelles had no objection to the establishment of that tracking station and negotiations were being conducted in connexion with the administrative arrangements regarding its maintenance.

St. Helena

46. The representative of Denmark noted that the Territory was developing towards full internal self-government. Elections had recently been held, and the prerequisite for a truly democratic political representation was thus present. It was to be hoped that the advanced system now existing in Mauritius would be copied in St. Helena. Substantial progress had also been made with regard to local government, and the way had been opened towards full internal self-government.

47. The remaining question was what status the Territory should have after the attainment of full internal self-government. The Danish delegation's view was that the Sub-Committee should make no recommendation but leave the decision completely to the people of the Territory. Its one-sided economy and its small size might call for some special arrangement. Having representative elected organs, the people were assured that they could express their views freely.

48. The representative of Ethiopia regretted that so much remained to be done in St. Helena before the provisions of General Assembly resolution 1514 (XV) could be implemented there. The fact was that no plan had yet been made to implement the provisions of the resolution in the Territory. His delegation accordingly felt that the text of the Declaration on the Granting of Independence to Colonial Countries and Peoples and all other relevant information should be brought to the attention of the people of the Territory so that they might become aware of the opportunities which should be extended to them to determine their own future.

49. The Ethiopian delegation hoped that the administering Power would ensure the introduction of economic and agricultural diversification and the expansion of educational facilities. It hoped also that the Territory would be able to take advantage of the activities of international organizations so that it might be able to overcome economic, social and educational barriers and proceed to self-government and independence at the earliest possible time.

50. The representative of Tanganyika pointed out that development towards self-government in St. Helena had been slow. The Governor and the principal officers of the adminis-

tration still held virtually all political power. The Executive Council's sole function was to advise the Governor in the exercise of his powers and all legislative powers were vested in the Governor. That situation was a threat to the future of the Territory, since the administering Power could enact measures which might not be in the interest of the people but which could be claimed to have the support of the people through their minority representatives. The Sub-Committee should therefore urge that the legislative and executive organs of the Territory should henceforth have a clear majority of members elected on the basis of universal adult suffrage. The administering Power should publicize the Declaration in the Territory. The United Nations could also send a team of experts to make sure that the people exercised their right to self-determination in full freedom and knowledge.

51. The representative of the Union of Soviet Socialist Republics, after referring to the principles to be followed in considering the application to the small Territories of the Declaration on the Granting of Independence to Colonial Countries and Peoples (see paragraph 15 above), observed that in St. Helena the Governor was absolute master of the Territory, a kind of petty king who wielded all legislative, executive and judicial power. The so-called universal suffrage introduced in the Territory thus lost all sense and meaning. The administering Power ignored the provisions of Article 73 of the Charter and the Declaration. The economic and social situation was characterized by the colonial structure of the economy and the extremely low level of living. The administering Power had imposed a one-crop economy and had developed those sectors of the economy which promised the greatest profits to United Kingdom businessmen and industrialists. Such unbalanced economic development had transformed the Territory into a source of cheap raw materials for United Kingdom industry and had made its economy completely dependent on the metropolitan country. Extreme poverty was everywhere to be seen. Housing conditions were deplorable, with as many as twelve people living in one room. There were not enough doctors on the island and infant mortality was high. There was no legislation regulating the length of the working day; there was no retirement scheme; the wages paid to women were lower than those paid to men; and a worker earned only fifty shillings a week, or, if he worked in the hemp industry (the main source of employment), as little as thirty-five shillings.

52. The representative of the USSR stated that according to the Press the United Kingdom military command intended to establish a base on the island of Tristan da Cunha which would enable its aircraft to fly over the African continent. According to *The Observer* of 6 January 1963, a United States rocket base had been built on Ascension Island. The interest of Western military circles in the island colonies was obvious. It was an indication of their attitude to the remaining colonial possessions as military bases and outposts for aggression. The Soviet delegation had indicated that that tendency contained a serious threat to the peoples of the small Territories, whose interests were subordinated to the military plans of the colonial Powers.

53. In conclusion, the representative of the USSR stated that the Special Committee should adopt recommendations regarding the Territory which would (a) confirm the right of the people of St. Helena to self-determination and independence; (b) call for elections based on universal suffrage or a plebiscite, referendum or some other form of expression of the national will which would enable the people to decide their own future in complete freedom; (c) call on the administering Power to ensure the establishment of truly representative national legislative and executive organs which would wield all powers; (d) demand the withdrawal of all foreign troops and the elimination of military installations and bases; and (e) urge the return to the inhabitants of all wealth and of all lands taken from them on any pretext.

54. The representative of Yugoslavia regretted that the administering Power's statement in the Special Committee had contained so little new information and had merely described those steps which were to enable the Territory to progress

towards "internal self-government". It was not the Sub-Committee's task to discuss whether a particular small island could actually be an independent State or whether it would continue to remain within the Commonwealth or would choose some other form of association with the United Kingdom or some other independent State. That would be a question for the people to decide. The people must be given a chance to express themselves about their own destiny, and this would be achieved by giving them a chance for self-determination, under the control of the United Nations. The Sub-Committee should request the administering Power, first, to allocate immediately more funds for the economic, social and educational development of the Territory, and, secondly, to apply resolution 1514 (XV) to it without delay.

55. The representative of Tunisia observed that the Governor of St. Helena was absolutely omnipotent and enjoyed full legislative authority. It was to be regretted that no reforms had yet been enacted by the administering Power along the lines indicated in resolution 1514 (XV). St. Helena should be granted self-determination and independence and the administering Power should apply to it without delay the provisions of the Declaration on the Granting of Independence.

56. The representative of Syria stated that while his delegation had taken note of the results achieved in the Territory, it felt that the United Kingdom could have done much more, and hoped that it would increase its efforts to promote the people's advancement, particularly in the economic, social and educational fields. It was pleased to note that the Territory had recently entered into co-operation with international agencies and hoped that that co-operation would be intensified.

57. He said that the people of the Territory should be afforded an opportunity to exercise their right to self-determination under United Nations supervision.

58. The representative of Mali stated that, in order to satisfy the needs of their industries for raw materials, the colonizers had specialized in the production of hemp and coconuts. Statistics relating to health and education in the Territory showed that much had still to be done in those islands, which had been cut off from the rest of the world by the colonial Power. In spite of the assertion by the representative of the United Kingdom that the people of the Territory did not wish to break their ties to his country, the Mali delegation was convinced that, should their representatives be allowed to join the United Nations, they would refute that allegation. The administering Power should be urged to repeal the Constitution of the Territory, to implement immediately resolution 1514 (XV) and to transfer all powers and prerogatives to the qualified representatives of the people, who should be duly elected by universal adult suffrage.

59. The representative of the United Kingdom stated that constitutional arrangements in St. Helena met the basic requirements of efficient administration and total representation. The 4,700 inhabitants of the Territory were content with the present arrangements, which suited them. Elections had just been held and there had been no sign of any desire on the part of the candidates to make any radical changes in the present system. However, no constitution was perfect and changes would no doubt be made in the constitution of St. Helena when that was considered desirable, but no proposals for any such changes had been put forward by the inhabitants of St. Helena at the present time. There was no racial discrimination of any kind in the Territory.

60. The representative of the United Kingdom stated that the St. Helena Flax Industry consisted of only two mills, the first being a family business owned by the islanders and the second being a company, 45 per cent of whose capital was held by islanders and descendants of the islanders who had originally started the concern. Moreover, the St. Helena Government had to subsidize the flax industry in order to keep the mills in operation. With regard to the economic and social conditions, life on a small and very isolated island with: rather barren soil and few natural resources could not be easy, but conditions were improving year by year. Basic

wage levels had increased considerably. The number and value of savings bank deposits had increased by 50 per cent in the past six years. Unemployment in the strict sense of the word did not exist, since all men who did not find other employment could work three days a week for the Public Works Department. Since the 1958 WHO review, malnutrition had disappeared. Illiteracy was non-existent on the island, where education had been free and compulsory for over sixty years. The representative of the Soviet Union had made reference to the infant mortality rate, which was 33.6 per thousand. Yet according to the United Nations Demographic Yearbook, 1961,^b a number of independent countries had had a higher infant mortality rate, and those countries included the Soviet Union.

61. The representative of the United Kingdom denied that a military base had been built on St. Helena or on Tristan da Cunha, which was an active volcano. So far as concerned the other dependency of St. Helena, Ascension Island, its only inhabitants for many years had been the staff of the Cable and Wireless Ltd. station, which was not a military installation. In accordance with an agreement concluded with the United Kingdom Government, the United States authorities had recently installed a satellite tracking station on the island together with an airstrip. The existence of those installations on an otherwise virtually uninhabited island, which was a United Kingdom possession, had no relevance to the work of the Sub-Committee.

CONCLUSIONS OF THE SUB-COMMITTEE

62. The Sub-Committee is of the opinion that the present Constitution of Mauritius does not allow the representatives of the people to exercise real legislative or executive powers, and that nearly all authority is concentrated in the hands of the United Kingdom Government and its representatives in the Territory. All laws passed by the Legislative Assembly are subject to the assent of the Governor, who is empowered, moreover, to give legal effect to any bill before the Assembly even if it has not been voted upon.

63. Progress towards self-government in the three Territories has so far been too slow. No satisfactory progress has been made with regard to the transfer of power to the people.

64. The Sub-Committee was pleased to learn that the various political parties of Mauritius had recently combined their efforts to form a coalition government of the Territory.

65. The Sub-Committee has come to the conclusion that key positions of responsibility in the administration of the Territories are still in the hands of United Kingdom personnel. The training of indigenous persons in administration and higher education for such positions is slow and inadequate, particularly at a time when these Territories are approaching self-government and independence.

66. The economy of the Territories is characterized by lack of diversification and insufficient capital investment. The steps taken by the administering Power in the field of economic development are slow and inadequate.

RECOMMENDATIONS OF THE SUB-COMMITTEE

67. The peoples of Mauritius, Seychelles and St. Helena have an inalienable right to self-determination and independence in accordance with the United Nations Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Sub-Committee accordingly recommends that the administering Power should take the following measures:

(a) The provisions of the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples should be fully applied to these Territories without delay.

(b) The people of the Territories should be given the opportunity to exercise their right to self-determination without

^b United Nations publication, Sales No.: 62.XIII.1.

delay under United Nations supervision and in complete freedom.

(c) The people should be guaranteed the right to decide for themselves their status and the form of government and constitutional system that they will adopt for the future.

(d) Concrete steps should be taken for the final transfer of powers of government to the democratically elected representatives of the inhabitants. Bearing in mind that a coalition government has been formed in Mauritius, the Sub-Committee considers that the constitutional conference on this Territory should be convened immediately, with the participation of all the political parties, in order to draw up a constitution for the Territory and to fix an early date for its independence.

(e) The training of indigenous inhabitants for key positions of responsibility in the administration of the Territories concerned should be speeded up.

(f) Measures should be taken for the rapid and planned development of Mauritius, Seychelles and St. Helena in the economic, social and educational fields. More funds should be allocated for this purpose by the administering Power, and co-operation with the specialized agencies, wherever already established, should continue.

(g) The Declaration on the Granting of Independence to Colonial Countries and Peoples and the relevant documents on the work of the Special Committee should be brought to the attention of the peoples of the Territories utilizing all mass information media.

CHAPTER XV

COOK ISLANDS, NIUE AND TOKELAU ISLANDS

A. INFORMATION ON THE TERRITORIES

1. Cook Islands

Introduction

1. The Cook Islands comprise two groups of islands in the South Pacific with a total land area of approximately ninety-three square miles (241 square kilometres). They are scattered throughout an area of some 850,000 square miles (2,210,500 square kilometres) of ocean. Rarotonga, the seat of the Government, is 1,633 nautical miles north-east of Auckland, New Zealand. The northern group of the Cook Islands comprises seven coral atolls, with soil for the most part consisting of coral rubble and sand. With the exception of one coral atoll, the southern group of islands are mainly volcanic in origin, having a mountainous interior surrounded by fertile lowlands.

2. The census in 1961 showed a total population of 18,378, of whom 17,993 were Polynesians and 385 were Europeans.

Status

3. In 1888 a British Protectorate was declared over the Southern Group of the Cook Islands, and a British Consul was stationed at Rarotonga, the present administrative centre. In 1890, he was replaced by a British Resident. In 1901 both the Northern and Southern Cook Islands were formally made a part of New Zealand. The indigenous inhabitants are British subjects and New Zealand citizens.

Constitution

4. The Territory is administered under the Cook Islands Act, 1915, as amended.

5. *Resident Commissioner.* The Cook Islands Act, 1915, provides for the appointment by the Governor-General of New Zealand of a Resident Commissioner of the Cook Islands, who is charged with the administration of the executive government, subject to the control of the Minister of Island Territories. The principal administrative officer is the Secretary to the Government.

6. *Executive Committee.* Formerly an Executive Committee, consisting of members of the Legislative Assembly and officers of the Administration, was appointed by the Resident Commissioner. The Cook Islands Amendment Act, 1962, provided for a new

Executive Committee consisting of the Resident Commissioner, the Secretary to the Government, the Treasurer, and not more than seven other members chosen by the Legislative Assembly from among its members. The Committee may execute any of the Resident Commissioners' powers and functions delegated to it and may report and make recommendations on any matter referred to it by the Legislative Assembly.

7. At the eighteenth session of the General Assembly, the representative of New Zealand stated in the Fourth Committee that in November 1963 the Cook Islands Legislative Assembly had taken a further step towards the creation of a cabinet when it chose "a Leader of Government Business and four 'member', or embryo Ministers" (1510th meeting, para 44).

8. *Legislative Assembly.* The Legislative Assembly consists of twenty-one elected indigenous members, one European member elected by European electors, the Resident Commissioner and four official members appointed by him. It may make laws for the peace, order and good government of the Cook Islands. It may not legislate, however, on certain reserved subjects, nor may it make ordinances contradictory to New Zealand acts or regulations that are declared to be reserved. It has full control over the expenditure of all revenue collected in or derived from the Cook Islands, and since April 1962, of expenditure of the subsidy money provided by the New Zealand Government.

Electoral system

9. The elected members of the Legislative Assembly are elected by universal adult suffrage. The last general election to the Legislative Assembly was held in May 1961. The next general election has been postponed from 1964 to 1965, so that the recent constitutional changes can be effected beforehand.

Public Service

10. The Public Service is under the control of the New Zealand Public Service Commission. At 31 March 1963, the total number of officers in all departments was 1,021, comprising 109 overseas officers and 912 local appointees. Most overseas officers are seconded from the New Zealand Public Service for terms ranging from one to three years. Local appointees include both Cook Islanders and Europeans. Although most senior posts are filled by overseas officers, the stated policy of the New Zealand Government is to give Cook

Islanders an increasing share in the responsibility of administering the Territory and to replace overseas officers whenever possible. Staff-training facilities have been placed at the disposal of all officers who desire to qualify for senior positions in the Service.

Judiciary

11. The High Court of the Cook Islands is a tribunal of wide civil and criminal jurisdiction. It performs the local equivalent of the functions of the New Zealand Supreme Court and the Magistrates Court. The Native Land Court deals with all matters concerning Native land. Appeals against decisions of the Native Land Court are made to the Native Appellate Court of the Cook Islands. Appeals against decisions of the High Court are made to the Supreme Court of New Zealand.

12. The present judiciary consists of a Chief Judge of the High Court who is also a Judge of the Native Land Court and a Chief Judge of the Native Land Court who is also a Commissioner of the High Court. The Registrar of Courts and the resident agents on the outer islands are commissioners of the High Court and there are at present three indigenous justices of the peace. Any two of them acting together may exercise the jurisdiction of a commissioner of the High Court.

Local government

13. Island councils, consisting of *ex officio* and elected members in each of the main islands, meet regularly. They are empowered to make by-laws for the imposition of tolls, rates, dues, fees, fines, taxes (except customs duties on imported goods) and other charges; to establish village councils; and to borrow money for works or services that the council has the power to carry out, establish, maintain or acquire. No by-law may become law until it has been approved by the Resident Commissioner.

Recent developments

14. During the fifth annual session of the Legislative Assembly in 1962, discussions were held on possible lines of future political development. In a resolution adopted unanimously, the elected members of the Assembly rejected "the alternatives of complete independence, integration with New Zealand and a Polynesian Federation". Instead they requested that the people of the Cook Islands retain their New Zealand citizenship and that the fullest possible degree of internal self-government be proceeded with.

15. At the same session, a time-table for constitutional development was drawn up for the consideration of the Assembly. This included proposals to abolish the separate Europeans' seat on the Assembly, and to reduce the number of official members to two by 1964 and one by 1965. Subsequently, the Assembly agreed with these proposals.

16. In August 1963, at the invitation of the Legislative Assembly of the Cook Islands, a special constitutional mission arrived in Rarotonga to assist the Assembly in defining its views on the political and constitutional development of the Cook Islands. After attending a general debate on constitutional development and holding discussions with members, the mission drew up a report to the Assembly in September 1963 containing recommendations.

17. After considering the mission's report, the Cook Island Legislative Assembly, on 12 November 1963,

adopted a set of detailed recommendations as a blueprint for constitutional development, and on 18 November the New Zealand Government formally approved the conclusions of the Legislative Assembly.

18. In summary the Assembly's recommendations are as follows:

(a) The Cook Islands should have a constitution which provides for full self-government but allows for continued association with New Zealand under a common Head of State, the Queen, and with a common citizenship, that of New Zealand.

(b) A cabinet should be chosen from members of the Legislative Assembly, and responsibility for particular departments or subjects allocated to individual ministers in the cabinet. It should consist of a Premier or Chief Minister and four other ministers. The Premier should be elected by the Assembly and he should select the other members of the cabinet and allocate portfolios among them.

(c) The Queen should remain Head of State of the Cook Islands. For the time being the Queen's representative in the Cook Islands should be a New Zealand official who should also act as the representative of the New Zealand Government.

(d) An Executive Council comprising the Commissioner and the members of the Cabinet should be established with power to discuss and to refer back to cabinet, but not to vary or negate any cabinet decision.

(e) All members of the Legislative Assembly should be elected by direct election of the adult population of the Cook Islands. Each island in the group should continue to comprise one constituency, except that Rarotonga might be divided into three multi-member constituencies. There should be twenty-two members of the Legislative Assembly representing the various islands as follows: Rarotonga, 9 members; Aitutaki, 3; Mangaia and Atiu, 2 each; and Mauke, Mitiaro, Pukapuka, Manihiki, Rakahanga and Penrhyn, 1 each.

(f) The Judge of the High Court of the Cook Islands should be appointed by the Executive Council, acting on the advice of the Premier. The Supreme Court of New Zealand should for the time being continue to exercise the original jurisdiction which it exercises at present in respect of civil and criminal matters arising in the Cook Islands.

(g) The conduct of the external relations of the Cook Islands should remain a responsibility of the New Zealand Government. In some cases New Zealand should delegate to the Cook Islands Government the power to act on its own behalf and in others should consult or inform the latter about its actions.

(h) The grants made by the New Zealand Government to the Cook Islands Government should continue to be determined on a triennial basis.

(i) Recommendations of the Constitutional Committee which were acceptable and which required legislative action should be incorporated in an Act of the New Zealand Parliament rather than by amendment to the Cook Islands Act, 1915. The Constitution Act should provide that its amendment by the Cook Islands Legislative Assembly should require a two-thirds majority at the second and third readings in the Assembly of the ordinance involved and the lapse of ninety days between the second and third readings.

(j) The term of office of the present Legislative Assembly should be extended by up to one year to enable legislation to be passed in New Zealand giving

effect to constitutional changes before the next general election to the Assembly.

Economic conditions

19. The Territory has been traditionally dependent on subsidies and grants from New Zealand. In the past the irregularity of shipping and the seasonal nature of the main fruit exports to New Zealand have hindered economic development. Recent improvements in shipping services and facilities for marketing, storage and primary processing have been made in order to assist the Islands' economy.

20. The economy is based principally on agriculture and most of the population is engaged in growing subsistence crops, and food crops and copra for export. Several small factories manufacture clothing and process fruit juice and shell jewellery for export. Mother of pearl shell and handicrafts are also exported. The great majority of all exports and imports are to and from New Zealand.

21. Receipts during 1962-1963 consisted of £530,493, in revenues obtained in the Territory, and £736,900, in subsidies and grants from New Zealand, making a total of £1,267,393. Expenditures amounted to £1,091,588.

Social conditions

22. *Labour.* Most Cook Islanders are engaged in subsistence agriculture and the production of crops for export. This provides seasonal employment in the ancillary fields of handling and shipping. The small secondary industries noted above also provide some additional employment.

23. A workers' union, covering all classes of workers, is affiliated with the New Zealand Federation of Labour. Union membership is not compulsory, but some of the industrial agreements with employers include union preference clauses. Industrial disputes are settled by an Industrial Relations Officer either acting on his own or as chairman of a conciliation committee.

24. A special committee, after studying labour conditions, recommended that local legislation should be passed to cover workers' compensation, minimum wages, hours of work, holidays, safety and health, and the employment of women and children. In 1962, legislation concerning these recommendations was being drafted to be placed before the Legislative Assembly.

25. *Public health.* All Cook Islanders receive free medical and surgical treatment, and pre-school and school children, expectant mothers and hospital patients receive free dental treatment. The medical staff includes a Chief Medical Officer, two seconded medical officers, and sixteen assistant medical officers. The Health Department, main hospital and the sanitarium are situated at administrative headquarters. Some of the outer islands have small hospitals and the remaining inhabited ones have dispensaries. Health services on these Islands are in the hands of resident assistant medical officers or dressers. All are visited periodically by the senior medical staff. The Territory has a total of 157 hospital beds.

26. In 1962, there were 45.6 live births per 1,000 population and 8.17 deaths per 1,000 population. The mortality rate for children less than one year old was 26.92 per cent of the total number of deaths.

Educational conditions

27. Free and secular education is provided for all children between the ages of 6 and 16 years by the Government and two church missions in every permanently inhabited island in the Territory. The syllabus in primary schools is similar to that of New Zealand with some adjustments appropriate to local conditions. Secondary education is based on the syllabus and prescription for the New Zealand School Certificate.

28. At 31 March 1963, a total of 94 students were studying in New Zealand under the New Zealand Government Scholarship Scheme. Of this number, 44 were secondary school pupils, 10 were university students and the 40 others were taking professional, nursing, trade and teacher-training courses.

29. Expenditure on education totalled £232,269 in 1962-1963, or approximately 21 per cent of total expenditure. There were 3,995 primary and 659 post-primary pupils in government schools and 485 primary and 16 post-primary pupils in mission schools.

2. Niue

Introduction

30. Niue Island, situated in the South Pacific Ocean about 350 miles south-east of the Samoan Islands, has a land area of about 100 square miles (259 square kilometres). It is an elevated coral island with a coral reef fringing a precipitous and broken coastline. It has no running streams or surface water, and no good harbours. The Niue Islanders are Polynesians and numbered 4,885 at 31 March 1963.

Status

31. A British Protectorate was declared over Niue in 1900, and in 1901 it was formally made a part of New Zealand. The inhabitants of Niue are British subjects and New Zealand citizens.

Constitution

32. Niue is governed under the authority of the Cook Islands Act, 1915, and subsequent amendments. In its annual report¹ the administering Power states that Niue forms part of the Cook Islands, but because of its remoteness and its linguistic and cultural differences it is administered separately.

33. *Resident Commissioner.* A Resident Commissioner, responsible to the Minister of Island Territories in Wellington, carries out the executive functions of government on Niue. The laws he administers are made by Acts of New Zealand Parliament or regulations made thereunder, or by ordinance of the Niue Island Assembly.

34. *Executive Committee.* In 1962 an Executive Committee comprising three members elected by the Assembly plus the Resident Commissioner was established. Its functions and responsibilities were to be defined by statute during 1963.

35. *Niue Island Assembly.* The Niue Island Assembly consists of fourteen elected Niuean members and the Resident Commissioner who is President. Ordinances require the assent of the Resident Commissioner and must not be contradictory to any statute or regulation in force in Niue. In 1962, the New Zealand Government passed over to the Niue Assembly control of the ex-

¹ New Zealand, Department of Island Territories, *Reports on the Cook, Niue, and Tokelau Islands* (Wellington, Government Printer, 1964).

penditure of all government funds, which include New Zealand Government grants and loans and money raised locally.

Electoral system

36. The members of the Niue Island Assembly are elected by universal adult suffrage. The last election to the Niue Island Assembly was held in 1960.

Public Service

37. Government servants in Niue are members of the Cook Islands Public Service. At 31 March 1962, regular administration employees consisted of 191 Niueans, thirty-four Europeans, three Maoris and two Fijians. Two departments, the Post Office and the Native Land Court, are headed by Niueans. Other administration departments are headed by overseas officers. The administering Power states that its policy is to fill vacancies in the Public Service by appointing Niueans wherever this is possible.

Judiciary

38. There is a High Court with civil and criminal jurisdiction and a Native Land Court concerned with litigation on land and titles. The Resident Commissioner acts as judge for both courts.

Local government

39. Village government is largely in the hands of the Assembly Member, the pastor and the constable in each village, but village affairs are usually discussed in regular meetings of the heads of families.

Economic conditions

40. Niue's economy is based on agriculture. The rocky nature of the island makes cultivation generally difficult and most of the arable land consists of pockets of soil among coral rocks. The chief crops produced for export are copra, bananas and kumaras. It has no industry except the manufacture of handicraft articles for export. Most of Niue's trade is with New Zealand. Niue derives insufficient revenue from exports and other sources to balance its budget, and the deficit between revenue and expenditure is met by special and general subsidies from the New Zealand Government. In 1962-1963, receipts and expenditure were £181,206 and £422,462 respectively, and the subsidy contributed by New Zealand amounted to £272,000.

Social conditions

41. *Labour.* There are no labour unions in the Territory.

42. *Public health.* Free medical and dental care is provided by the Government Health Department. The Health Services staff includes a Chief Medical Officer, five Niuean assistant medical officers and two assistant dental officers. A hospital with forty-five beds and two clinics are maintained by the Health Services. Expenditure during 1962-1963 was £54,478. In 1962, the birth-rate and death-rate were 44.37 and 5.65 per 1,000 of population. The infant mortality rate was 22.83 per 1,000 live births.

Educational conditions

43. Education is free and compulsory between the ages of 6 and 14. Post-primary education is provided for selected pupils at Niue High School. At 31 March 1963, 1,295 primary and 164 post-primary pupils were

enrolled in the schools. An additional twenty-seven students were enrolled at the Teachers' Training Centre, and another twenty-seven were studying in New Zealand under the New Zealand Government Scholarship Scheme. Of this number, eighteen were secondary school pupils and the remainder were taking courses in teaching, nursing, trade and clerical training. Educational expenditure for the year ending 31 March 1963 totalled £52,635.

3. Tokelau Islands

Introduction

44. The Tokelau Islands consist of three atolls in the central Pacific with a total land area of about four square miles (ten square kilometres). Each atoll consists of a number of reef-bound islets encircling a lagoon. The islets vary in size from 100 yards to four miles in length and are from 10 to 12 feet above sea level. They are situated about 300 miles north of the Samoan Islands. In 1961, the population totalled 1,860.

Status

45. The Islands became a British Protectorate in 1877. They were annexed in 1916 and included within the boundaries of the Gilbert and Ellice Island Colony. In 1925, at the request of the United Kingdom Government, the New Zealand Government assumed responsibility for their administration and they were separated from the Gilbert and Ellice Islands Colony. In 1948 they became a part of New Zealand. The indigenous inhabitants are British subjects and New Zealand citizens.

Constitution

46. The Tokelau Islands are administered under the provisions of the Tokelau Islands Act, 1948, which transferred formal sovereignty for the Group to New Zealand. The Act provided for the continuation of existing law, and confirmed the right of New Zealand to legislate for the Tokelau Islands by way of regulations.

Administrator

47. Under the Tokelau Islands Administration Regulations, 1949, the High Commissioner of Western Samoa was appointed as Administrator of the Tokelau Islands. All administrative and executive functions relating to the Territory were vested in the administration. When Western Samoa became independent in 1962, the High Commissioner for New Zealand in Western Samoa became Administrator of the Tokelau Islands. He visits the Tokelau Islands regularly. An Administrative Officer, also based in Western Samoa, is the Administrator's executive officer. He is required to make regular visits to, and spend much of his time in, the Tokelau Islands.

48. A close administrative connexion is maintained with the Government of Western Samoa, which in 1961 signified its complete agreement with the continued presence of the Tokelau Islands Administration in Western Samoa after the latter became independent. Officers of the Samoan Government visit the Tokelau Islands regularly, and their advice is freely available to the Administrator.

Local government

49. Local public services are carried out on each of the three atolls by appointed Tokelau officials. The *Faipule*, the most important of these, is the chief repre-

representative of the Government. He acts in a supervisory capacity over government officials on his island and administers the laws and presides over the local Court.

Suffrage

50. Although the Administrator retains the power to formally appoint the *Faipule* in each island, since 1953 the islanders have been electing their *Faipule* for a term of three years by "democratic election".

Economic conditions

51. The economy of the Tokelau Islands is based on agriculture, consisting of subsistence crops and the production of copra for export. This was valued at £4,959 during 1962-1963. An annual deficit in the budget of the Territory is met by subsidies from the New Zealand Government. For the financial year 1961-1962, subsidies totalled £25,000. For the same year, revenue and expenditure totalled £1,150 and £19,725, respectively.

Social conditions

52. *Labour.* Copra production and the manufacture of handicraft articles are the only industries in the islands. In the annual report of the administering Power, it is stated that supervision of employment conditions in these industries is unnecessary. Unemployment and exploitation are reported to be unknown, because of the security and safeguards provided by the social structure in the islands.

53. *Public health.* The Government of Western Samoa assists with the medical services, and regular visits are made to the Islands by its medical staff. Two Samoan medical officers who are at present stationed in the Territory will be replaced by Tokelauans now in training at the Central Medical School in Fiji.

Educational conditions

54. The government schools have sixteen trained Tokelau teachers. Each year one teacher is sent to New Zealand to attend a four-months' observation course of schools and teaching methods, and others are sent regularly to Western Samoa for refresher courses. During 1962 three students attended primary schools on scholarships in New Zealand, and twenty students were on scholarships in various schools in Western Samoa and Fiji.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

55. At its 244th meeting on 15 April 1964, the Special Committee heard a statement by the representative of New Zealand.

56. At its 304th meeting on 9 November 1964, the Special Committee considered the report of Sub-Committee II on the Cook Islands, Niue and Tokelau Islands, which appears as an annex to this chapter. The representative of New Zealand participated in the consideration of the report.

Written petitions

57. The Special Committee circulated the following petitions concerning the Cook Islands:

<i>Petitioner</i>	<i>Document No.</i>
<i>Petitions circulated in 1963</i>	
Two petitions from Mr. Ronald Syme	A/AC.109/PET.155 and Add.1
Mr. R. Julian Dashwood, Member of the Cook Islands Legislative Assembly	A/AC.109/PET.156
<i>Petitions circulated in 1964</i>	
Legislative Assembly of the Cook Islands	A/AC.109/PET.224
Two petitions from Mr. Ronald Syme	A/AC.109/PET.225 and Add.1
Mr. C. R. Walker	A/AC.109/PET.226
Mr. G. F. Mills	A/AC.109/PET.227

Statement by the representative of New Zealand

58. In his statement to the Special Committee at the 244th meeting on 15 April 1964, the representative of New Zealand said that although the three Territories were small, the relevant provisions of the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples, which New Zealand fully supported, applied to them just as much as to larger Territories. The practical question was how to implement the principle of self-determination in a situation for which few precedents existed.

59. The future status of the Cook Islands, the point to which constitutional evolution would lead, had hitherto been left undefined. Now the Legislative Assembly was asked to consider and to fix the goals which it desired. Discussion started from the premise that, whatever their numbers, the people of the Cook Islands should enjoy the same full rights of self-determination as anyone else. Apart from that, nothing was fixed, and no solution was ruled out in advance. New Zealand had made clear to the Legislative Assembly that, as had been the case with Western Samoa, the choice was up to the Islanders and that New Zealand stood ready to carry out their wishes.

60. In July 1962, the Legislative Assembly had discussed four alternatives: independence, integration with New Zealand, federation with other South Pacific islands, or some form of free association. The Assembly had had little hesitation in deciding unanimously for full self-government, coupled with continuing association with New Zealand. To work out the detailed application of that broad commitment, the Assembly had sought the advice of a three-member mission which had visited Rarotonga in August 1963. The mission had prepared a set of recommendations which it felt to be an accurate reflection of the Assembly's wishes. The Assembly had debated the recommendations in November 1963 and had adopted them after making some changes. The New Zealand Government had accepted the decisions of the Assembly in accordance with the understanding that it would implement whatever were the considered views of the Cook Island representatives. The decisions, forty-four in all, had thus become the basis for the final stages of constitutional development which would be implemented by an appropriate Act of the New Zealand Parliament.

61. The core of the proposals for full self-government was the establishment by May 1965 of a ministerial system of government in the Cook Islands. A Cabinet would be set up consisting of four ministers and a Chief Minister or Premier. The Cabinet would be chosen by the Legislative Assembly and would be solely responsible to it for the good government of

the Territory. Its paramountcy as the executive arm would be unquestioned. An Executive Council, composed of the ministers together with the New Zealand representative, would have the power to refer certain decisions back to the Cabinet, but not to amend or veto them. Preparations for the introduction of the system had already gone beyond the planning stages. Although it was felt that the inauguration of the Cabinet proper should follow the next general election—now planned for early 1965—there seemed to be no legal or other reason why members of the Assembly could not begin immediately to acquire experience in administering portfolios. In November 1963, therefore, the Executive Committee had been reconstituted by the Assembly to make it in effect a "shadow Cabinet" with an elected leader of government business and four ministers responsible for several government departments.

62. The *ex officio* members of the Legislative Assembly would withdraw, leaving that body entirely elected by the adult population of the islands. It would become legislatively autonomous, with all the necessary power to amend or repeal New Zealand legislation in force in the Cook Islands. The Cook Islands Public Service would be placed under local control. All those steps would have been completed by the time the Cabinet was inaugurated. By then, New Zealand's only responsibility would be for external relations; the functions of a New Zealand representative in Rarotonga would combine a constitutional role as the link with the Crown and other quasi-diplomatic duties as the link with New Zealand. At the same time, there would be no room for doubt about New Zealand's continued willingness to stand beside the Cook Islands. Its grants-in-aid, running at more than \$2 million a year, would be made on a three-yearly basis, to give the Legislative Assembly a greater independence and flexibility in its planning. Of course, the Islanders remained perfectly at liberty to modify the system and in fact had continuing power to decide their own political fate.

63. Some had questioned whether the system as planned represented the real wishes of the people, and one petitioner had argued that self-government would be meaningless while the Islands remained economically dependent upon New Zealand. The New Zealand Government was the first to acknowledge the need for further economic development, but self-government was the only means by which such development could be achieved. The procedure laid down should clearly establish within a year what the people's real wishes were.

64. The remaining four islands administered by New Zealand were committed to the same goal of self-determination. Niue, a single isolated island with a population of just under 5,000, had its own Executive Committee and its own Legislative Assembly which was elected by universal suffrage and which, like that of the Cook Islands, had decided to seek full self-government and a free association with New Zealand. The course of its development would probably follow fairly closely on that of the Cook Islands.

65. For the other three islands, the Tokelau group, which had a population of just under 2,000 and were completely lacking in economic potentialities, the best future seemed to lie in a form of association with a larger island grouping or State which would offer the inhabitants the possibility of a wider life. The desires of the Tokelauan people were still being explored and could not as yet be definitely stated. But, as with

the other islands, New Zealand stood ready to help them carry out their own wishes.

66. In spite of the formidable practical problems, New Zealand was determined to follow a pragmatic policy and work out individual solutions, arrived at by the people of the Islands themselves. Whatever the constitutional and legal forms in which it was embodied, free association meant one overriding fact: the possession by a people of the unchallenged and continuing right to control their own future.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE II

67. The representative of the Union of Soviet Socialist Republics said that his delegation did not consider the situation in the Territories under the administration of New Zealand to be as brilliant as the representative of the administering Power had declared. Although the latter had stated that since the Second World War the Territories had begun to make rapid progress both politically and economically, they remained, nevertheless, completely dependent on New Zealand, and the modest efforts which the administering Power was making towards the Territories' constitutional and economic development could not be regarded as satisfactory. The Declaration on the Granting of Independence had not been carried out in any of the three Territories.

68. The legislative and executive powers remained in the hands of the New Zealand Government, acting through its Resident Commissioner in the Cook Islands and its Administrator in the Tokelau Islands. All the key posts in the administration and the Civil Service were held by New Zealanders. The Cook Islands Legislative Assembly was not fully representative of local interests since it was not entirely elected; it still included among its members the Resident Commissioner and four officials appointed by him. It was clear from petition A/AC.109/PET.155 that the Cook Islands Legislative Assembly was only a face-saving gesture to convey the impression that New Zealand intended to comply with resolution 1514 (XV). The Legislative Assembly had delegated some of its functions, including legislative functions, to an Executive Committee in which all business was conducted by three New Zealanders: the Resident Commissioner, the Secretary and the Treasurer. Absolute authority was vested in them and in the New Zealand Minister of Island Territories. Those senior officials neither spoke the language of the country nor showed any interest in or sympathy with the inhabitants, and were regarded by them with strong suspicion.

69. The new constitutional measures proposed by the administering Power for the Cook Islands would not give the Territory real self-government and independence. The New Zealand Government would continue to exercise powers of control in every sphere.

70. New Zealand companies controlled the economic life of the Islands. All agricultural products had to be sold through them at extremely low prices. Unemployment had forced many of the Islanders to emigrate to New Zealand. The New Zealand Prime Minister himself had admitted that that emigration was liable to impoverish and demoralize the population, which realized that the number of its young and able-bodied men was dwindling.

71. With regard to education, he quoted a passage from the *Auckland Star* in which it was stated that

there was only one secondary school in the fifteen Cook Islands and that very few children were able to continue their studies; at Auckland University there were only four students from the Cook Islands, and only one of them held a State scholarship. Eighty per cent of the population of the Cook Islands had no conception of questions of legislation, constitutions, statistics or the like.

72. Bearing in mind all those facts and many others which showed that the situation in the Cook Islands was unsatisfactory and that particular findings and recommendations of the Sub-Committee did not correspond to the true situation in the Islands, he wished to propose some amendments.

73. In paragraph 35 of the report of the Sub-Committee (see annex to this chapter), it would be better to say "Some constitutional advance", and the word "substantial" should be deleted from that sentence. Paragraph 40 should be reworded as follows: "While some constitutional progress has been attained in the Cook Islands, progress toward self-government in Niue and particularly in the Tokelau Islands has been even slower. Such constitutional developments do not correspond to the requirements of the Declaration on the Granting of Independence to Colonial Countries and Peoples". Paragraph 44 should be amended to read: "The Sub-Committee notes the efforts made by the New Zealand Government in carrying out its obligations as administering Power and also notes its co-operation with the Special Committee". The remainder of that paragraph should be deleted.

74. With regard to the recommendations, his delegation considered that a statement should be included to the effect that the application of the measures to enable the people of the Territories to express their wishes freely concerning their future, in conformity with resolution 1514 (XV), should be carried out under the supervision of representatives of the United Nations, as the Indian representative had suggested in the Sub-Committee (see annex to this chapter, paragraph 31). He therefore proposed that paragraph 47 should be reworded to read: "The people of these Territories should be enabled to express their wishes with regard to their future, in conformity with the provisions of resolution 1514 (XV), either by popular consultation or a referendum, or by some other democratic means, under the supervision of the United Nations".

75. The representative of Denmark considered that another detailed discussion in the Special Committee of all the questions already examined in the Sub-Committee would be regrettable. Moreover, there was no justification for attacking the New Zealand Government, which had taken all reasonable measures to lead the Territories of Cook Islands, Niue and Tokelau Islands towards independence or self-government in accordance with the principles of resolution 1514 (XV). His delegation therefore could not vote for the amendments proposed by the USSR representative.

76. The representative of Australia noted that several amendments proposed by the USSR representative tended to weaken the sentiments expressed by the members of the Sub-Committee toward a conscientious administering Power which, though it had not claimed to have carried out resolution 1514 (XV) in full, yet had honestly tried to do so. Its efforts should be acknowledged. The Sub-Committee had recognized after a long discussion that the progress achieved had been "substantial". In regard to paragraph

44 of its report, the Sub-Committee had, in fact, noted with satisfaction the efforts made by the New Zealand Government in carrying out its obligations as administering Power. As for the sentence used in paragraph 47, it was standard terminology in the Sub-Committee.

77. His delegation had expressed many reservations in the Sub-Committee in regard to the conclusions and recommendations, but had no wish to delay the Special Committee's work by opposing the adoption of the report.

78. The representative of Iran said that his delegation was fully satisfied with the way in which New Zealand had carried out its obligations in respect of the three Territories. His delegation had welcomed the statement made to the Special Committee by the representative of New Zealand that New Zealand was prepared fully to apply in the Territories under its administration the provisions of the Declaration contained in resolution 1514 (XV). The conclusions and recommendations in the report of Sub-Committee II seemed to give an objective picture of the situation.

79. The representative of New Zealand, replying to the Soviet Union representative, said that New Zealand had never claimed to be a great administrator of colonies. The islands in question were very poor, small remote islands with a small population—about 20,000 people on the Cook Islands, 5,000 on Niue and fewer than 2,000 on the Tokelau Islands. New Zealand had informed the inhabitants of the Cook Islands, Niue and Tokelau Islands that they could decide on their own future and choose independence, full self-government in association with New Zealand or some other country, or integration with New Zealand.

80. In the case of the Cook Islands, matters had evolved to the point where the inhabitants would soon freely determine their own future. Over the past two years a Constitution had been prepared which gave the inhabitants full internal self-government in association with New Zealand, while preserving for them the right to choose any other status if they so desired. Elections were to be held in March 1965 for a new Parliament, which would decide when the Constitution would come into force. New Zealand recognized that the international community might wish to satisfy itself that that would be a genuine act of self-determination, and it was prepared to afford it the opportunity to confirm that the Cook Islanders had a genuine freedom of choice.

81. The situation in Niue lagged about a year behind that of the Cook Islands, but the inhabitants had the same set of choices open to them. The situation in the Tokelau Islands was a little more difficult, since they were atolls with fewer than 2,000 inhabitants and remote from all the other islands.

82. In the economic sphere, New Zealand had endeavoured to assist the inhabitants in making those poor islands viable; many experiments had been carried out to improve their economy through the planting of fruit trees and the development of agriculture generally. Although there were no mineral or other resources in those islands which could be of any advantage to New Zealand, it subsidized the islands to the extent of about \$3 million a year—a considerable sum for a total population of 25,000 people.

83. The Soviet Union representative had said that as a result of bad administration and the bad economy, many Cook Islanders migrated to New Zealand. That was true, and it was a problem of all small Territories.

The Islanders were free to go to New Zealand, where they easily found work and had many material advantages. It was therefore a very natural phenomenon. Until the Cook Islanders received adequate training, their economy could hardly advance. The best way to change that state of affairs was to give the people full control of their affairs—a process in which they were encouraged and assisted by New Zealand.

84. It was also easy to raise the objection that the economy of the Cook Islands was still dependent on New Zealand. Three quarters of Cook Islands imports came from New Zealand, and almost all the exports went to New Zealand. It could hardly be otherwise. The exports of the Cook Islands were oranges, tomatoes and coconuts. Any other country wishing to buy those products could do so, but at present New Zealand was their only market. Most of the imports came from New Zealand because New Zealand's ships went to the Cook Islands. The trade generated by a population of 20,000 scattered in a number of islands was not sufficient to encourage other countries to maintain a shipping service. Therefore, it could not be claimed that New Zealand had monopolized trade with those islands.

85. New Zealand was not looking for compliments and had not sought the insertion in the Sub-Committee's report of such expressions as "noting with satisfaction". What it did ask was, that the Committee should understand that it was engaged in an interesting experiment designed to bring self-government and freedom to very small Territories.

86. The representative of Syria asked the Soviet Union representative, in a spirit of compromise, not to press his amendments to paragraphs 35, 40 and 44 of the Sub-Committee's report. He suggested that the words "under the supervision of the United Nations" should be added in paragraph 47.

87. The representative of Poland said that none of the three Sub-Committees had claimed that they had produced perfect reports which the Special Committee could not change in any way. His delegation welcomed the attitude of the administering Power towards the Declaration on the Granting of Independence to Colonial Countries and Peoples. However, the Special Committee could not ignore its terms of reference, under which it was to determine whether the principles of the Declaration had been applied. Generally speaking, it could be said that the Declaration had not been implemented in the islands in question.

88. Some progress had been made toward self-government, and that was a matter of which the Special Committee could take note, but the people had not yet been given an opportunity to decide on their future. The report spoke of "substantial" progress, but he doubted whether that adjective could be applied to a situation which was far from satisfactory. New constitutional arrangements would soon be put before the voters at the elections, but those arrangements fell short of the requirements of the Declaration on the Granting of Independence to Colonial Countries and Peoples. For example, the Executive Council, which would be composed of New Zealand's Resident Commissioner and the Cook Islands' ministers, would have the power to block any decision by the Council of Ministers. Any decision which was not to the liking of the Resident Commissioner would have to be adopted again in order to be promulgated. Consequently, bearing in mind the heavy dependence of the Territory on New Zealand's financial support, it could not be said that the Cook Islanders would have the right to govern

themselves effectively and to decide freely on matters of concern to their Territory.

89. His delegation understood the difficulties which the New Zealand Government faced, owing to the small size of the Territory and the fact that it remained dependent in many ways. However, it could not express satisfaction any more than in the case of other Territories whose legislative council also included appointed members. In those circumstances, it could hardly be stated that there were good relations between the inhabitants and the administering Power. As the Sub-Committee had not visited the Territory, it had not had sufficient evidence to substantiate such a conclusion. In that connexion, he recalled the complaints contained in the petitions referred to in paragraph 45 of the Sub-Committee's report.

90. For all those reasons, his delegation considered that the conclusions and recommendations would be greatly improved if they were amended along the lines of the USSR proposals, which contained the ideas expressed by his delegation in the amendments which it had submitted in the Sub-Committee.

91. The representative of New Zealand said that he wished to reply to two points raised by the representative of Poland. The latter had said that resolution 1514 (XV) had not been implemented because the inhabitants of the Cook Islands had not yet been given freedom of choice about their future. The facts however, were that a representative of New Zealand had told the members of the Parliament of the Cook Islands in 1962 that they should start thinking about the future of their country and that New Zealand would help them to carry out their decision, whatever it was. The representatives of the people had replied that they wished to run their own affairs entirely, while retaining some sort of association with New Zealand, New Zealand citizenship and some link with the Queen. New Zealand had formulated its policy on the basis of those indications.

92. Certain members of the Special Committee had expressed doubts as to the representative character of the Parliament of the Cook Islands, four of whose twenty-six members were officials. To that it could be replied that the new constitutional arrangements would be submitted to the people during the next election. If the new Parliament was not satisfied with them, it would amend them or reject them. Thus, although resolution 1514 (XV) had not yet been implemented, there did exist, in accordance with the spirit of the resolution, a continuing process of consultation.

93. The representative of Poland had also said that New Zealand would retain the right to interfere in the affairs of the Government of the Cook Islands, for the Head of State would have the right to ask the Cabinet to reconsider its decisions. In that connexion, it was to be noted that that provision had been included in the Constitution at the request of the inhabitants themselves, who had derived it from the former Constitution of Western Samoa. It was also to be noted that the provisions concerning the Head of State had been modified and the duties which he was to perform would be carried out by a Council of State, consisting of a New Zealand representative and two Cook Islands representatives. Cabinet decisions would therefore be submitted to the Council of State, which could refer them back to the Cabinet. If, after a second examination, the Cabinet stood by its decision, the decision would become law and New Zealand could not override it. Furthermore, the Constitution would

not come into force until after the elections, if the new Government so decided.

94. The representative of the Union of Soviet Socialist Republics stated that in view of the appeal that had been made to it by the Syrian delegation and certain other delegations, he would not press his amendments to paragraphs 35, 40 and 44. As for paragraph 47, he accepted the amendment proposed by the Syrian representative.

95. The representative of Australia said that the reservations and objections to other parts of the report expressed by his delegation in the Sub-Committee also applied to the Syrian amendment to paragraph 47.

96. The representative of the United States of America reserved his delegation's position with regard to paragraph 47 as it would stand if amended.

97. After a discussion concerning paragraph 49, the representative of Italy, supported by the representative of India, said that since it had been agreed that there should be a United Nations presence in the Cook Islands during the act of self-determination, it did not appear necessary to make provision for an additional visiting mission. He therefore proposed that paragraph 49 should be deleted.

98. At the 304th meeting, on 9 November 1964, the Special Committee approved the report of Sub-Committee II concerning the Cook Islands, Niue and Tokelau Islands (see annex to this chapter), and adopted without objection the conclusions and recommendations contained therein as amended by the addition of the words "under United Nations supervision" to paragraph 47, and by the deletion of paragraph 49. The conclusions and recommendations adopted by the Special Committee are set out below.

Conclusions

99. The Special Committee welcomes the statement of the Government of New Zealand that the Declaration contained in resolution 1514 (XV) expresses the goals of New Zealand's policy towards its Territories.

100. The constitutional advance made in the Territory of the Cook Islands, with the assistance of the administering Power, the Government of New Zealand, has been substantial, but further steps are needed to attain the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV).

101. The Special Committee notes the statement by the Government of New Zealand that, according to plans drawn up by the Cook Islands Legislative Assembly, the Cook Islands will reach full self-government together with a freely chosen association with New Zealand.

102. General elections in the Cook Islands, scheduled to be held in 1964, are now to take place in early 1965, on the basis of universal suffrage, with the nature of the future status of the Territory as the chief issue. A Constitution drafted by the existing Legislative Assembly will be brought into effect if, as a result of the elections, the new Legislative Assembly so decides.

103. The Special Committee notes the solemn declaration by the Government of New Zealand that any changes in the constitutional status of the Cook Islands will be decided freely by the people of the Cook Islands themselves.

104. The Special Committee takes note of the statement by the administering Power that the High

Commissioner, who will be appointed by the Governor-General of New Zealand under the contemplated constitutional arrangements, shall have no powers of either a legislative, executive or judicial nature within the Government of the Cook Islands.

105. While the constitutional progress in the Cook Islands has been substantial, progress towards self-government in Niue, and particularly in the Tokelau Islands, has not always kept pace with the changing times.

106. The Special Committee is gratified to hear that the Government of New Zealand has decided to send a constitutional mission of the Government of New Zealand to visit Niue during 1964, to help prepare a detailed plan and time-table for the constitutional development of Niue similar to that of the Cook Islands.

107. The Special Committee notes the opinion expressed by the administering Power that, in view of the small size and population and the meagre resources available, the best future for the Tokelau Islands appears to be some kind of association with the larger islands or States nearer to it, which association will offer the inhabitants of the Tokelau Islands the possibilities of a wider life. The Special Committee notes, however, that it is understood that the final choice concerning the future status of the Territory will be decided by the population of the Tokelau Islands.

108. There are certain features and problems common to all three Territories:

(a) The people of these three Territories have similar origins, culture, civilization and ways of life.

(b) The economic development of all three Territories has been retarded by problems of a social and administrative nature as well as by purely economic factors.

(c) The relationship between economic and political independence is further complicated by the problems of size, isolation, limited resources and the one-sided nature of the economy.

(d) The senior posts in the civil services of the Territories are largely manned by non-indigenous persons, and the training of the people of the Territories for higher administrative positions has not always been adequate.

109. The Special Committee notes with satisfaction the efforts made by the New Zealand Government in carrying out its obligations as administering Power and its co-operation with the Special Committee, and the relations that exist between the people of the Territories and the administering Power.

110. The Special Committee also takes note of the various petitions submitted on these Territories.

Recommendations

111. The Special Committee reaffirms the inalienable right of the people of the Territories of the Cook Islands, Niue and Tokelau Islands to self-determination and independence in conformity with the Declaration contained in General Assembly resolution 1514 (XV) of 14 December 1960. The Special Committee is of the view that the questions of size, isolation and limited resources shall not in any way delay the application of that resolution to these Territories.

112. The people of these Territories should be enabled to express their wishes in accordance with the provisions of resolution 1514 (XV) through well-

established democratic processes under United Nations supervision.

113. In relation to the necessary arrangements for the free expression of the peoples' wishes concerning the implementation of the Declaration, the administering Power should have regard to the nature of the aid and assistance which can be rendered by the United Nations and make this known to the population of the Territories.

114. The administering Power should further enlarge the training of administrative personnel from among the indigenous people, so that they occupy all key positions of responsibility in their Governments without delay.

115. The Special Committee recommends further and immediate measures to develop and strengthen the economic structure of these Territories. The United Nations, with the specialized agencies, could be of assistance in this endeavour. The Secretary-General may be requested to undertake a survey of the economic and social development of these Territories in co-operation with the specialized agencies in the United Nations and the administering Power. The objective of these measures will be to ensure that these Territories are not denied the attainment of independence and self-determination on account of their size, geographical factors and economic and social problems.

ANNEX

Report of Sub-Committee II on the Cook Islands, Niue and Tokelau Islands*

INTRODUCTION

1. At the 234th meeting on 25 March 1964, the Special Committee decided that the Territories included in the preliminary list which were not considered in 1963 should be divided into three groups and referred for consideration and report to three Sub-Committees to be appointed by the Chairman.

2. In accordance with this decision, the Territories referred to in Sub-Committee II were as follows:

<i>Territories</i>	<i>Administering Power</i>
Trust Territory of Nauru	Australia
Papu and the Trust Territory of New Guinea	Australia
Cocos (Keeling) Islands	Australia
Trust Territory of the Pacific Islands	United States of America
Guam	United States of America
American Samoa	United States of America
Cook Islands	New Zealand
Niue	New Zealand
Tokelau Islands	New Zealand
New Hebrides	France and United Kingdom
Gilbert and Ellice Islands	United Kingdom
Pitcairn Island	United Kingdom
Solomon Islands	United Kingdom
Brunei	United Kingdom
Hong Kong	United Kingdom

3. At the 239th meeting of the Special Committee on 2 April 1964, the Chairman announced that Sub-Committee II would be composed of the following members: Australia, Cambodia, Chile, India, Iraq, Poland, Sierra Leone and the United States of America.

4. Administering Powers which were members of the Special Committee might participate in the work of Sub-Committees of which they were not members when those Sub-Committees considered a Territory under their adminis-

tration; administering Powers which were not members of the Special Committee might participate in the meetings of the Sub-Committees when Territories under their administration were considered; and any Member State of the United Nations might be heard by the Sub-Committees at its request whenever a given Territory was considered.

5. The Chairman informed the Special Committee that the representative of the United Kingdom had informed him that the United Kingdom did not wish to participate as a full member in any of the three Sub-Committees, but that it would prefer to participate in their work in accordance with the agreement of the Special Committee when it adopted the seventh report of the Working Group (A/AC.109/L.104). Consequently he had not included the United Kingdom as a member in any of the three Sub-Committees.

6. At its first meeting, held on 10 April, Sub-Committee II elected Mr. Sonn Voeunsai (Cambodia) as Chairman and Mr. K. Natwar Singh (India) as Rapporteur.

7. At the same meeting, the Sub-Committee decided that it would first discuss the Cook Islands, Niue and Tokelau Islands, administered by New Zealand.^a

CONSIDERATION BY THE SUB-COMMITTEE

8. The Sub-Committee considered the Cook Islands, Niue and Tokelau Islands at its 2nd, 3rd, 4th, 11th, 13th, 14th, 15th, 16th, 17th and 18th meetings, held on 20, 21, 23 April, 18 May, 18, 22, 25, 30 June and 1 and 2 July 1964.

9. The Sub-Committee had before it the working paper prepared by the Secretariat (see paragraphs 1-54 of this chapter); three petitions from Mr. Ronald Syme dated 9 August 1963 (A/AC.109/PET.155), 22 October 1963 (A/AC.109/PET.155/Add.1) and 15 January 1964 (A/AC.109/PET.225/Add.1); a petition from Mr. R. Julian Dashwood dated 9 August 1963 (A/AC.109/PET.156); a petition from the Legislative Assembly of the Cook Islands dated 4 September 1963 (A/AC.109/PET.224); and a petition from Mr. C. R. Walker dated 22 November 1963 (A/AC.109/PET.226). It also had before it the statement concerning these Territories which the representative of New Zealand made at the 244th meeting of the Special Committee on 15 April 1964 (see paragraphs 58-66 of this chapter).

10. At the request of the representative of New Zealand and in accordance with the procedure agreed upon by the Special Committee, the Chairman invited the representative of New Zealand to participate in the consideration of the three Territories. Accordingly, the representative of New Zealand participated in the meetings of the Sub-Committee referred to in paragraph 8 above.

11. In his statement to the Special Committee, the representative of New Zealand said that the Declaration expressed the goals of New Zealand policy toward its Territories, and that the practical question had been to work out in detail how best these goals could be reached in a situation where few precedents existed. However, the islands had embarked on an accelerated pace of political and economic development shortly after the end of the war. The end was in sight for the Cook Islands, which would become fully self-governing early in 1965. Niue and the Tokelau Islands were following. A constitutional mission would visit Niue during 1964 to help prepare a detailed plan and time-table for Niue similar to that for the Cook Islands. In the case of the Tokelau Islands, the best future for it seemed to lie in association with some larger island grouping or State. The choice was for the people alone to make. Whatever they chose, New Zealand stood ready to help them carry it out.

^a The reports of Sub-Committee II on the other Territories assigned to it for consideration are annexed to the relevant chapters of the report of the Special Committee as follows: American Samoa (chapter XVI); Guam (chapter XVII); Trust Territory of the Pacific Islands (chapter XVIII); Trust Territory of Nauru, Papua and the Trust Territory of New Guinea, and Cocos (Keeling) Islands (chapter XIX); and New Hebrides, Gilbert and Ellice Islands, Pitcairn Island and the Solomon Islands (chapter XX).

* Previously issued as document A/AC.109/L.136.

12. In reply to questions by members of the Sub-Committee, the representative of New Zealand stated that at the present time the people of the Cook Islands desired self-government and free association with New Zealand, a status which was in conformity with principle VII of the annex to resolution 1541 (XV).

13. He explained that if the Legislative Assembly of the Cook Islands approved the new Constitution, it would be put before the New Zealand Parliament for enactment. It would not, however, enter into force until the following year. Elections would be held early in 1965 in accordance with the provisions of the Constitution, on the basis of universal suffrage, and one of the chief issues in the election would be the Constitution itself. When the new Parliament met after the elections, it could, if it wished, and by virtue of the provisions of the Constitution, amend the text without having to consult New Zealand on the matter in any respect. The people of the Cook Islands would thus have the continuing and unchallenged right to alter their constitutional status.

14. The representative of Cambodia stated that the programme of constitutional development was acceptable but its execution should be accelerated and provision should be made for negotiations for the purpose of fixing a date on which the Cook Islands would accede to independence or enter into a freely accepted association. Further, the United Nations should make a study of economic and social conditions in the Cook Islands so that political independence could go hand in hand with economic independence.

15. The methods used in the case of the Cook Islands could be applied to Niue. However, steps should be taken to enable it to attain self-government at the same time as the Cook Islands, and the inhabitants of the Tokelau Islands should be consulted directly on the subject of their future; the United Nations could grant them legal, economic and social assistance prior to such a consultation.

16. He suggested sending a visiting mission to the Territories in order to have fuller information.

17. The representative of Iraq noted with great interest the progress made by the inhabitants of the three Territories. He also noted the efforts made to strengthen the economy of these Territories and the measures taken in fields such as education.

18. He considered that the Territories should be able to exercise their right to self-determination, whether that meant association with New Zealand or accession to full and complete independence. To that end, the inhabitants should be able freely to express their wishes under United Nations supervision.

19. The representative of Poland stated that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples had not been implemented in any of the three Territories. Legislative and executive powers were vested in the New Zealand Government acting through its Resident Commissioner in the Cook Islands and through New Zealand's Administrator in the Tokelau Islands. The present Legislative Assembly in the Cook Islands was not fully elected and comprised, *inter alia*, the Resident Commissioner and four official members appointed by him. This Assembly could therefore not represent the aspirations of the indigenous people. The question of the future status of the Cook Islands was not an issue at the 1961 elections and the Legislative Assembly had no authority to tie up the hands of the electorate and indeed prejudice the destiny of the Cook Islanders with decisions on which they had not been consulted.

20. The new constitutional arrangements contemplated by the administering Power would not provide the Territory with genuine self-government and independence. Those arrangements would give the New Zealand Government power of control and thus the right of continued interference in all fields of life in the Cook Islands. The new Constitution provided for an Executive Council consisting of the New Zealand Resident Commissioner and the members of the Cabinet, who would be able to block any decision of the Cook Islands Cabinet. This Council would have the power

to refer Cabinet decisions back to the Cabinet for reconsideration, whenever the Resident Commissioner deemed it necessary. Furthermore, certain important matters, such as the appointment of the principal administrative officer of the Government of the Cook Islands, had been reserved for direct consideration by the Council without even previous examination by the Cabinet. Although technically the Commissioner would not have authority to overrule the decision of the Cabinet, he would certainly be in a position to influence it and in particular to influence the size of the New Zealand grants, which at present covered well over half of the Cook Islands expenditure. Commenting on the political future of the Cook Islands, as envisaged by the new constitutional arrangements, the *Pacific Islands Monthly* of December 1963 concluded: "The New Zealand Government would no doubt use this as a weapon to bring into line any Cook Islands Cabinet".

21. The representative of Poland stated that it should be stressed that the new Legislative Assembly which would emerge from the next elections to be held in 1965 would be unable to amend the new Constitution except by a two-thirds majority vote required at the second and third readings in the Assembly of the Ordinance involved and the lapse of at least ninety days between the second and third readings. Such a complex process, together with the conditions attached therein for the change of the Constitution, was contrary to the provisions of the Declaration.

22. He stated that the people of the Cook Islands must be given the earliest possible opportunity to exercise freely, without any pressure and with full knowledge of the various possibilities and alternatives, their right to self-determination and independence. This should be done in the Cook Islands, Niue and Tokelau Islands by means of a plebiscite or general elections based on universal adult suffrage, supervised by the United Nations. All powers without any restrictions or limitations should be transferred to the Government which emerged from such elections, and that Government, with the concurrence of the elected Assembly, should have the authority to give practical effect to the choice made by the people.

23. In the social and economic fields, no less than in the political domain, many characteristics of classical colonialism existed, particularly in the Cook Islands, where—as stated by Dr. R. G. Crocombe of the School of Pacific Studies at the Australian University—"it was New Zealand's ambition that the Cooks should become an outlet for her exports as well as a source for her requirements of tropical and raw material" (*Auckland Star* of 3 May 1962).

24. All the key positions in administration and civil service were held by New Zealanders and not by Cook Islanders. The written petitions which the Special Committee had received from Cook Islanders including members of the Legislative Assembly and the shadow Cabinet, as well as reports published in New Zealand's press by persons who recently visited the Territory, bore witness to the economic plight of the Cook Islanders. Although agriculture was a basic factor in the economic life of the indigenous people, all producers in the Territory were dependent entirely upon New Zealand firms, which were given a monopoly for all important exports. Imports to the Cook Islands were almost exclusively from New Zealand companies. All those companies operating in the Territory paid taxes to New Zealand, and this was obviously detrimental to the interests of the Territory. The citrus replanting scheme was a failure and the citrus growers, instead of an income, received a debt amounting to £177,000 (*Pacific Islands Monthly*, August 1963). Lack of job opportunities and unemployment had resulted in an influx of Cook Islanders into New Zealand with the effect that one out of every five Cook Islands Maoris lived in New Zealand. The New Zealand Prime Minister himself admitted that emigration had reduced the number of the Territory's young, able people to undesirably low levels and could end by pauperizing and demoralizing the people. The mere fact that the subsidy of New Zealand had multiplied since 1945 almost forty times indicated that the Cook Islanders were spectacular losers in their struggle for

financial independence. It was significant that the Legislative Assembly had recently approved a motion requesting a visit by an international economist to explore possibilities of the most effective development of the Territory's potentialities. The United Nations should provide the necessary assistance to all three Territories.

25. He stated, in conclusion, that the Polish delegation would like to hear the voice of the people of the Territories, and that the Special Committee must abide by its mandate and ascertain their wishes and aspirations.

26. The representative of Chile stated that the Territories under consideration were an example of a new type of problem which the United Nations would encounter in its attempts to liberate the colonial peoples, and that the Special Committee's goal of ensuring the widest possible implementation of the Declaration would not necessarily be achieved by granting a Territory absolute autonomy. In the case of small Territories, the best solution might be self-government by free association with an independent State or by integration with an independent State, but any solution of that kind should reflect the express desire of the people of the Territory concerned. The decision should therefore be taken only after the achievement of full self-determination.

27. The representative of Sierra Leone, noting that the inhabitants of the Cook Islands might wish to retain their close association with New Zealand, considered that that decision should be made by the independent Cook Islanders themselves rather than by a legislative body which, because of its present relationship with the New Zealand Government, could not but reflect the thinking of that Government. The future special relationship of the islands with New Zealand could be successful if provision were made for change whenever desired, and he placed great faith in the intention of the latter to include that proviso in the new Constitution of the Cook Islands. He hoped that a date had been set for the submission of a similar detailed plan and time-table for Niue.

28. Regarding the Tokelau Islands, he stated that his delegation would welcome more positive action by the administering Power than a mere exploration of possibilities, for it was its responsibility to create the conditions which would facilitate a choice by their people.

29. The representative of Australia stated that the administering Power was moving purposefully, peacefully and in co-operation with the peoples of Territories towards the ideals of the Charter and General Assembly resolution 1514 (XV). It was the best immediate instrument through which the hopes of the peoples of the islands could be achieved. In his delegation's opinion, the Committee could serve its purpose best by taking note of the information it had been given and urging New Zealand to continue to make maximum efforts towards a position of final satisfaction so far as the United Nations was concerned.

30. The representative of the United States associated his delegation with the statement made by the Australian representative. He considered that the New Zealand Government was making a conscious and serious effort to bring the peoples of the Territories to self-determination and self-government as quickly as possible and was providing them with an opportunity to choose either independence or association with New Zealand. That clearly met the test implicit in General Assembly resolution 1514 (XV).

31. The representative of India stated that the three Territories should first be given independence. They could then decide whether they wanted to join with other sovereign States or form an association with them to ensure their greater political and economic viability. It was important that they should be able to make that decision in complete freedom and without reservations or conditions. The door was open for United Nations supervision of the processes by which the wishes of the people of those Territories could be ascertained. Even after independence, the United Nations could still assist their development by giving them economic, technical and financial assistance.

32. At a later meeting of the Sub-Committee, the representative of New Zealand announced that in response to points made during the debate a change would be made in the procedure for bringing the Constitution of the Cook Islands into force. To ensure beyond all doubt that the wishes of the people were being met, it would now be provided that the Constitution would not enter into force until the newly elected Legislative Assembly so decided. The decision would be taken by simple majority. The general election and the subsequent decision of the Legislative Assembly would thus constitute a formal and identifiable act of self-determination.

33. In reply to points which had been raised about economic development, he described steps which were being taken in the Territories, with the aid of grants from New Zealand totalling \$3 million annually, to continue to expand the basis of their economies. New Zealand firms held no monopoly for the Territories' exports. The citrus replanting scheme, far from being a failure, had contributed substantially to both domestic and export income. The export income of the Cook Islands had doubled between 1945 and 1960, and since 1960 had doubled again.

FINDINGS OF THE SUB-COMMITTEE

34. The Sub-Committee welcomes the statement of the Government of New Zealand that the Declaration contained in resolution 1514 (XV) expresses the goals of New Zealand's policy towards its Territories.

35. The constitutional advance made in the Territory of the Cook Islands, with the assistance of the administering Power, the Government of New Zealand, has been substantial, but further steps were needed to attain the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV).

36. The Sub-Committee notes the statement by the Government of New Zealand that, according to plans drawn up by the Cook Islands Legislative Assembly, the Cook Islands will reach full self-government together with a freely chosen association with New Zealand.

37. General elections in the Cook Islands, scheduled to be held in 1964, are now to take place in early 1965, on the basis of universal suffrage, with the nature of the future status of the Territory as the chief issue. A constitution drafted by the existing Legislative Assembly will be brought into effect if, as a result of the elections, the new Legislative Assembly so decides.

38. The Sub-Committee notes the solemn declaration by the Government of New Zealand that any changes in the constitutional status of the Cook Islands will be decided freely by the people of the Cook Islands themselves.

39. The Sub-Committee takes note of the statement by the administering Power that the Resident Commissioner, who will be appointed by the Governor of New Zealand under the contemplated constitutional arrangements, shall have no powers of either a legislative, executive or judicial nature within the Government of the Cook Islands.

40. While the constitutional progress in the Cook Islands has been substantial, progress towards self-government in Niue, and particularly in the Tokelau Islands, has not always kept pace with the changing times.

41. The Sub-Committee is gratified to hear that the Government of New Zealand has decided to send a Constitutional Mission of the Government of New Zealand to visit Niue during 1964, to help prepare a detailed plan and time-table for the constitutional development of Niue similar to that of the Cook Islands.

42. The Sub-Committee notes the opinion expressed by the administering Power that in view of the small size and population and the meagre resources available, the best future for the Tokelau Islands appears to be some kind of association with the larger islands or States nearer to it, which association will offer the inhabitants of the Tokelau Islands the possibilities of a wider life. The Sub-Committee notes, however, that it is understood that the final choice concerning

the future status of the Territory will be decided by the population.

43. There are certain features and problems common to all three Territories:

(a) The people of these three Territories have similar origins, culture, civilization and ways of life.

(b) The economic development of all three Territories has been retarded by problems of a social and administrative nature as well as by purely economic factors.

(c) The relationship between economic and political independence is further complicated by the problems of size, isolation, limited resources and the one-sided nature of the economy.

(d) The senior posts in the civil services of the Territories are largely manned by non-indigenous persons, and the training of the people of the Territories for higher administrative positions has not always been adequate.

44. The Sub-Committee notes with satisfaction the efforts made by the New Zealand Government in carrying out its obligations as administering Power and its co-operation with the Special Committee, and the relations that exist between the people of the Territories and the administering Power.

45. The Sub-Committee has also taken note of the various petitions submitted on these Territories.

RECOMMENDATIONS OF THE SUB-COMMITTEE

46. The Sub-Committee reaffirms the inalienable right of the people of the Territories of the Cook Islands, Niue and Tokelau Islands to self-determination and independence in conformity with the Declaration contained in General Assembly resolution 1514 (XV). The Sub-Committee is of the view

that the questions of size, isolation and limited resources shall not in any way delay the application of that resolution to these Territories.

47. The people of these Territories should be enabled to express their wishes with regard to the provisions of resolution 1514 (XV) through well-established democratic processes.

48. In relation to the necessary arrangements for the free expression of the peoples' wishes in regard to the implementation of the Declaration, the administering Power should have regard to the nature of aid and assistance which can be rendered by the United Nations and make this known to the population of the Territories.

49. A visit to the Territories by the Sub-Committee would be useful in gathering more information and in other respects. Steps may therefore be taken to arrange such a visit in consultation with the administering Power.

50. The administering Power should further enlarge the training of administrative personnel from among the indigenous people, so that they occupy all key positions of responsibility in their Governments without delay.

51. The Sub-Committee recommends further and immediate measures to develop and strengthen the economic structure of these Territories. The United Nations, with the specialized agencies, could be of assistance in this endeavour. The Secretary-General may be requested to undertake a survey of the economic and social development of these Territories in co-operation with the specialized agencies of the United Nations and the administering Power. The objective of these measures will be to ensure that these Territories are not denied the attainment of independence and self-determination on account of their size, geographical factors and economic and social problems.

CHAPTER XVI

AMERICAN SAMOA

A. INFORMATION ON THE TERRITORY

Introduction

1. American Samoa comprises the eastern islands of the Samoan Group in the South Pacific. The Territory has a total land area of 76 square miles (197 square kilometres). The main islands are of volcanic origin, consisting chiefly of a series of ridges rising abruptly from the sea. Two islands are coral atolls. The headquarters of the Administration are located at Pago Pago on Tutuila, the main island of the Territory. The Samoans are Polynesians. The population increased from 5,697 in 1900 to 20,051 in 1960. Approximately 4,000 inhabitants migrated to the United States of America between 1956 and 1960.

Status

2. American Samoa is an unincorporated Territory of the United States administered by the United States Department of the Interior. Persons residing in American Samoa on 17 April 1900 or born there after that date are nationals of the United States.

Political and constitutional development

Constitution

3. The present Constitution of American Samoa was approved and promulgated on 27 April 1960, and came into effect on 17 October 1960. It provides for the following

4. *Governor.* The executive branch consists of the Governor, the Secretary and departmental and office

heads. The Governor, who is the Chief Executive, is appointed by, and exercises his authority under the direction of, the Secretary of the Interior. The Secretary of American Samoa, who is also appointed by the Secretary of the Interior, assists the Governor, serves as Lieutenant Governor, and represents the Governor during the latter's absence from the Territory. Heads of departments and offices of the executive branch are appointed by the Governor and are responsible to him.

5. *Legislature.* The Legislature of American Samoa consists of a Senate and a House of Representatives. Each of the fourteen political counties of the Territory elects a *matai* (chief) by Samoan custom to the Senate to serve for four years. One additional senator, who serves for two years, is elected on rotation from four counties in the Western District.

6. The Constitution provides that the membership of the House of Representatives shall be elected by secret ballot on the basis of population, that the total number of representatives shall not exceed twenty-four, and that each county shall have at least one representative regardless of population. At present the House of Representatives has seventeen members. There is also one non-voting delegate from an outer island (Swains Island).

7. In the annual report of the administering Power,¹ it is stated that under the 1960 Constitution, the Leg-

¹ United States of America, 1963 *Annual Report of the Governor of American Samoa to the Secretary of the Interior for the Fiscal Year Ended June 30* (U.S. Government Printing Office, Washington, D.C.).

islature assumed increased authority in enacting laws for American Samoa.

Electoral system

8. All residents of five years' standing over the age of 20 years who have resided for one year within the county in which they intend to vote, are eligible to vote in elections in American Samoa. All persons who are qualified to vote and who are at least 25 years of age and are either United States nationals or United States citizens, are eligible to run for and to hold office in the House of Representatives. General elections are held every two years.

Public service

9. At 30 June 1962, the Public Service consisted of fifty-four overseas officers and 2,046 local officers. In the annual report of the administering Power, it is stated that an extensive training programme is being maintained, to carry out the policy of the Department of the Interior and the Government of American Samoa of replacing overseas employees with Samoans as soon as they are qualified.

Judiciary

10. Judicial power is vested in the High Court and five district courts. All courts are courts of record. The High Court has a Trial, a Probate, and an Appellate Division. The court system is under the general administration of the Chief Justice of American Samoa, who is appointed by the Secretary of the Interior.

Local government

11. The Samoan Affairs Office has as its primary function the administration of the local government organization and acts as a link between the local Samoan officials and the various departments of the territorial administration. The Constitution provides for the appointment of a Samoan by the Governor as Secretary for Samoan Affairs who shall be the head of the Department of Local Government and be responsible for the proper administration of district, county, and village affairs as provided by law. He shall supervise all ceremonial functions as may be provided by law.

12. A Local Government Council composed of the three District Governors and the fourteen County Chiefs is gradually assuming the role of a policy-making body within the local government organization. It appoints its own officers who form an Executive Committee. This group maintains constant liaison with the Governor and the Secretary of the Territory and acts as the co-ordinating body for all matters pertaining to local government.

13. Each of the three political districts within the Territory is administered by a Samoan district governor. He is selected by the council of chiefs in each district and is appointed by the Governor for a four-year term.

14. Each of the fourteen counties has a county chief selected by the county council and appointed by the Governor for a four-year term. In each of the fifty-two villages of the Territory, a village government representative is selected by the village council and appointed by the district governor. All local officials are responsible to their respective district, county, and village councils.

Economic conditions

15. The administering Power states that of the approximately 40,000 acres of agricultural land only about 10,000 acres are developed or partially developed. Most of the remaining area is forest. Fish are abundant in the surrounding waters and are suitable for commercial exploitation. At present, the Administration is directing its efforts towards developing agriculture, forest and fisheries and towards educating the Samoans in the proper use of these resources.

16. The cash economy is based largely on employment by the Government, a fish cannery, and shipping and transportation companies. In order to strengthen and diversify the economy, a contract was signed in 1962 to establish a coconut processing plant, and negotiations were virtually completed for establishing a second fish cannery. Plans were completed for the formation of an all-Samoan development corporation to build a hotel and other facilities as a basis for a tourist industry. No information is available on the value of foreign industrial investments in the Territory.

17. Fish and fish products make up nearly 98 per cent of the value of all exports from the Territory, which totalled \$7,909,351 in 1962.

18. Revenue and expenditure for the fiscal year of 1962 were \$1,321,336 and \$3,312,040 respectively. In addition to revenue, the Territory received congressional grants-in-aid and direct appropriations amounting to \$9,605,400, of which \$6,917,780 consisted of funds for various construction projects.

Social conditions

Labour

19. In 1962, the Government employed 2,099 persons, of whom 63 were non-indigenous and 2,036 were Samoans. The remaining major employers provided jobs for 815 persons, of whom 44 were non-indigenous and the 771 were Samoans.

Public health

20. The Territory has one hospital, one leprosarium and five dispensaries. During 1962, the medical staff consisted of five physicians, eleven Samoan practitioners of medicine, one dentist, four Samoan dental practitioners, five registered nurses, and approximately seventy-seven Samoan practical nurses.

21. The Territory has four main health problems. The first is the need to replace all physical facilities, and the initial step in planning for the new facilities has been the completion of a survey by the United States Public Health Service which will be used as a basis for future planning. The second problem is the need to increase the proficiency of the medical personnel. This is being implemented by more on-the-job training, by securing higher levels of education through scholarships for institutions in the United States and by increasing supervisory contract personnel. The third problem is the lack of water supplies and an adequate system of sewage disposal. This has been given a high priority in the over-all planning for the Territory. The fourth problem is the high incidence of filariasis and intestinal parasitism. In order to bring these diseases under control, a programme has been instituted with the California Medical School at Los Angeles, and pilot programmes have been completed. On the basis of these programmes, mass treatments were due to begin in 1962-1963.

22. Operational and maintenance expenditures of the Department of Medical Services increased from \$504,658 in 1961 to \$702,201 for the fiscal year of 1962, and amounted to approximately 23 per cent of all expenditures.

Educational conditions

23. Education is compulsory between the ages of seven and fifteen. In 1961-1962, there were forty-six government and five private primary schools; eight government and two private intermediate schools; one government and one private secondary school; one government vocational high school and one teacher-training school. A total of 5,474 and 1,287 pupils were enrolled in government and private schools, respectively. Private schools are conducted by religious organizations and function with the approval of the Department of Education. They must meet the requirements for secular education set by the Department.

24. In 1961-1962, thirty-five students held scholarships in colleges and universities in the United States. In addition to the renewal of these scholarships, it was anticipated that thirty new scholarships would be awarded to American Samoans for the 1962-1963 academic year. Besides the government scholarship students attending overseas institutions, there were approximately forty other American Samoan students attending colleges without government assistance.

25. Three new high school buildings were completed in 1962, providing an additional eighteen classrooms and a large library room. An auditorium was also constructed which will be available for high school use in 1963. These new buildings, plus present high school facilities, made it possible to provide secondary education to all ninth grade graduates beginning in September 1963. Heretofore only one-third of the graduates of intermediate schools could be enrolled because of space limitations.

26. Operational and maintenance expenditures on education increased from \$404,612 in 1961 to \$836,493 during the fiscal year of 1962, amounting to approximately 25 per cent of all expenditures. In addition, expenditure on the construction of educational facilities totalled \$1,286,800 in 1962.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

27. At its 305th and 306th meetings, on 10 November 1964, the Special Committee considered the report of Sub-Committee II on American Samoa, which appears as an annex to this chapter.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE II

28. The representative of the Union of Soviet Socialist Republics briefly reviewed the basic facts concerning the situation in that United States colony. First, eastern—or as it was otherwise termed, American—Samoa was part of an archipelago in the southern Pacific Ocean whose western and eastern parts had until the end of the nineteenth century been united in a single sovereign Kingdom of Samoa. From the end of the nineteenth century to the present day, its history had been the typical history of colonial possessions in the Pacific Ocean region—a story of partitions, usurpations, colonial oppression and exploitation in the strategic and economic interests of the colonial Powers. Secondly, unlike the western part of the archipelago,

which had become independent in 1962, the eastern part, four years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, was still a United States colony, and the administering Power did not contemplate implementing the Samoan people's right to self-determination and independence. Legislative and executive power was concentrated in the hands of the United States Governor, who was answerable only to the United States Secretary of the Interior. The Governor had veto power over any decisions taken by the Territory's Legislature. The 1960 Constitution, which did not satisfy the requirements of resolution 1514 (XV), was being used to conceal the unwillingness of the administering Power to taken even a first step in the direction of self-determination and independence for the Territory. Thirdly, economic and social conditions in Samoa left much to be desired. The Territory's backward economy was based on a single crop—copra. Many Samoans had to emigrate to Hawaii or to the United States. It was not idly that *The New York Times* had stated on 16 June that American Samoa had for twenty years been a forgotten stepchild of the United States, undernourished and poorly dressed. Fourthly, the interest shown by the United States in Eastern Samoa had been limited to its attractions as a military base. While the Samoans were interested in the establishment of ramified industry and diversified agriculture, a substantial part of the Territory's budget was being spent on the construction of various military installations.

29. In view of those facts, his delegation considered that the work done by Sub-Committee II on the question was positive. Although the Sub-Committee's conclusions and recommendations did not reflect all aspects of the situation, and some bore the story of a forced compromise, his delegation would not object to the approval of the report as a whole (see annex to this chapter).

30. He did object, however, to the statement in paragraph 24 of the Sub-Committee's report that "constitutional progress has been recorded in the Territory", because it was inconsistent with the facts. The reference in that paragraph to "the opportunities offered under the 1960 Constitution" was also misleading. Paragraph 26 could be understood to mean that the administering Power had taken some sort of measures to implement General Assembly resolution 1514 (XV). Lastly, the word "further should be deleted from the second sentence of paragraph 29 since the people had not yet been given the opportunity to express, with the aid of democratic methods, their wishes with regard to the future of the Territory. That was evidently what had led the majority of the members of the Sub-Committee to express support for the holding of a referendum or plebiscite in the Territory to settle the question of the future of Eastern Samoa, with United Nations assistance if necessary. Consequently, in paragraph 24, the words "under the 1960 Constitution" should be replaced by the words "under the Declaration on the Granting of Independence to Colonial Countries and Peoples"; in paragraph 26 the words "insufficient measures have been taken" should be replaced by the words "the necessary measures have not been taken"; and paragraph 29 should be amended by the deletion of the word "further" from the second sentence.

31. The representative of the United States of America said that the amendments proposed by the representative of the USSR would substantially change

the meaning or the tone of the paragraphs concerned. Contrary to that representative's contentions, the United States had done a great deal to lead the Samoan people towards self-determination or independence. The Territory had an elected Legislature composed entirely of indigenous persons. The lower chamber of the Legislature was elected on the basis of universal suffrage, the upper chamber on the basis of the tribal system. The lower chamber had considerable powers, including the power of raising funds by taxation and of providing for the expenditure of such funds. The Legislature and individuals had an unrestricted right of petition. Moreover, the Legislature could propose amendments to the 1960 Constitution, and the Constitution would, in any case, be automatically reviewed in 1965. A Constitutional Committee, composed entirely of Samoans, was to hear all proposals for amending the Constitution and to propose amendments on its own motion. That was a most democratic procedure and an expression of the people's wishes. In 1962, the Legislature had adopted a resolution stating that the people valued their United States nationality and did not desire any action which would weaken the Territory's relationship with the United States. He urged the rejection of the USSR amendments.

32. The representative of Denmark agreed that there had been constitutional progress in American Samoa. That was an undeniable fact, which should be noted by the Special Committee. He noted that the views of the Cambodian representative on the situation in the Territory (see annex to this chapter, paragraphs 9 and 10) were somewhat different from those presented by the representative of the USSR. The Sub-Committee had followed a middle-of-the-road course and had reached—not a forced compromise—but a wise compromise. He suggested that the Special Committee should adopt the report as it stood and should reject the USSR amendments.

33. The representative of Venezuela said that his delegation had no objection to the adoption of the report on American Samoa without change, and fully agreed with the recommendations submitted by the Sub-Committee. However, he suggested that references to the Sub-Committee be deleted in paragraphs 29 and 30, and that the words "A visiting mission" be substituted for the words "A visit to the Territory" in paragraph 30.

34. The representative of Cambodia was gratified that the Danish representative viewed his delegation's position as a compromise that could be acceptable to most of the members of the Special Committee. His delegation never wished to dwell on the past; it always sought to work out constructive solutions for the future and believed that a plebiscite to determine the freely expressed wishes of the people would help to lead the Territory to self-government and independence.

35. He had no objection to the amendments proposed by the Venezuelan delegation, since they would not affect the substance of the recommendations.

36. The representative of Australia observed that Sub-Committee II had spent many hours thrashing out precisely such points as those mentioned by the representative of the USSR. The fact that the lower house of the Legislature created under the 1960 Constitution was based on the principle of "one man, one vote" was certainly a tremendous step towards the implementation of General Assembly resolution 1514 (XV). At the same time, the wishes of the people for some representation in the Legislature of their own

traditional ways of thinking was taken into account. Consequently, the wording of paragraph 24 was an adequate recognition of the needs which still existed and of current circumstances. His remarks applied equally to paragraph 26, and his delegation, with the reservations it had already expressed, would support the report of the Sub-Committee in its present form.

37. The representative of Syria recognized that some progress had been made in the political field, and perhaps in the economic and social fields, in American Samoa; nevertheless, the task of the Committee was to see that the Declaration on the Granting of Independence to Colonial Countries and Peoples was implemented within the shortest possible time, especially as the people of Western Samoa had attained independence some years previously. While he had no difficulty in accepting the report as it stood, he would support the amendments proposed by the representatives of the USSR and Venezuela. With respect to the USSR amendment to paragraph 24, however, he would, for reasons of form, submit a sub-amendment that would insert after the word "independence" the words "in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples", the words "notwithstanding the opportunities offered under the 1960 Constitution" being retained at the end of the sentence.

38. The representative of Italy felt that it would be wise to adopt the report as it stood, since the conclusions and recommendations had been produced by eight delegations which had spent several weeks studying the problem of American Samoa.

39. The representative of Yugoslavia said that the Committee had agreed that members who had not participated in the work of particular Sub-Committees were fully entitled to comment on the reports of those bodies and to propose any amendments they considered necessary. He congratulated the members of Sub-Committee II on the work they had done. That did not mean, however, that delegations which had not participated in the work of a Sub-Committee should be deprived of the opportunity to make comments and propose amendments to its report if they thought it necessary, and if it was felt that the Sub-Committee's conclusions and recommendations needed improvements or additions.

40. The representative of Poland expressed surprise that the representative of Italy had again raised a point which had already been disposed of. No member of the three Sub-Committees would claim that their reports were perfect, and it was for the Special Committee to adopt, reject or amend them. The USSR amendments would improve the report, and his delegation would be happy to support them. If mention was to be made of the 1960 Constitution, it must be borne in mind that that Constitution was similar to those existing in the Territories under United Kingdom administration, which the Committee had never found entirely acceptable. The objectives of General Assembly resolution 1514 (XV) were very far from being achieved in Eastern Samoa.

41. The amendment to paragraph 29 was entirely factual, because the people had never been given an opportunity to express their views about their future. The procedure for amending the 1960 Constitution on the initiative of the Legislature was extremely complex, and such amendments would require the approval of the United States Secretary of the Interior. The steps taken by the administering Power with regard to the

Constitution were incompatible with the Declaration on the Granting of Independence to Colonial Countries and Peoples, and no one could say that the necessary measures had been taken.

42. The representative of Australia said that he had no difficulty in accepting the compromise wording for paragraph 24 proposed by the representative of Syria. He favoured the retention of the word "further" in paragraph 29, simply in recognition of the fact that, although the objective of the Declaration had not been achieved, a significant step forward had been taken with the establishment, on the basis of the franchise, of a Legislature which henceforth was free to express its wishes on any subject. With respect to paragraph 26, his delegation understood that the Constitutional Committee of 1965 had in fact been set up, and it would like to see in the report an expression of satisfaction at that further important step towards the implementation of resolution 1514 (XV).

43. The representative of Tunisia considered it desirable that delegations which were not members of a sub-committee should have an opportunity to express their views and to submit amendments to reports, as had been the practice in the past. His delegation would support the USSR and Venezuelan amendments, and the Syrian sub-amendment.

44. The representative of the United States of America said, in reply to the representative of Poland, that the people of American Samoa had a daily opportunity to express their views on their future. They had democratic institutions, a free Press, freedom of speech, freedom of petition, and an elected Legislature, which had made a statement concerning its future and its desire for continued association with the United States. The use of the word "further" in paragraph 29 was therefore perfectly justified and correct. The USSR amendment to paragraph 26 was intended to imply that there had been no constitutional progress in the Territory, whereas the contrary was clearly the case.

45. The representative of Iraq said that, in order to accelerate the Special Committee's work, his delegation would support the Syrian sub-amendment.

46. The representative of Italy, replying to the representative of Poland, said that his delegation was very much in favour of any amendments aimed at improving documents submitted to the Committee, but found itself in a difficult position, with respect to amendments which would substantially change the meaning of a report, in choosing between the opinion of eight members who had studied the problem and the opinion of one member who had not participated in the Sub-Committee's work.

47. The representative of Madagascar said that he could accept the report as it stood, but would support the Venezuelan amendments as well as the Syrian sub-amendment, which embodied one of the ideas expressed by the representative of the USSR.

48. The representative of Chile also supported the Syrian sub-amendment, which, in his view, did not change the meaning of paragraph 24. With regard to the other amendments, he preferred the existing text of paragraphs 26 and 29, which accurately reflected the facts as assessed by Sub-Committee II.

49. The representative of the United Republic of Tanzania supported the Venezuelan and USSR amendments, and the Syrian sub-amendment.

50. The representative of the United Kingdom said that his delegation could not accept paragraph 29 without the word "further"; the whole implication of the sentence was that the people of the Territory had not had any opportunity to express their views about their future. His delegation could agree to a recommendation that they should have further opportunities, but it did not believe the Special Committee could change the apparent consensus of the Sub-Committee that there had been constitutional progress in the Territory and that the people had had and did have opportunities to express their views.

51. The representative of the United States of America said he would support the redrafting of paragraph 24 in line with the Syrian sub-amendment. In paragraph 26, perhaps the point would be met by saying that "all the necessary measures have not been taken".

52. The representative of Iran, supported by the representative of Cambodia, proposed that paragraph 29 should be amended by the insertion of the word "fully" after the words "opportunity to express".

53. The Chairman summarized the amendments and appealed to the delegations to accept the following compromise wording of the disputed paragraphs:

(a) In paragraph 24, as proposed by the USSR and further amended by Syria and the Chairman, the text would read as follows:

"Whilst constitutional progress has been recorded in the Territory and opportunities are provided for under the 1960 Constitution, American Samoa is still far from self-government and independence as set forth in resolution 1514 (XV)".

(b) In the first sentence of paragraph 26, the words "insufficient measures have been taken" would be replaced by the words "all the necessary measures have not been taken".

(c) In the second sentence of paragraph 29, as proposed by the USSR, the deletion of the word "further".

(d) In the same sentence, as proposed by Iran and Cambodia, the word "further" would be replaced by the word "fully".

(e) In paragraphs 29 and 30, as proposed by Venezuela, the references to the Sub-Committee would be deleted, and in paragraph 30, the words "A visit to the Territory" would be replaced by the words "A visiting mission".

54. The representative of the United States of America said that the Chairman's suggestions regarding paragraphs 24 and 26 had gained general support, but, in paragraph 29, the word "fully" implied that the people of the Territory were being denied full expression of their views; actually they were free to express their views fully at any time in the Legislature by requesting the amendment of the Constitution.

55. After some discussion in which the Chairman and the representatives of Tunisia, Venezuela, Australia and India took part, the representative of Syria appealed to the Soviet Union to withdraw its amendment to paragraph 29 and to the Committee to accept the amendment submitted by Iran and Cambodia.

56. The representative of the Union of Soviet Socialist Republics said that his delegation attached importance to its amendment. It was no accident that the United States delegation was pressing for the retention of the English text as it stood. The word "further" confirmed other statements, particularly in paragraph 26, which gave the impression that the Territory was on the threshold of independence and had only one more

step to take. All action being taken was being carried out within the context of the 1960 Constitution, which gave the people no possibility of achieving all their rights.

57. In view of the appeal made to his delegation, however, he agreed to withdraw his amendment, on condition that the Iranian-Cambodian amendment was adopted.

58. The Special Committee voted on the proposed amendments as follows:

Amendments (a), (b) and (e) were adopted without objection.

Amendment (d), proposed by Iran and Cambodia, was adopted by 17 votes to 5, with 1 abstention.

59. The representative of Sierra Leone explained why his delegation had decided to vote in favour of amendment (d) proposed by Iran and Cambodia, although it had supported the inclusion of the word "further" in paragraph 29. He felt that the people had not been in a position to express their views fully with regard to their future, but did agree that they had expressed them in some way. The fact of having voted for the amendment submitted by Iran and Cambodia did not mean that Sierra Leone had changed its stand with regard to the validity of the word "further" in the paragraph as it stood.

60. The representative of the United States of America said his delegation felt that the report did not reflect accurately either the situation in the Territory or the aspirations of its peoples. Moreover, his delegation could not support paragraph 30, which called for a visiting mission to go to the Territory.

61. The representative of Australia said that the observations made by his delegation in the Sub-Committee still stood.

62. At the 306th meeting, on 10 November 1964, the Special Committee accordingly approved the report of Sub-Committee II concerning American Samoa (see annex to this chapter) and adopted the conclusions and recommendations contained therein, with the oral amendments given in paragraph 50 (a), (b), (d) and (e) above.

63. The conclusions and recommendations adopted by the Special Committee are as follows.

Conclusions

64. Having heard the statement of the administering Power and having discussed the question of American Samoa, the Special Committee came to the following conclusions.

65. Whilst constitutional progress has been recorded in the Territory and opportunities are provided for under the 1960 Constitution, American Samoa is still far from the goal of self-government and independence as set forth in resolution 1514 (XV).

66. Executive powers are still exercised by the officials of the administering Power and the Governor and the Secretary of the Interior of the United States has final authority with regard to legislative matters.

67. The Special Committee found evidence that all the necessary measures have not been taken by the administering Power for the implementation of resolution 1514 (XV). At the same time the Special Committee noted the establishment of a Constitutional Committee of 1965 charged with reviewing the present Constitution and proposing revisions to it.

68. The Special Committee noted that the administering Power was at present giving important assistance and aid towards the economic and social development of the country by grants-in-aid.

Recommendations

69. The Special Committee reaffirms the inalienable right of the people of American Samoa to self-government and independence in conformity with the Declaration contained in General Assembly resolution 1514 (XV).

70. The Special Committee requests the administering Power to undertake immediate steps for the implementation of the provisions of resolution 1514 (XV). The people should be given the earliest possible opportunity to express fully their wishes with regard to their future status and the assistance of the United Nations could be made available in this regard, if required.

71. A visiting mission would be useful for obtaining first-hand information. Steps might, therefore, be taken to arrange such a visit in consultation with the administering Power.

ANNEX

Report of Sub-Committee II on American Samoa*

CONSIDERATION BY THE SUB-COMMITTEE

1. The Sub-Committee considered American Samoa at its 4th, 6th, 7th, 8th, 22nd and 23rd meetings held on 23 and 29 April, 4 and 5 May and 16 and 18 September 1964.

2. The Sub-Committee had before it the working paper prepared by the Secretariat (see paragraphs 1-26 of this chapter).

3. The representative of the United States of America stated that in the years 1900 and 1904 the Samoan chiefs had voluntarily ceded the islands of Eastern Samoa to the United States. The islands were now under the jurisdiction of the United States Department of Interior. According to the Constitution of the Territory, it was the policy of the Government of American Samoa to protect persons of Samoan ancestry from alienation of their lands and the destruction of the Samoan way of life and language.

4. Regarding the framework of Government, he said the Executive Branch consisted of the Governor, the Secretary of American Samoa and the departmental and office heads. The Legislature of American Samoa consisted of the Senate and the House of Representatives, the members of which were elected by Samoan custom and popular vote respectively. The Legislature raised funds by taxation and provided for expenditure of the funds that it raised. The Judicial Branch was independent of the Legislative and Executive Branches.

5. In 1960 a new Constitution for American Samoa had been approved by a Constitutional Committee composed of ranking leaders from every section of the Territory. It represented a significant step towards complete self-government. One provision in it called for the automatic consideration of its revision or amendment after five years (i.e., in 1965). A further section provided procedure for amendment of the Constitution at any time.

6. He noted that people in the Territory were aware of General Assembly resolution 1514 (XV), and said that in 1962 the Samoan Legislature had unanimously passed a resolution regarding this question. This resolution stated that the Legislature had carefully considered the Declaration on the Granting of Independence to Colonial Countries and Peoples and declared that the action ceding jurisdiction over American Samoa to the United States had been freely taken and represented the will of the people. It further declared that the American Samoans did not regard themselves as a people subject to alien domination or exploitation, that there was

* Previously issued as document A/AC.109/L.136/Add.1.

no denial of freedom to the people of American Samoa which constituted a serious threat to world peace, that there were no armed actions or repressive measures in American Samoa, and that the people of American Samoa valued their American nationality and did not desire to take any action that would weaken the relationship of the Territory to the United States. In addition, the resolution stated that, if there were any doubt about this, the Legislature would be glad to arrange, upon proper request, for a general plebiscite at which a representative of the United Nations would be welcome as an observer.

7. Regarding the economic and social status of the people in the Territory, he pointed out that the natural resources were meagre. Nevertheless, the United States had undertaken to make the islands self-sufficient. In 1961 the Governor had inaugurated a three-year programme to spark the Island's economic and social growth. The United States Congress had acted promptly on the Governor's recommendations. Among other facets of the programme he cited a school construction and improvement plan utilizing the most advanced methods and techniques, the building of roads and public works, and the substantial improvement of the medical programmes.

8. He concluded by saying that much more would be done to promote the best interests of the Samoan people and develop the Territory in accordance with the Charter and the United States objectives: (1) to provide for the orderly and progressive development of the people towards self-government; and (2) to assist the people to attain the maximum possible self-support.

9. The representative of Cambodia stated that he had the greatest respect for the efforts that had been made by the United States regarding the Territory's infra-structure and its economic and social development, but he noted that officials appointed by the administering Power were vested with the executive power and the administration of the judicial system, and that the economy also was entirely dependent on the administering Power.

10. In order to conform to the principles of the Charter and the Declaration, the United States should now consult the people on their wishes and aims. In this connexion he was gratified to note that the Samoan Legislature was willing to hold a plebiscite, and he believed that the procedure followed for Western Samoa might serve as an example. The Special Committee could send a visiting mission to American Samoa, after which a plebiscite could be held in co-operation with the United Nations.

11. The representative of Iraq believed that the Legislature in Samoa was merely a compromise designed to satisfy demands for greater democracy. He considered that the real power was held by the Governor, the Secretary and the heads of departments, and felt that in co-operation with the genuine representatives of the people of Samoa, the administering Power should draw up a constitution that was in conformity with the provisions of General Assembly resolution 1514 (XV) and should immediately transfer its powers to the people of the islands. He also considered that the decision in 1904 to cede the islands to the United States was not consistent with General Assembly resolution 1514 (XV), and that since the new Constitution did not satisfy the requirements of this resolution, the United Nations could not recognize the integration which had taken place.

12. The representative of Poland, reviewing the history of the islands of Eastern Samoa, emphasized their close ethnic and cultural ties with Western Samoa. This history constituted a familiar example of imperialist conquest prompted by strategic and economic interests of the colonial Powers. He recalled the tripartite Berlin treaty of 1889 between the United States, the United Kingdom and Germany by which the Samoan Islands were partitioned among these three Powers. Following the dispatch of a United States warship, the first American Commandant, Captain Tilley, "had not merely to establish a government [in Eastern Samoa] but to persuade the chiefs to accept American rule".^a The discontent with the American rule led to growing opposition, which in the 1920's

took the form of the Mau movement. Many chiefs were arrested for conspiring to remove the high chiefs who had signified their loyalty to the American Commandant. As far as Western Samoa is concerned, the first petition to the Trusteeship Council was that of the representative leaders of Western Samoa already in November 1946 (T/PET.1/1). They complained that an unnatural division of the Western and Eastern islands had been enforced by the three Powers without the consent of the Samoans, and had asked that this matter should be left in abeyance until the leaders of Western and Eastern Samoa could meet to discuss the matter. Since 1946, many nations had attained their independence and even Western Samoa, a Trust Territory under New Zealand administration, had become independent and sovereign in 1962. It was therefore all the more paradoxical that Eastern Samoa should still remain a Non-Self-Governing Territory under United States rule. The United States Governor himself had described in 1960 American Samoa as an eighteenth century society attempting to meet twentieth century aspirations, and another Governor had charged, in 1961, past administrations with practising a policy of negligence which accounted for the slow pace of development in all fields.

13. The 1960 Constitution of Eastern Samoa granted only very limited legislative powers to both the House of Representatives and the Senate. The Governor and the United States Secretary of State could disallow and veto legislation and even if both houses failed to pass bills proposed by the Governor, the latter was empowered to promulgate them as laws. Although the members of the House of Representatives were elected by universal suffrage, the Senate was chosen from among the indigenous chiefs under the outdated *matai* system. The 1960 Constitution made no provisions for the transfer of powers to the Samoan people and the procedure for amending it was so complex that a significant revision was almost impossible for years. And so the Constitution provided that any amendment, if it was agreed to by three fifths of all members of each House voting separately, must be referred to the next succeeding legislature and if it was again agreed to by three fifths of all members of each House voting separately, the Governor had to submit the proposed amendments to the eligible voters at the next general elections. But even if a majority of voters approved the amendments, the Governor had to submit them to the Secretary of State of the Interior for approval or disapproval. Clearly, the Constitution fell far short of the requirements laid down in General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples.

14. The administering Power had done little to satisfy the aspirations and material needs of the Samoans. Even *The New York Times* of 16 July 1962 admitted that American Samoa had for twenty years been a forgotten stepchild of the United States, under-nourished and poorly dressed. Only one quarter of the productive land was being used to grow food and even that area was not cultivated intensively. The economy continued to be based on a single crop, copra, and was therefore vulnerable to world price fluctuations. The entire economy was dependent on the subsidies of the United States, which bore 70 per cent of the cost of government. The bulk of the \$9 million appropriated by the United States Congress for the three-year development programme was being spent on the construction of military projects such as a jet runway and a highway linking the naval base at Pago Pago with the United States military base in Leone at the other end of the island.

15. These activities served a military purpose which—to say the least—was not of primary and immediate importance to the Samoans, whose interests must come first. It might be added that at the Fifth South Pacific Conference in 1962 the delegates from Eastern Samoa had asked for better public health services, education, technical training and a larger voice in their own affairs (*The Christian Science Monitor* of 30 July 1962).

16. The representative of Poland stated that neither the size of a Territory nor its economic backwardness could be used as pretexts for delaying its attainment of self-government and independence. It was for the people to decide about their future status in expressing their views in complete freedom by

^a F. J. West, *Political Advancement in the South Pacific* (Melbourne, Oxford University Press, 1961), p. 132.

means of a plebiscite based on universal adult suffrage. He therefore supported the proposal of the representative of Cambodia that a visiting mission be sent to Eastern Samoa to ascertain the wishes of the people and to make the necessary recommendations.

17. The representative of Chile observed that American Samoa was still far from the goal of self-government and independence, notwithstanding the opportunities offered under the 1960 Constitution and the economic and social progress which was being made under it. The executive branch was still in the hands of officers of the administering Power, and the powers of the Legislature were limited by the veto which they were able to exercise.

18. He considered that the present traditional system had serious drawbacks from the point of view of representative government and economic and social advancement, and that perhaps the solution to this might lie in granting increasingly wider powers to the House of Representatives.

19. He noted that the various stages in American Samoa's progress towards self-government had not been defined, although the Constitution might be amended to hasten the process. He was confident that the United States would take the necessary steps to ensure that the Territory would soon be in a position to decide its own future.

20. The representative of Australia considered the situation generally encouraging in American Samoa. He noted with approval the existence and continuance of all the freedoms which the Special Committee considered basic. The new Constitution reflected both the traditional pattern of government and modern democratic concepts. He thought it would be a mistake to force a transition from old patterns to new ways of life. If the *matai* system proved to be a handicap and had to be discarded, the transition could be brought about peacefully only through the education of the Samoans. He believed that the pace of advancement towards self-government and independence in the Pacific Territories should not be forced: the particular situation in each Territory should be taken into account. In American Samoa, the people evidently wanted gradual change based on political understanding between themselves and the administering Power and on ordered and planned economic and social development. Those factors constituted the best foundation for progress towards the goals laid down in United Nations resolutions.

21. The representative of India noted with satisfaction that the United States policy in Samoa had in general been forward-looking, and he had no doubt that the Declaration would be implemented in the Territory in the very near future. In regard to the procedure for amending the Samoan Constitution, he wondered whether it would not be possible to work out a speedier and more direct method by which the Territory's people could pronounce upon the issues of independence or possible association with Western Samoa, and he thought that perhaps the matter could be discussed in detail by the parties concerned. He noted that the United Nations machinery

for ascertaining the wishes of the people was available and could be used.

22. The representative of Sierra Leone believed that it was the duty of the administering Power to provide the Territory's people with the means of deciding their future, and he welcomed the statement that the objective of the United States Government in American Samoa was "orderly development of the Territory towards self-government and self-support". The United States should pursue that objective until it was finally and fully achieved. Meanwhile, the extent of its participation in the government of the Territory could be progressively reduced, so that the Samoans could acquire the experience needed for self-government and complete independence.

Conclusions of the Sub-Committee

23. Having heard the statement of the administering Power and having discussed the question of American Samoa, the Sub-Committee came to the following conclusions.

24. Whilst constitutional progress has been recorded in the Territory, American Samoa was still far from the goal of self-government and independence notwithstanding the opportunities offered under the 1960 Constitution.

25. Executive powers were still exercised by the officials of the administering Power and the Governor and the Secretary of the Interior of the United States had final authority with regard to legislative matters.

26. The Sub-Committee found evidence that insufficient measures have been taken by the administering Power for the implementation of resolution 1514 (XV). At the same time the Sub-Committee noted the establishment of a Constitutional Committee of 1965 charged with reviewing the present Constitution and proposing revisions to it.

27. The Sub-Committee noted that the administering Power was at present giving important assistance and aid towards the economic and social development of the country by grants-in-aid.

Recommendations of the Sub-Committee

28. The Sub-Committee reaffirms the inalienable right of the people of American Samoa to self-government and independence in conformity with the Declaration contained in General Assembly resolution 1514 (XV).

29. The Sub-Committee requests the administering Power to undertake immediate steps for the implementation of the provisions of resolution 1514 (XV). The people should be given the earliest possible opportunity to express further their wishes with regard to their future status and the assistance of the United Nations could be made available in this regard, if required.

30. A visit to the Territory by the Sub-Committee would be useful for obtaining first-hand information. Steps might, therefore, be taken to arrange such a visit in consultation with the administering Power.

CHAPTER XVII

GUAM

A. INFORMATION ON THE TERRITORY

Introduction

1. Guam, the southernmost of the Mariana Islands, lies in the western Pacific about 1,500 miles (2,400 kilometres) south-east of Manila. It is a volcanic island 30 miles (48 kilometres) long, with a land area of 209 square miles (541 square kilometres). In 1961, the population, excluding United States military personnel, was estimated at 41,247. The present Guamanians are the descendants of the indigenous Chamorro inhabitants now mixed with other strains.

Status

2. Guam was ceded to the United States of America in 1898, following the Spanish-American War. It is an unincorporated Territory of the United States. Guamanians are citizens of the United States, but those who reside in Guam do not have the right to vote in United States elections and have no representation in the Congress.

Political and constitutional development *Constitution*

3. The Territory is administered under the Organic Act of Guam, 1950, as amended. Guam's relationship

with the United States Government comes under the general supervision of the Department of the Interior.

4. *Governor.* The Governor is the chief executive and administrator of the affairs of the Government of Guam. He is appointed by the President of the United States, by and with the advice and consent of the United States Senate, to hold office for four years. He is assisted by the Secretary of Guam who is also appointed by the President for a four-year term.

5. *Legislature.* The Legislature of Guam, which is composed of twenty-one elected members, is empowered to pass laws on local matters, including taxation and appropriations for the fiscal operation of the Government.

6. All laws enacted by the Legislature are reported to the Congress of the United States. If any such law is not annulled by the Congress within one year of the date of its receipt by that body, it shall be deemed to have been approved. Every bill passed by the Legislature becomes law unless the Governor returns it with his objections to the Legislature. If, after reconsideration, two thirds of the Legislature agree to pass it and the Governor still disapproves it, he must transmit it to the President of the United States. If the latter disapproves it, it shall not become a law.

Electoral system

7. There is universal suffrage for all citizens of Guam eighteen years of age or older. General elections are held every two years.

Judiciary

8. The District Court of Guam has jurisdiction in all cases arising under the laws of Guam. Its decisions may be appealed to higher United States courts. It is presided over by a judge appointed by the President, by and with the advice and consent of the United States Senate. The Island Court has jurisdiction in all criminal cases not involving felonies, and various other matters. The Police Court has jurisdiction in simple misdemeanours.

Public Service

9. A total of 2,148 persons were regularly employed by the Government of Guam in 1962. These consisted of 1,741 Guamanians, 379 other United States citizens and 28 aliens. In 1961, thirteen local residents were appointed to key positions in the Government which were formerly held by overseas employees. Two local residents have been appointed as heads of departments.

Political parties

10. Guam has two political parties: the Democratic Party, affiliated with the Democratic Party of the United States, and the Territorial Party, which is independent.

Economic conditions

11. Guam is relatively poor in natural resources. It serves as a military base for the United States, and practically the entire economy of the Territory is based, directly or indirectly, upon the wages paid by the base to civilian residents. Agriculture is the other principal element in the economy, but ready employment by the military forces and the civil government continues to handicap agricultural development and production.

12. Guam serves as a transshipment centre for the Trust Territory of the Pacific Islands. Imports for the fiscal year 1962 were valued at \$20,717,273, more than

80 per cent of which came from the United States. Exports were valued at \$6,352,605, of which more than 70 per cent went to the United States and the Trust Territory of the Pacific Islands.

13. The total revenue of the Government for 1962 was \$19,413,000. General fund revenues totalled \$13,489,090, and the remaining amount came from the Public Utility Agency of Guam Fund, the Commercial Part of Guam Fund and "special funds". Expenditures for the same period totalled \$19,168,000, of which \$14,552,616 were general fund expenditures.

Social conditions

14. *Labour.* The Guam Department of Labor and Personnel is charged with the administration of personnel and labour laws. In the annual report of the Governor of Guam¹ it is stated that the Department's policy is to assure that equal employment opportunities are provided to all and that recruitment of personnel is based solely on ability and fitness. There is a shortage of skilled labour in the Territory.

15. *Public health.* The Department of Medical Services consists of three divisions with a total staff of 409. In 1962, the Division of Hospitals had a staff which included eleven physicians. The Division of Public Health is responsible for the study and analysis of health problems on Guam, for programme planning, and for the training of personnel. It maintains contact with other outside health agencies such as the South Pacific Commission, the World Health Organization (WHO), and the United States Public Health Service. The Division of Public Welfare has sections dealing with administration, child welfare services, detention homes, family services, and medical social services. The Department's expenditures in 1962 totalled \$2,261,047, approximately 15 per cent of the total general fund expenditures, or 12 per cent of the total government expenditure.

Educational conditions

16. The public schools of Guam consist of nineteen elementary schools, one elementary-junior high school, one junior high school, two junior-senior high schools, and one trade and technical school. These schools had a total enrolment of 14,000 in March 1962.

17. The College of Guam, which was established in 1952, was accredited as a two-year institution of higher learning in 1959. It has applied for accreditation as a four-year institution. In 1962, the staff of the College consisted of twenty-two teachers and seven persons in administrative posts. The enrolment totalled 329 full-time students and 1,049 part-time students.

18. Expenditures by the Department of Education amounted to \$4,213,686, approximately 29 per cent of the general fund expenditures, or 22 per cent of total government expenditures.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

19. At its 304th, 306th and 307th meetings on 9, 10 and 11 November 1964, the Special Committee considered the report of Sub-Committee II on Guam, which appears as an annex to this chapter.

¹ United States of America, 1963 *Annual Report of the Governor of Guam to the Secretary of the Interior for the Fiscal Year Ended June 30* (U.S. Government Printing Office, Washington, D.C.).

General statements by members of the Committee

20. The representative of Poland drew the attention of the Special Committee to a question on which Sub-Committee II had not reached any conclusion, namely the Chamorro language, which as indicated in the report on Guam, was the only national language of the indigenous people of Guam. Chamorro should therefore be taught in the schools.

21. The representative of the administering Power had stated in the Sub-Committee that Chamorro was still widely used in the Territory (A/AC.109/104, p. 11). There was even a Guam weekly which was issued in Chamorro and English. Chamorro continued to be spoken in families and was not a Micronesian dialect but a distinct language with its own vocabulary and grammar. Very few indigenous people wrote it correctly, because instruction was in English and Chamorro was prohibited in schools. In view of Article 73 a of the Charter, which imposed on administering Powers an obligation to ensure the advancement of dependent peoples with due respect for their culture, he believed that priority in education should be given to the national language. The United Nations Educational, Scientific and Cultural Organization (UNESCO) in its numerous reports had expressed the opinion that elementary education should be conducted in the language of the country. The teaching of Chamorro would add to the self-confidence of the indigenous people, strengthen their national consciousness and contribute to their political awareness.

22. The representative of the administering Power had explained that it was the Guamanian Legislature which had decided in 1952 that school instruction should be in English. But that decision must be viewed against the general background, characterized by the lack of respect shown by the administering Power for the indigenous language and by the fact, stressed in the report of the Sub-Committee, that the entire life of the Guamanians was dependent on the military activities of the administering Power. The decision had been taken twelve years previously, and the colonial world had greatly changed since then. Moreover, the decision did not exclude the teaching of Chamorro. The administering Power could, therefore, in consultation with the indigenous people, investigate the possibility of introducing Chamorro into the public schools. The Special Committee had an obligation, under resolutions 1514 (XV) of 14 December 1960 and 1970 (XVIII) of 16 December 1963, to see that the interests of the indigenous people were protected.

23. The representative of the United States of America said that the question raised by the representative of Poland had been discussed at four meetings of Sub-Committee II. As his delegation had stated, it was the Legislature of Guam elected on the basis of "one man, one vote" which had chosen English as the medium of instruction in schools, and neither the Sub-Committee, nor the Special Committee nor the administering Power should comment on a matter that the Legislature of Guam had already decided. The Legislature of Guam might, of course, decide differently in future, and the people of Guam enjoyed an unrestricted right of petition. In the summer of 1964, the Legislature had, in fact, expressed the view that it might be useful for Chamorro to be taught in the secondary schools and had appointed a commission to look into the question.

24. The representative of Cambodia noted that the representative of the United States had said that the

Legislative Assembly of Guam had expressed the opinion that the Chamorro language could be taught in the secondary schools, and that the United States delegation felt that it was for the Legislative Assembly of Guam to decide on the use of Chamorro in the Territory. That was in agreement with the view expressed by his delegation in Sub-Committee II.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE II

25. The representative of the Union of Soviet Socialist Republics said that while other colonial possessions in the Pacific Ocean held by the United States, the United Kingdom, Australia and other countries, were used only partly for military purposes, the island of Guam was nothing but a large United States colonial military base; it was a clear illustration of the negative influence exerted on the political, economic and social development of colonial territories by their use in connexion with the military plans of the metropolitan countries.

26. Guam's economy before the Second World War had been based on agriculture and had furnished the island's people with food and a number of widely used commodities. After the war, the United States, which was interested in Guam only because of its strategic location, had replaced the civilian economy with a military economy; it had done nothing for the all-round development of the Guamanian economy, since that had not suited its plans for the utilization of the island. As a result, the island's economy was in a worse position today than before the Second World War.

27. As had been indicated in a dispatch published in *The New York Times* on 28 April 1962, the economic existence of the entire Guamanian population of 45,000 was linked in some way with the strategic command bases or naval bases situated on the island. Thus, Guam's economy had an artificial and precarious basis and, in an age of rapidly advancing technology, thousands of Guamanians might one day find themselves literally without a piece of bread. Moreover, United States military strength on Guam constituted a threat to the countries and peoples of the Pacific area, and that threat was constantly being increased by the introduction of new military equipment: fifteen jet bombers, carrying nuclear weapons, had been sent to Guam as late as a few days previously, according to the *Chicago Daily News* of 26 October 1964 and *The New York Times* of 27 October 1964. Thus, the United States was increasingly subordinating the island to its own aims and interests, which had nothing in common with the real aims and interests of the Guamanians with respect to their future.

28. In view of those facts, his delegation felt that the military status of Guam should be reflected in the Special Committee's conclusions and recommendations to the General Assembly. It therefore proposed that in paragraph 22 of the Sub-Committee's report the word "military" should be inserted before the word "activities" in the first sentence.

29. Furthermore, the USSR delegation shared the view, expressed by a number of representatives in Sub-Committee II, that in the four years since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the people of Guam had not had an opportunity to exercise their right to self-determination and independence, and that the Territory continued to be governed under an Act

passed by the Congress of the United States in 1950. Under that Act, supreme executive power remained vested in a Governor representing the United States; the Governor and the President of the United States had the right to overrule and veto any act passed by the Guam Legislature.

30. That was the situation and paragraph 19 of the Sub-Committee's report should be amended so as to reflect it. Accordingly, his delegation had to reserve its position on that paragraph.

31. Moreover, the USSR delegation could not ignore the question of the Chamorro language, which had been raised during the discussion in Sub-Committee II by the representative of Poland. Neither the representative of the United States nor any other member of the Special Committee, he was sure, would wish to renounce the right to the use of his native language; the Committee should therefore state its opposition to the attempts made to deprive the people of Guam of that right. Such attempts were contrary to the Charter of the United Nations and to the provisions of the Declaration, and indicated an attempt to deprive the people of their national characteristics, language and culture. The statement made by the representative of the United States on this matter (see paragraph 23 above) indicated that it had taken the administering Power too long to recognize the need for the introduction of Chamorro in the Territory's schools. He hoped that this statement would not remain a mere paper promise and that the people of Guam would in fact be given the opportunity to use their native language.

32. Subject to the above considerations and amendments, his delegation fully supported the conclusions and recommendations of Sub-Committee II as a first step in the Special Committee's consideration of the question of Guam. It also endorsed the statements of individual members of the Sub-Committee on the desirability of sending a visiting mission of the Special Committee to Guam.

33. The representative of the United States of America said that the remarks of the representative of the USSR had again revealed the real purpose of his participation in the Committee: to strike at the vital interests of the United States whenever possible. It was clear that he was far more interested in United States military power than in the people of the Territories concerned.

34. The standard of living in Guam was probably one of the highest in dependent Territories and higher even than that in many independent States. The minimum wage for common labour in Guam was \$US1.00 per hour, and in cases where the Federal minimum wage law was applied, it was \$US1.25 per hour; however, wages actually paid even to semi-skilled workers were often two or three times as high as the legal minimum.

35. A resolution passed by the Sixth Guam Legislature, First Special Session, in 1962, declared, *inter alia*:

"... that the Sixth Guam Legislature does hereby on behalf of the people of Guam, pursuant to its authority as the only elected body within the territory, declare that Guam is an integral part of the United States, that its citizens are citizens of the United States, that it has no further desire than for continued association with the United States, and that any thought that Guam desires any other

status is an affront to the loyalty and devotion of the people of Guam".

36. The resolution went on to state that (a) Guamanians had been granted United States citizenship as a result of the people's request and in recognition of their loyalty and devotion during the Second World War; (b) United States citizens of Guam were in no way discriminated against anywhere in the United States; (c) the holding of a plebiscite to express the wishes of the Guamanians would be an idle and expensive gesture, for the vote in favour of continued association with the rest of the United States would be nearly unanimous, but it would be held if ordered by the United States President and Congress; (d) it was the opinion of the people of Guam that in the praiseworthy efforts of the United Nations to end colonialism throughout the world, more attention should be directed to areas which were under the complete domination of communist Powers; and (e) if the result of the questions raised by the United Nations in connexion with Guam's status was that Guam obtained an elected Governor and representation in the United States Congress, the people of Guam would be forever grateful to the United Nations for thus causing closer ties with the United States.

37. The Legislature of Guam, elected on the basis of "one man, one vote", was the voice of the people of Guam; it consisted solely of Guamanians and was elected solely by Guamanians, who were all citizens of the United States.

38. It would be in the interests of the Special Committee to adopt the Sub-Committee's report without change, since the Sub-Committee had laboured for many weeks on the problem. The insertion of the word "military", as proposed by the representative of the USSR, had been discussed at length in Sub-Committee II and had not been considered desirable or necessary. However, since the representative of the USSR had proposed a formal amendment, the United States representative also wished to propose one: that the words "with satisfaction" should be inserted after the word "notes" in the second sentence of paragraph 22.

39. The representative of the Union of Soviet Socialist Republics said that his remarks had not been answered by the representative of the United States. He had not said that the people of Guam were going hungry at present but that, as a result of the policy being pursued by the United States, thousands of Guamanians "might" one day find themselves without a piece of bread. Although the United States representative had said a great deal about freedom and democracy in Guam, the real master of Guam was not the Guamanian Legislature but the United States of America. The laws passed by the Guamanian Legislature were without force until they were approved by Washington.

40. He also wished to ask the United States delegation whether its Government regarded Guam as United States territory. Guam was a Non-Self-Governing Territory, whose population, in accordance with United Nations decisions, was to express its views concerning its future under conditions of complete freedom. And yet all legislation enacted in the Territory had to be approved by the United States. That seemed to be a strange sort of democracy.

41. Furthermore, the representative of the United States had said nothing about the military activities

on the island. He had said merely that the Sub-Committee had laboured a long time on its report, but that was no argument. It remained a fact that Guam's economy and its entire life were dominated by the military interests of the United States, and, in his delegation's view, the Committee could not fulfil its duty unless the Sub-Committee's report reflected that fact. The situation was similar in other islands, considered by the Committee. The Special Committee could scarce^{ly} shut its eyes to the problem merely because the Sub-Committee had laboured long; the military aspects of the situation must be reflected in the Special Committee's report to the General Assembly.

42. The representative of the United States of America said he did not understand the purpose of the remarks of the representative of the USSR concerning military activities. The United States had plainly declared, and everyone knew, that there were large United States military installations in Guam. The island had been used during the Second World War as a military base against the United States and had been retaken with great loss of life on the part of United States armed forces and of Guamanians who had fought beside them.

43. As to the island's political status, Guam was unquestionably a Non-Self-Governing Territory and was being discussed by the Special Committee for that very reason. The Governor of Guam, who was of Chamorro ancestry, and the Secretary were appointed by the President of the United States; beyond that, all other appointments were in the hands of the Guamanians themselves. All executive appointments made by the Governor required the approval of the Legislature of Guam. The Legislature imposed taxes, made its own appropriations and spent the money which it raised.

44. The representative of the Soviet Union had incorrectly stated that no act of the Legislature came into force until it had been approved in Washington. Actually, bills adopted by the Guamanian Legislature became law as soon as the Governor signed them; if he refused his approval and two thirds of the Legislature thereafter voted for the bill, it became law if the Governor signed it the second time it was submitted to him. If the Governor again refused to approve the bill, the final decision was made by the President of the United States. The Organic Act reserved to the United States Congress the authority to annul legislation within one year of enactment by the Guamanian Legislature, but the Congress had never exercised that authority. Therefore, as a matter of practical fact, the laws passed by the Guamanian Legislature were referred only to the Governor; it had never proved necessary to refer them to Washington.

45. The representative of Australia said that while it was undeniable that the people of Guam derived valuable economic benefits from the existence of United States military installations on the island, in his delegation's view, the administering Power's recently formulated plans for the development of Guam's social and economic potential to a greater level of self-sufficiency would protect the Guamanian economy irrespective of what might happen to the military base. For that reason, his delegation was opposed to the amendment proposed by the representative of the USSR.

46. The representative of Ethiopia asked the Rapporteur of Sub-Committee II to explain the meaning

of the words "the activities of the Government of the United States", in paragraph 22.

47. The representative of India, speaking as Rapporteur of Sub-Committee II, said his understanding was that "activities" included the political, constitutional, economic and any other activities of the administering Power in the Territory.

48. The representative of Poland, recalling the doubts expressed by several delegations as to whether the Special Committee was justified in scrutinizing the reports of the Sub-Committees, noted that the representative of the administering Power had read out the text of a resolution by the Guam Legislature which had not been brought to the attention of Sub-Committee II and with respect to which the Polish delegation reserved its position. Guam was a Non-Self-Governing Territory, and it could in no way be a part of the United States. The fact that the United States had undertaken to protect the people of Guam did not confer on it the right to give them citizenship, which could be granted only to individuals requesting it. The granting of citizenship to the whole Territory seemed to prejudice its future and was contrary to the letter and spirit of Chapter XI of the United Nations Charter and to the Declaration on the Granting of Independence to Colonial Countries and Peoples.

49. The introduction of the teaching of Chamorro in schools, which the administering Power was now considering following the debate in Sub-Committee II, should obviously have taken place long before. The representative of the United States had tried to create the impression that his Government never exercised its power to annul legislation; yet, according to United Nations documents, the Fifth Guam Legislature had passed sixty-one bills, of which eleven had not been promulgated.

50. There was no other Territory thus far considered by the Special Committee in which indigenous persons formed one half of the population and military personnel and their families the other half. The economy was not stable, because every Guamanian family was dependent on the military activities, and with advances in military technique and changes of strategic emphases the people might one day lack employment. Even the United States Administration and the Governor of Guam had recently appealed to the Government of the Territory to promote a return to an agricultural economy. In the light of the existing situation, it would be only factual to insert the word "military" in paragraph 22.

51. The representative of the Union of Soviet Socialist Republics said that, in view of the statement made by the Rapporteur of Sub-Committee II, he was prepared to revise his amendment so that the phrase under discussion would read "military and other activities".

52. The representative of Chile explained that his delegation, in Sub-Committee II, had supported the existing wording of paragraph 22 as an adequate expression covering all activities. To specify the type of activities involved, especially by the insertion of the word "military", might introduce into the debate cold-war problems and extraneous issues, which could only hinder the rapid accession to independence of colonial peoples. He urged the Committee to adopt the text as it stood.

53. The representative of Ethiopia said that the question of the cold war did not arise. If the Committee found the use of the word "military" justified on substantive grounds, it must agree to it, unless the representative of the United States could explain his precise objections. It was not sufficient to say that the Committee must accept a compromise worked out in the Sub-Committee.

54. The representative of Poland remarked that it was a practice of the administering Powers to raise the question of the cold war whenever colonial issues were being discussed. No one could question the fact that the economy of Guam was entirely military in nature. He hoped that the Committee would adopt the revised amendment submitted as a compromise by the representative of the USSR.

55. The representative of the United Republic of Tanzania pointed out that when the report of the Sub-Committee was adopted, the recommendations would automatically become recommendations of the Special Committee.

56. With regard to paragraph 22, the people of Guam might be faced with a number of economic problems under conditions of complete self-determination and independence, owing to the fact that the economy was entirely geared to military activities. He would therefore support the revised USSR amendment.

57. The representative of Australia explained that he objected to the word "military" because it implied that the economy would collapse if United States military activities ceased. That, of course, would not be the case; his delegation had not the slightest doubt that, in that event, the United States would use all the resources available to it in developing a viable economy.

58. The Chairman suggested that all points of view might be met if the wording "all the activities" were used in paragraph 22.

59. The representative of Denmark said that his delegation could support the Chairman's suggestion which, against the background of the discussion that had taken place, could leave no doubt concerning the activities referred to.

60. The representative of the United States of America said that the statements of his delegation in Sub-Committee II had fully demonstrated the efforts made by the United States to develop and diversify the economy of Guam. The Special Committee need have no fear that the United States might fail to continue to fulfil its obligations towards the people of the Territory.

61. The representative of the Union of Soviet Socialist Republics said that his revised amendment had not been dictated by any cold-war considerations, but was based on facts which the United States representative had been unable to refute. The Australian representative's statement had simply confirmed that the whole economy of Guam was dependent on United States military activities. He hoped that the Committee would support his delegation's revised amendment, the purpose of which was to disclose the true state of affairs.

62. The representative of Ethiopia, supported by the representatives of Iran and the United Republic of Tanzania, appealed to the representative of the USSR to accept the Chairman's suggestion, in the interests of accelerating the Committee's work.

63. The representative of Poland asked why, on the basis of all the data available, the Committee should not draw attention to the military aspect of United States activities. His delegation felt that it affected the every-day life of the people. The contemplated plans of the administering Power in the economic field had been fully taken into account in the second sentence of paragraph 22, and no one had explained what activities, other than military ones, could seriously affect the economy of Guam.

64. The Chairman observed that "all the activities" would mean the same as the expression "military and other activities", which had been supported by the Polish delegation.

55. The representative of Iran offered the Chairman's suggestion as a formal amendment.

66. The representative of Venezuela said that his delegation, in a spirit of compromise, would be prepared to support the Iranian proposal. He appealed to the representative of the USSR to withdraw his amendment.

67. The representative of the Union of Soviet Socialist Republics replied that, while his delegation was always prepared to accept a genuine compromise, it could not accept the Iranian amendment. The expression "all the activities" did not name the main activity on which the Guamanian economy depended. The original text of paragraph 22 did not reflect the true situation in the Territory, and the Iranian amendment was not an improvement.

68. The representative of Iran assured the USSR representative that his delegation had proposed its amendment in a spirit of compromise. His delegation was convinced that paragraph 22, amended as proposed, set out the situation completely and objectively. Military activities were an important source but not the only source of the Guamanian economy. He would abstain from the vote on the USSR amendment.

69. The representative of India explained that his delegation would abstain from the vote on both amendments.

70. The representative of the Ivory Coast said he believed that the same formula should be used in all paragraphs referring to visits of the Special Committee to the various Territories, along the lines suggested by the representative of Venezuela in earlier discussions of the Special Committee (305th meeting).

71. The representative of Venezuela said that he shared the Ivory Coast representative's view that uniform wording should be used, without any need for a formal amendment in connexion with each part of the report.

72. At the 307th meeting, on 11 November 1964, the Special Committee voted on the proposed amendments to paragraph 22 of the report of Sub-Committee II on Guam (see annex to this chapter). The USSR revised oral amendment to insert the words "military and other" before the word "activities" in the first sentence of paragraph 22 was adopted by 7 votes to 6, with 10 abstentions. The United States oral amendment to insert the words "with satisfaction" after the word "notes" in the second sentence of paragraph 22 was adopted by 5 votes to 4, with 11 abstentions.

73. The Chairman stated that in view of the vote on the USSR amendment, it would not be necessary to put the amendment proposed by Iran to a vote.

74. On the suggestion of the Chairman, the Special Committee agreed that any changes in form in the remaining parts of the report of the Special Committee to bring it in line with the Committee's reports on other Territories could be made by the Chairman without the need for a formal amendment.

75. Following this decision, the representative of the Ivory Coast withdrew his proposed amendment.

76. The representative of Cambodia explained that he had voted for the Soviet revised oral amendment because he did not consider it contrary to the spirit demonstrated in Sub-Committee II.

77. The representative of the United Kingdom said that although he had voted against the USSR amendment, he was not troubled by the result. His country and no doubt the Guamanians, too, were profoundly grateful for the military strength of the United States in defence of the free world, and there was no harm in recognizing its presence in Guam. As to the Polish representative's statement that the granting of United States citizenship to the people of Guam prejudged their future status, he observed that the fact of being British citizens prior to independence had in no way prevented the peoples of former British colonies from becoming independent.

78. The representative of the United States of America said that, for the reasons he had stated earlier in the meeting and more extensively in Sub-Committee II, he wished, on behalf of his Government and of the people of Guam, to reserve his Government's position on the report.

79. The representative of Mali explained that her delegation had voted for the USSR amendment because it was convinced that the present economy of Guam was based entirely on military activities. Many delegations held a similar view. If the Committee, in accordance with its mandate, was really to assist the Guamanian people to achieve independence, it must work to lift that heavy burden from the Guamanian economy.

80. Her delegation had voted against the United States amendment because the Sub-Committee had done a careful piece of work and had omitted the words "with satisfaction" not by oversight, but because their inclusion was not justified.

81. The representative of Yugoslavia said that the proceedings in Sub-Committee II had shown that the economy of Guam was dependent mainly on military activities but also on other activities. Accordingly, his delegation had voted for the USSR amendment because the amended text was more factual than the original text.

82. The representative of Madagascar said that his delegation had abstained from voting on the USSR amendment. The Special Committee should confine itself to generalities and refrain from going into details which might unbalance the report. Moreover, the Indian representative, speaking as the Rapporteur of Sub-Committee II, had explained the meaning of the word "activities". His delegation would have voted for the Iranian amendment, which had taken due account of the concern expressed.

83. His delegation had abstained from the vote on the United States amendment, simply because it could not express an opinion concerning plans which had not yet been tested. Nevertheless, it had welcomed the announcement that those plans had been made.

84. The representative of Tunisia considered that the USSR amendment stated the *de facto* situation in the Territory of Guam. To adopt it was simply to do justice to the truth, especially as it was included in the chapter on conclusions, where correct emphasis was important.

85. The representative of Poland said that he had voted against the United States amendment because, as the report indicated, the United States Government had only recently formulated plans for economic development in Guam. Its plans had not so far been implemented, and the Guamanian economy was not yet diversified, as it should be. Moreover, under Article 73 of the Charter it was the duty of the administering Power to work for the well-being of the indigenous inhabitants.

86. In reply to the United Kingdom representative's comments on the question of citizenship, he explained that his position was based on the League of Nations ruling on the question of South West Africa, to the effect that the indigenous inhabitants of the Territory could not be invested with the nationality of the administering Power by reason of the protection extended to them. Each indigenous person had the right to apply for citizenship on an individual basis and to take advantage of the legislation of any country of which he wished to be a citizen. Furthermore, he believed that each Non-Self-Governing Territory had its own citizenship, which should be developed so as to make the people one nation. When nationality was conferred on non-self-governing people, this implied that they had to be in the first place loyal to the State in question; they were bound by its laws, and thus they could not freely express their views. Being a national was quite different from being a protected person.

87. The representative of the United Republic of Tanzania said that his delegation had abstained from the vote on the United States amendment, because it was not well acquainted with the facts and did not know whether the plans formulated were satisfactory.

88. It had also abstained from the vote on the USSR amendment, because it favoured the adoption of the report as drafted by Sub-Committee II.

89. The representative of Sierra Leone said that his delegation had abstained from the vote on the USSR amendment, because the question raised by the Ethiopian representative had not been answered and the situation was not clear. Was there any other form of activities, existing or contemplated, which would replace the United States military activities? His delegation had not been reassured by the Australian representative's contention that, if the military programme was withdrawn, the United States would do everything possible to stabilize the Guamanian economy, since that in itself might call for a continued United States presence and leave the people of Guam no choice.

90. The representative of Australia said that his delegation adhered to the position which it had made clear in the Sub-Committee.

91. The representative of the Union of Soviet Socialist Republics said that his delegation had voted against the United States amendment, first, because it was the normal duty of the administering Power to promote the well-being of the people of Guam, and, secondly, because there was no reason for the Committee to express satisfaction with something which was to occur in the future, the more so as past activities

did not warrant satisfaction with the economic progress of Guam.

92. While it did not object to the report as a whole, his delegation wished to reserve its position on paragraph 24, and in particular on the second sentence of that paragraph in the same way as at the 306th meeting. The United States representative had said that his delegation could not support the amended text of paragraph 30 of the report of Sub-Committee II dealing with Eastern Samoa, which recommended the dispatch of a visiting mission to the Territory.

93. At its 307th meeting on 11 November 1964, the Special Committee accordingly approved the report of Sub-Committee II on Guam and adopted the conclusions and recommendations, as orally amended, by the addition of the words "military and other" in the first sentence of paragraph 22; the addition of the words "with satisfaction" in the second sentence of paragraph 22; and by the substitution of the words "A visiting mission" for the words "A visit to the Territory by the Sub-Committee" in paragraph 25.

94. The conclusions and recommendations adopted by the Special Committee are as follows.

Conclusions

95. The Special Committee notes that the people of Guam are enjoying an appreciable degree of self-government, but the progress towards full self-government and independence is not adequate.

96. The administering Power retains large powers of control in the executive and legislative spheres, thus restricting the exercise of self-government by the people of Guam.

97. Notwithstanding the statement of the administering Power that the next step on the road to full self-government would be the direct election of the Governor by the inhabitants of Guam, and that a proposal to that effect had been submitted to Congress the Special Committee notes that there is no time-table of effective measures for the speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV).

98. The Sub-Committee is aware of the dependence of the Guamanian economy on the military and other activities of the Government of the United States. At the same time it notes with satisfaction the recently formulated plans of the administering Power for the development of Guam's social and economic potential to a greater level of self-sufficiency.

Recommendations

99. The Special Committee reaffirms the inalienable right of the people of Guam to self-government and independence in conformity with the Declaration contained in General Assembly resolution 1514 (XV).

100. The administering Power is requested to take urgent and adequate measures for the application of the Declaration contained in resolution 1514 (XV) to the Territory of Guam. The assistance of the United Nations could be made available to the people of Guam and the administering Power for this purpose, if required.

101. A visiting mission would be useful and steps might, therefore, be taken to arrange such a visit, in consultation with the administering Power.

102. The administering Power is requested to provide further educational and training facilities for

the people of the Territory, and to implement as speedily as possible its plans for the diversification of the economy and the establishment of new industries, thus giving a firmer basis to the economic structure of Guam.

ANNEX

*Report of Sub-Committee II on Guam**

1. The Sub-Committee considered Guam at its 7th to 10th, 22nd, 24th and 27th meetings held from 4 to 13 May and from 16 to 29 September 1964.

2. It had before it the working paper prepared by the Secretariat (paragraphs 1-18 of this chapter).

3. In his statement to the Sub-Committee, the representative of the United States of America said that the people of Guam, who were American citizens, already enjoyed a significant degree of self-government. In this connexion he stated that the Guam Legislature used the power of advice and consent over appointments made by the Governor of Guam and that it had wide authority with respect to legislation, including the right to pass laws on taxation and appropriations for the operation of the Government. He also pointed out that, in accordance with the Organic Act, all appointments to the Government were to give preference to Guamanians. He further stated that in accordance with the wishes of the people, the next steps on the road to full self-government would be the direct election of the Governor by the inhabitants of the Island, and a proposal to that effect had been submitted to the United States Congress. Guamanians enjoyed an unrestricted right of petition, and it was anticipated that by that method or through their elected Legislature they would make known to the appropriate officials their wishes in regard to further steps in the exercise of their right of self-government.

4. With respect to the economy of the Island, he said that the Government of Guam had long sought to broaden the base of the Island's economy. The Department of Agriculture maintained a large programme in the Territory, and there was a rental service to provide heavy equipment for the clearance of jungle growth so that the land could be used for crop and pasture areas. He further stated that in the field of industrial development, some beginnings had already been made in the manufacture of shirts, the processing of heart of palm and the making of handicrafts. Service industries catering to local markets included the making of cement blocks and tile. In addition, Guam enjoyed potentialities as a tourist centre because of its being a major stop on the direct air route from Hawaii to South-East Asia.

5. The United States representative further stated that as the result of two devastating typhoons that had struck Guam in 1962 and 1963, a ten-year development programme had been drawn up by the Government of Guam with the co-operation and approval of its Legislature. The development programme, approximating some \$83 million, would not only include measures for typhoon recovery, but would also provide for the construction of typhoon-proof structures and the development of Guam's social and economic potential to a greater level of self-sufficiency.

6. With regard to education, he said that school attendance between the ages of six and sixteen was free and compulsory, and that there were nineteen elementary schools and a number of other schools providing secondary and trade and technical education. The College of Guam had recently expanded its programme and had received accreditation as a four-year institution. Its total enrolment was nearly 1,300. He said that over 18,000 pupils had attended the public and private elementary and secondary schools of Guam in 1962/1963.

7. In the opinion of the representative of Cambodia, self-government in Guam was still subject to serious limitations, since the Legislative Assembly lacked full powers and the Government of the Territory was not fully responsible to the people of Guam.

* Previously issued as documents A/AC.109/L.136/Add.2 and Corr.1.

8. He considered that the inhabitants of the Island should be consulted regarding the future of the Territory; the results of that consultation should be embodied in a constitution. Thereafter, general elections should be held to form a responsible government which could then negotiate the transfer of powers to it with the administering Power. As a first step towards the realization of these objectives, the Special Committee should send a visiting mission to Guam to ascertain the wishes of the population and to propose measures acceptable to all parties concerned which could lead to self-determination.

9. The representative of Iraq noted that because the economy of the Island depended largely on the activities of the administering Power, its standard of living was directly linked to the flow of imported goods and services. The risks which this situation entailed could be overcome only by the development of large export industries in the private sector of the economy. He also noted that since United States civilian and military activities were a major source of employment, any reduction in such employment would force Guamanians to seek jobs in the private sector. They could be absorbed only if industry became diversified and if Guamanians acquired new skills.

10. He stated that he realized that real progress was being made towards self-government, but felt that the time had come for the people of Guam to have the opportunity to decide their own future in accordance with the provisions of General Assembly resolution 1514 (XV).

11. The representative of Sierra Leone considered that the people of Guam should participate more fully in the conduct of their own affairs. In this connexion, the Guam Legislature should be empowered to approve the appointments of the Governor and the Secretary of the Territory; the powers of the Governor should be reduced and the United States Congress should relinquish its authority to annul legislation, after it had been adopted. He hoped that the administering Power would formulate a definite plan for the political emancipation of Guam and would ascertain the will of the people regarding the future of the Territory.

12. The representative of Australia welcomed the proposal for the direct election of the Governor, since in his view, its adoption would be an important step towards full self-government. He was confident that the administering Power could continue to make progressive political reforms, and hoped that new ways would be sought for broadening the economy and enabling Guamanians to participate more fully in the economic development of their Island.

13. In his opinion, proposals of federation or similar forms of association of smaller Territories must depend on some identity of interest and must promise some advantages. In the Pacific, the great distances between the islands and their small size posed special and perhaps insuperable obstacles to federation. Nevertheless, he hoped that such proposals would continue to be explored in connexion with the Territory under consideration.

14. The representative of Poland stated that there was a serious lack of information on the Territory of Guam. However, it was apparent from the statement of the administering Power and from other sources that no practical effect had been given to the principle of the Charter that the interests of the indigenous inhabitants were paramount. The United States' only interest in Guam was its strategic position and little had been done to develop and diversify the Island's economy, which was now in a much worse state than before the Second World War. In fact, the then self-sufficient agricultural economy had been replaced by an economy based on nuclear-weaponry. The influx of United States military personnel, which, together with their families now constituted almost 50 per cent of Guam's total population, had had a profound effect on the life of the Territory. Whole settlements of Guamanians had been displaced to make way for such huge military installations as the Anderson Air Force Base and numerous other United States Navy installations. While only about one-quarter of the total land area of the Island was arable, yet half of that had been taken away for military purposes. Apart from the constant threat of complete annihilation at any moment by pure accidental explosion of atom weaponry, the military

economy created uncertainties, wasted human and material resources and impeded the orderly economic development of the Territory. There was neither industry nor manufacturing. The Guamanians imported everything they wore and 90 per cent of what they ate, including even fruit and vegetables, 85 per cent of which came in 1962 from the United States. Each year, millions of dollars which could promote the domestic economy flowed out of the Territory back to the United States. According to United Nations statistics, in 1959 exports from the United States to Guam had amounted to \$24,180,000, while exports from Guam to the United States had totalled only \$2,947,000.

15. The representative of Poland stated that the administering Power was apparently determined to absorb and Americanize the Guamanians. In this connexion, he noted that although Chamorro was the mother tongue of the Guamanians, only English was taught in public schools. Pressure toward assimilation also appeared in the unilateral decision to make Guamanians nationals and citizens of the United States. He considered that the Chamorro language should also be used as a medium of instruction and also in all media of mass information, and quoted from Laura Thompson's book, *Guam and its People*: "... an educational system must grow out of the culture of the group in which it functions" and not be "modelled on that of California, which was designed to induct American youth into the American type of political, social and economic life" and which system had been "transferred to Guam with but slight modification".^a

16. He stated that although more than three years had elapsed since the adoption of General Assembly resolution 1514 (XV), the administering Power had taken no steps to give effect to its terms. The Territory continued to be governed under the Organic Act of Guam approved by the United States Congress some fourteen years ago. Supreme executive power remained vested in the United States Governor. The Governor and the President of the United States had the right to overrule and veto any act passed by the Guam Legislature. He considered that delays in the granting of self-government and independence were contrary to the requirements of the Declaration on decolonization and subsequent resolutions of the General Assembly which explicitly requested administering Powers to make arrangements for the immediate transfer of power to the people of the Territory. He proposed that the text of the relevant resolutions be brought to the attention of the people of Guam so that they might become aware of the opportunities open to them in deciding their future status. The Subcommittee might recommend to the Special Committee the sending of a visiting mission to the Territory to obtain more information about the political conditions and the aspirations of Guamanians. The military forces there and Guam's total dependence on the strategic interests of the administering Power might well represent serious impediments to the free expression of the popular will. It would therefore be necessary for the mission to ascertain the best way of ensuring conditions for a freely conducted plebiscite in Guam.

17. The representative of Chile stated that the direct election of the Governor by the inhabitants of Guam which was envisaged by the administering Power would represent an important advance toward self-government, but apart from this proposal, the administering Power did not seem to have any concrete plans for the achievement of the aims of General Assembly resolution 1514 (XV). Therefore, it should be requested to prepare a time-table containing specific measures which would enable the people of Guam, within a short time, to have their own constitution guaranteeing them full self-government. Guam appeared to be one of the Territories in which the application of such measures was most feasible.

18. The representative of India stated that although there was an increasing number of democratic institutions and practices in the Territory, final and effective control remained in the hands of an executive primarily responsible to the administering Power. He noted that the Special Committee was interested in learning of the plans of the administering Power for implementing resolution 1514 (XV), but it had given no

^a American Council, Institute of Pacific Relations, *Studies of the Pacific*, No. 8 (New York, 1942), pp. 189 and 190.

clear indication of these. He believed it should be implemented without delay and with full freedom of choice on the part of the inhabitants, and his delegation would welcome assurances to that effect from the administering Power.

CONCLUSIONS OF THE SUB-COMMITTEE

19. The Sub-Committee notes that the people of Guam are enjoying an appreciable degree of self-government, but the progress towards full self-government and independence is not adequate.

20. The administering Power retains large powers of control in the executive and legislative spheres, thus restricting the exercise of self-government by the people of Guam.

21. Notwithstanding the statement of the administering Power that the next step on the road to full self-government would be the direct election of the Governor by the inhabitants of Guam, and that a proposal to that effect had been submitted to Congress, the Sub-Committee notes that there is no timetable of effective measures for the speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV).

22. The Sub-Committee is aware of the dependence of the Guamanian economy on the activities of the Government of the United States. At the same time it notes the recently formulated plans of the administering Power for the development of Guam's social and economic potential to a greater level of self-sufficiency.

RECOMMENDATIONS OF THE SUB-COMMITTEE

23. The Sub-Committee reaffirms the inalienable right of the people of Guam to self-government and independence in conformity with the Declaration contained in General Assembly resolution 1514 (XV).

24. The administering Power is requested to take urgent and adequate measures for the application of the Declaration contained in resolution 1514 (XV) to the Territory of Guam. The assistance of the United Nations could be made available to the people of Guam and the administering Power for this purpose, if required.

25. A visit to the Territory by the Sub-Committee would be useful and steps might, therefore, be taken to arrange such a visit, in consultation with the administering Power.

26. The administering Power is requested to provide further educational and training facilities for the people of the Territory, and to implement as speedily as possible its plans for the diversification of the economy and the establishment of new industries, thus giving a firmer basis to the economic structure of Guam.

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Note: The question of the introduction of Chamorro in Guamanian schools was discussed without conclusion (see A/AC.109/SC.3/SR.24 to A/AC.109/SC.3/SR.27).

CHAPTER XVIII

TRUST TERRITORY OF THE PACIFIC ISLANDS

A. INFORMATION ON THE TERRITORY

Introduction

1. The Trust Territory of the Pacific Islands consists of about 2,100 islands situated in the western Pacific ocean north of the Equator. These have a total land area of 687 square miles (1,779 square kilometres) and are scattered over some 3 million square miles of ocean (7,770,000 square kilometres), stretching for more than 2,700 miles (4,320 kilometres) from east to west, and 1,300 miles (2,080 kilometres) from north to south. They are classified broadly as "high" volcanic islands or "low" coral islands, and range in size from large high islands to very small coral islets. Many of the small sand and coral islets are too small and lacking in resources to support human life. Ninety-six island groups are inhabited. In 1962 the population totalled 80,980. About ninety-five non-indigenous persons are residents of the Trust Territory. With the exception of 1,107 Polynesians, the indigenous people are broadly classed as Micronesians.

Status

2. The Trust Territory of the Pacific Islands consists of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations. It is administered by the United States of America under the terms of a Trusteeship Agreement which was approved by the Security Council on 2 April 1947 and which came into force on 18 July 1947. The Trust Territory is designated as a strategic area in Article 1 of the Trusteeship Agreement, and in accordance with Article 83, paragraph 3, of the Charter, the Security Council avails itself of the assistance of the Trusteeship Council to perform those

functions of the United Nations under the Trusteeship System relating to political, economic, social and educational matters.

Political and constitutional development

Constitution

3. The Code of the Trust Territory of the Pacific Islands constitutes the basic laws and regulations by which all residents of the Trust Territory are governed. The Code is supplemented in the districts and municipalities by local laws. Laws made by chartered district congresses, when approved by the Office of the High Commissioner, are effective in the respective districts. In accordance with a provision of the Code, customary laws not in conflict with the Code, the Trusteeship Agreement, or with the applicable laws of the United States, including executive orders of the President, are recognized in the Trust Territory.

4. *High Commissioner.* The High Commissioner of the Trust Territory, appointed by the President of the United States and subject to the direction of the Secretary of the Interior, is vested with all executive and legislative powers of government, and has final administrative responsibility.

5. *Council of Micronesia.* The Council of Micronesia, a territorial advisory council whose members are elected by popular vote, meets annually to discuss common problems and make recommendations. At its 1962 session, it resolved that a legislative body for the Trust Territory should be established as soon as possible, and at a special session in 1963 it made preliminary recommendations regarding the make-up of such a body. These recommendations are being studied by the Administering Authority, with has stated

that it aims to establish a Territorial Legislature before 1965.

6. *District legislative organs.* Five of the six districts of the Trust Territory have district congresses and one has a district legislature. The Marshall Islands and Palau District Congresses have both hereditary chieftains and elected congressmen. The representatives of the Ponape and Truk District Congresses are elected. Yap District has a congress of elected members, but it does not yet include representation from the outlying islands. The Mariana Island District Legislature consists of elected representatives. Resolutions of these chartered district bodies become law for the area concerned when approved by the High Commissioner and properly promulgated.

Electoral system

7. There are no territorial statutes controlling suffrage; each district or municipality prescribes its own electoral regulations. Electors must be eighteen years of age or over in addition to being residents of the municipality in which they vote, except in Palau District where the qualifying age is twenty-one years. Other eligibility requirements vary from district to district. The tenure of office for the elected members of the various district congresses of the Territory ranges from two to four years. The elected congressmen of the Saipan Legislature are elected every two years.

Public Service

8. The Administering Authority states that Micronesians are given first opportunity for positions for which they qualify, and that programmes of training Micronesians for positions of greater responsibility in government service are actively pursued. In 1962, thirty Micronesians were employed in senior, professional and executive positions and an additional 1,051 held professional, administrative and protective positions. There were also 1,110 Micronesians employed by the Government in crafts, domestic work and as labourers. During the same period the Government employed 217 non-indigenous persons.

Judiciary

9. The judicial power of the Trust Territory of the Pacific Islands is vested in a High Court for the Territory, district courts, and community courts. The Chief Justice and Associate Justice of the High Court are appointed by and are responsible to the United States Secretary of the Interior. The High Court consists of a Trial Division and an Appellate Division. The presiding judges and associate judges of the district courts are appointed by the High Commissioner. The judges of the community courts are appointed by the district administrator of the district in which the municipality is located. The judges of all courts except the High Court and the Kwajalein Community Court are Micronesians, as are all clerks, assessors and other employees of the courts, except for a court reporter and a secretary.

Local government

10. The municipality, consisting of a locally recognized area of a larger island, an island or a group of islands or atolls, is the basic unit of local government in the Trust Territory. The chief executive of a municipality, with two exceptions, is elected, and in a large number of municipalities the secretary is also elected by popular vote. In some larger and more

politically advanced areas additional municipal officers are elected.

Political parties

11. Political organizations or parties exist only in the Saipan District where two have been formed. These are the Popular Party of Saipan District and the Progressive Party of Saipan. Membership of both parties is restricted to Trust Territory citizens resident in Saipan.

Economic conditions

12. The economy of the Territory is based on subsistence agriculture and fishing. Cash income is provided mainly through the production of copra, harvesting of trochus shell, government employment, employment by private businesses, the sale of handicrafts, fish, and vegetable produce, and other miscellaneous activities.

13. The mineral resources of the Territory are reported to be extremely meagre. A small quantity of timber is processed on the high islands for local needs, but it is doubtful whether the forests of the Territory will ever be capable of providing a sufficient yield for export. No large-scale industries exist. Small processing and service industries are now being developed and are reported to be increasing in number.

14. A survey mission with broad terms of reference, including the comprehensive planning of economic development, was appointed by the Administering Authority to visit the Territory in 1963 to study critically the actions being taken to deal with the political, economic and social problems of the Territory.

15. The principal private companies active in the Trust Territory consist of twenty-four import and export companies. All are owned by Micronesians except two, which are owned by foreign residents. There has been no permanent foreign investment in the Trust Territory since it has been the policy of the Administering Authority to encourage Micronesian investment and enterprise. This policy has now been changed with the signing of an Executive Order in 1962 directing that regulations be revised to facilitate outside private investment in order to stimulate new economic activity. At the thirtieth session of the Trusteeship Council the special representative of the Administering Authority stated that this had drawn much attention from industrial concerns. Surveys had been conducted by representatives of the pineapple and sugar industries, as well as other industries.

16. The Territory possesses substantial fishery resources, although these have not been exploited commercially to any appreciable extent. Recently an agreement was signed with a major seafood company in the United States for the establishment of a commercial fishery industry in the Territory. Several other companies have also recently conducted surveys in the Territory, exploring the possibilities for establishing commercial fishery projects.

17. The Congress of the United States appropriates funds for the administration of the Trust Territory each year. In 1962, appropriated funds amounted to \$6,304,000 and revenue from the Trust Territory totalled \$1,673,633. An appropriation of \$15 million was approved for 1963. The Administering Authority estimated that expenditure would total \$16 million and revenue would total \$1.6 million.

Social and educational conditions

18. For social and educational conditions in the Trust Territory of the Pacific Islands, see the report of the Trusteeship Council to the Security Council (S/5787).

Action taken by the Trusteeship Council in 1964

19. In a letter dated 1 July 1964 (A/AC.109/89), the President of the Trusteeship Council informed the Chairman of the Special Committee that the Trusteeship Council, at its thirty-first session, had examined conditions in the Trust Territory of the Pacific Islands and that its report had been available to the Security Council (S/5783). The conclusions and recommendations of the Trusteeship Council at its thirty-first session on political, economic, social and educational advancement in the Territory appear in the Council's report.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

20. At its 309th and 310th meetings, on 12 November 1964, the Special Committee considered the report of Sub-Committee II on the Trust Territory of the Pacific Islands, which appears as an annex to this chapter.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE II

21. The representative of the Union of Soviet Socialist Republics said paragraph 62 of the report of the Sub-Committee stated that constitutional changes introduced in the Territory, including the setting up of the Congress of Micronesia, did not fully meet the requirements of Article 76 of the Charter and of General Assembly resolution 1514 (XV) of 14 December 1960. The words "do not fully meet" suggested that the constitutional changes in question did meet those requirements to some extent, whereas in his delegation's view they not only did not meet the requirements of resolution 1514 (XV) but were actually contrary to them.

22. The draft of the Territory's future constitution did not even state that the Administering Authority's goal was to lead the people of Micronesia to independence. The Administering Authority had not drawn up and did not wish to draw up any plans for the political development of the Territory, with a target date for the attainment of self-determination and independence; its entire policy was aimed at prolonging its control over the Territories under its administration for as long as possible.

23. There was still no representative legislature holding all the reins of government in the Trust Territory; the present Council of Micronesia was a purely advisory organ. As to the plan for establishing the Congress of Micronesia, it was clear that the procedure to be followed was undemocratic. The final decision regarding the Congress of Micronesia would be made by the President of the United States or the United States Secretary of the Interior. The projected constitution of the Territory would not be submitted to the Congress of Micronesia for confirmation. Bills adopted by the Congress of Micronesia would enter into force only after approval by the High Commissioner, and even if the Congress of Micronesia voted by a two-thirds majority against the High Commissioner's veto,

the final decision would rest with the Administering Authority, as it did at present.

24. It was clear from those facts and from the limitations on the power of the Congress of Micronesia which had been discussed in the report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1964 (T/1620, paras. 208-210), that the Congress of Micronesia would be an advisory organ like the present Council; only the name would be different.

25. It was intolerable that a plan for the establishment of a legislative assembly for a Trust Territory under United Nations control should be imposed upon the Territory's people from above; such methods in no way accorded with democratic principles, which required that a decision on so important a matter as the establishment of the highest legislative body of a Trust Territory should come from the owners of that Territory—the Micronesian people, who had been placed under the Trusteeship System only temporarily.

26. The USSR delegation therefore proposed the deletion of the word "fully" in paragraph 62; the report would then state that the changes "do not meet the requirements of Article 76 of the Charter and of General Assembly resolution 1514 (XV)".

27. The representative of the Soviet Union also proposed that paragraph 67, which was ambiguous, should be amended to read "through well-established democratic processes under United Nations supervision".

28. Subject to the modifications he had mentioned, his delegation would not object to the Sub-Committee's conclusions and recommendations.

29. The representative of the United States of America said that the representative of the USSR in proposing the deletion of the word "fully" in paragraph 62 on the ground that the steps taken in the Territory, and in particular the establishment of the Congress of Micronesia, did not justify its use, had apparently misunderstood the nature of the Congress, which had all normal legislative authority and was not purely consultative, although the Governor did retain certain powers and had to refer certain questions to the United States Secretary of the Interior. The United States did not claim to have done everything requested by the Trusteeship Council and its visiting missions; but in establishing the Congress of Micronesia it had come very close to meeting their wishes.

30. The last Visiting Mission, as indicated in its report, had found in the people of the Territory no mature opinion as to their future. One of the best methods of creating a sense of national identity was the establishment of the new Congress of Micronesia, all of whose members were Micronesians elected by universal adult suffrage. The next step would be for the Congress of Micronesia to begin bringing the people together in creating legislation, thus teaching them to work together in the common interest of the Territory. It was expected that the Congress would evolve, and final authority for amending the Order establishing it had been left in the hands of the Secretary of the Interior with a view to facilitating any changes proposed by the Congress of Micronesia without the need for more extensive action in the United States. Since practically all the members of Sub-Committee II had welcomed the establishment of the Congress of Micronesia, he would oppose the Soviet amendment, proposing

instead that the word "noting" in paragraph 62 should be replaced by the word "welcoming".

31. The USSR amendment to paragraph 67 looked well into the future and was not very precise; nor was it necessary, since the Pacific Islands were a Trust Territory for which the Security Council and the Trusteeship Council were responsible, together with the Administering Authority. Paragraph 67, as it stood, implied that the people had no opportunity to express their wishes; but the fact that they had that opportunity was attested to by paragraph 8 of the report of the 1964 Visiting Mission. He therefore proposed that the word "enabled" should be replaced by the words "given further opportunity".

32. The representative of Poland emphasized that the first preambular paragraph of the Order establishing the Congress of Micronesia stated simply that the United States had undertaken to promote self-government in the Trust Territory, the words "or independence" being omitted in disregard of the clear provisions of Article 76 of the Charter. If the United States did not wish to hide from the indigenous people the fact that they could obtain independence, that fact should be stated in the Order creating the new Congress.

33. His delegation would have no difficulty in supporting the USSR amendments, but before pronouncing himself on the United States amendments he would like to know whether, if they were accepted, the United States would join in adopting the report without making reservations. The main purpose of the Special Committee was to see that the Declaration on the Granting of Independence to Colonial Countries and Peoples was implemented in the Trust Territory, and he hoped that the United States delegation would be able to support that objective and to show its willingness, not in words but in deeds, by co-operating with the Committee and bringing the people of the Territory to self-determination and independence.

34. The representative of the United Republic of Tanzania said that one of the usual tactics of an administering Power was to claim that dependent peoples had not yet formed a mature opinion on their future and were not ready for national independence and self-government. The same had occurred in the case of the former Trust Territory of Tanganyika, when the Administering Authority had brought persons from the Territory before the Trusteeship Council to testify to that effect, completely ignoring the popular leaders and the wishes of the majority. So far as the language question was concerned, the introduction of English as a common language might in the long run lead to claims that the people did not want independence but wished to be members of the United States commonwealth, whereas the encouragement of, say, Chamorro as the national language would help to create a national consciousness. With respect to the passage from the report of the 1964 Visiting Mission quoted by the United States representative, his delegation was glad to note that the people had welcomed the Mission, but it regarded that as evidence that they understood the purpose of the visit, which had been to help them to obtain self-determination and eventual independence. His delegation would vote against the United States amendment to paragraph 62, since the existing wording was adequate.

35. The representative of the United States of America, replying to the representative of Poland, said that the United States firmly believed in self-determination; it also believed that when the people were

ready to exercise self-determination—which, as indicated by the Visiting Mission, they were not—they should have a choice, rather than be told what others imagined they wanted. The views of his Government had been clearly stated by the United States representative at the 1209th meeting of the Trusteeship Council.

36. With respect to the statement of the representative of Tanzania, he would simply refer the Special Committee to the report of the Visiting Mission, in which it had stated, after talking to the people themselves, that no mature opinion existed. The Visiting Mission had also recorded, in paragraph 28 of its report (T/1620), that the use of English as the medium of instruction was in conformity with the desire of the Micronesian people. The problem was different from that of Tanganyika, because in Micronesia the people were scattered over great distances, had no common language, and had apparently chosen English as a medium of communication with each other in preference to one of their own languages.

37. The representative of Sierra Leone said that his delegation would vote against, or abstain from voting on, both the USSR and the United States amendments to paragraph 62, the existing wording of which described the setting up of the Congress of Micronesia as "a helpful step", thus clearly welcoming it. The United States amendment to paragraph 67 would be inappropriate in the light of the Special Committee's earlier decision (see chapter XX, paragraph 87, of this report) concerning a similar recommendation to replace "with regard to" by "in accordance with". The words "in accordance with the provisions of resolution 1514 (XV)" implied that the people should be given the fullest possible opportunity. In order to spell out clearly the intention of paragraph 67, he proposed that the words "in regard to their future status" should be inserted after the phrase "to express their wishes". With respect to the USSR amendment to that paragraph, the Committee had already adopted similar amendments to other reports, and since the United States delegation had said that it accepted the authority of the Security Council and the Trusteeship Council he failed to see why it should object to the inclusion of the phrase "under United Nations supervision". His delegation would therefore be inclined to support the USSR amendment, but if it was adopted, paragraph 70 would be unnecessary, and he would propose its deletion.

38. The representative of Poland agreed with the suggestion made by the representative of Sierra Leone with regard to paragraph 67, but could not understand why paragraph 70 should be deleted. This was done in the case of the Cook Islands since the Committee had already recommended that the elections to be held there in March 1965 should be supervised by the United Nations and since it did not consider it necessary to send a visiting mission at the same time. But in the case of Micronesia no particular date had been set for an act of self-determination under United Nations supervision.

39. The representative of Sierra Leone said that he would withdraw his proposal for the deletion of paragraph 70, on the understanding that the Committee was not requesting two visits to the same Territory within a very short space of time, as that would be financially unwise.

40. The representative of the Union of Soviet Socialist Republics said that he would not press his

amendment to paragraph 62 of the report; if the United States delegation maintained its amendment to that paragraph, he would vote against it. He would support the Sierra Leonean amendment to paragraph 67.

41. The representative of Yugoslavia observed that the present text of paragraph 70 spoke only in general terms of the dispatch of a visiting mission. The General Assembly would decide the details of such a mission in accordance with the terms of the Charter and resolution 1514 (XV). For that reason the Yugoslav delegation would vote in favour of paragraph 70 as it stood.

42. The representative of the United States of America withdrew his amendment to paragraph 62. He formally proposed that paragraph 70 be deleted, for two reasons. First, six Visiting Missions had gone to the Trust Territory of the Pacific Islands since the establishment of the United Nations; and after examining the report of the 1964 Mission (T/1620) Sub-Committee II had noted that it had done some excellent work. A seventh visiting mission would simply place an unnecessary burden on the Organization's budget. The second and more important reason was that, under the terms of the Trusteeship Agreement, the Trust Territory of the Pacific Islands had been designated a strategic area in accordance with Article 82 of the Charter. Article 83 of the Charter provided that all functions of the United Nations relating to strategic areas should be exercised by the Security Council, and that the Security Council should avail itself of the assistance of the Trusteeship Council to perform those functions. The latter provision had been confirmed by Security Council resolution 70 (1949), in which the Security Council had requested the Trusteeship Council to perform on its behalf the functions specified in Articles 87 and 88 of the Charter, including that of providing for periodic visits to the Trust Territories.

43. The representative of Venezuela said that his delegation had listened with great attention and interest to the entire debate on paragraph 70 of the report. The juridical arguments adduced in regard to that paragraph seemed to indicate that the representative of the United States was right. The Articles of the Charter and particularly Article 83 were quite specific on the matter. Furthermore, his delegation did not believe that in resolutions of the General Assembly there could be found interpretations contrary to those Articles of the Charter. Furthermore, he could not go along with the view that the Special Committee could recommend or advise the Security Council to go against the Charter. Not even the Security Council could go against the provisions of the Charter.

44. It was therefore obvious that the Committee had a mandate given it by General Assembly resolution 1514 (XV). But as the representative of Denmark had pointed out, that mandate could in no way go against the provisions of the Charter because, as the representative of Italy had also brought out, it would be illegal to do so. However, his delegation would not want to accept, and could in no way accept, having the Special Committee set itself up as an international court of justice to interpret the decisions of the General Assembly or the Articles of the Charter. All this boiled down to the fact that the Committee would at least have to give the United States proposal the benefit of the doubt. Until the problem was clarified—the problem as to whether this matter fell four-square within the provisions of the Charter or not—his delegation would abstain on the vote.

45. The basic problem, as far as his delegation was concerned, was not just voting in favour of something or against a visiting mission. The delegation of Venezuela was the first to defend that principle. The Special Committee had the authority and the legal entitlement to send visiting missions to those Territories included in its terms of reference. This must be made very clear and understood.

46. His abstention, or vote, must not be interpreted as expressing any doubt his delegation might have regarding visiting missions. What was doubtful was the legal and juridical basis for such provisions in the specific case before the Committee. Since this question of competence had not been elucidated, his delegation preferred to abstain from voting.

47. After further discussion, in which members referred to the juridical and other aspects of the various amendments, the Special Committee voted on the proposed amendments as follows:

(a) The Sierra Leone amendment to paragraph 67 to insert the words "in regard to their future status" after the words "to express their wishes" and to add the words "and under United Nations supervision" after "democratic processes" was adopted by 17 votes to 3, with 3 abstentions.

(b) The United States amendment to paragraph 67 to replace the word "enabled" with the words "given further opportunity" was rejected by 7 votes to 5, with 11 abstentions.

(c) The United States amendment to delete paragraph 70 was rejected by 8 votes to 5, with 10 abstentions.

(d) Paragraph 70 was adopted by a roll-call vote of 16 to 5, with 2 abstentions.

The voting was as follows:

In favour: Bulgaria, Cambodia, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Denmark, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Uruguay, Venezuela.

48. The representative of the United States of America, in explanation of his vote, said that the Special Committee had adopted a report which contained a paragraph in direct contravention of the Charter. There were, however, other reasons for his delegation's objection to the report. Paragraph 61 said that the people of the Territory were "capable" of administering themselves; they undoubtedly were potentially able but not at the moment in a position to do so. The United States delegation considered that paragraph 62 did not duly acknowledge that the United States Government was proceeding in the proper manner to bring the people to full self-government. He regretted that paragraph 63 did not recognize that the United States was taking many steps in the economic, social and administrative fields and was making great efforts to diversify the extremely poor economy of the Territory. With regard to the wage disparities, it should be remembered that every economy had its own wage levels; the disparities arose because the wage levels of the United States administrators and technicians who were working there were established in the United States. The United Nations should not take the responsibility of recommending a wage level which the future self-governing economy would not be able to support.

49. With regard to paragraph 66, the United States delegation had explained at length its Government's plans for the Congress of Micronesia. With regard to paragraph 67, he regretted that the Committee had not adopted his amendment, which provided that the people should have further opportunities to express their wishes, because they could already do so. Paragraph 68 asked for the establishment of an institution of higher education in a territory with 80,000 people who had full access to United States universities and to the University of Guam. With respect to the people's access to the highest positions of responsibility, he pointed out that the Territory had three assistant district administrators who were Micronesians, that that number would increase rapidly, and that a large number of high positions were held by Micronesians. In conclusion, he stated, with reference to paragraph 69, that his Government was examining an over-all economic plan.

50. The representative of Australia recalled the reservations which his delegation had expressed during consideration of this Territory in Sub-Committee II.

51. The representative of the Union of Soviet Socialist Republics noted that the Sierra Leone amendment had improved the conclusions and recommendations of Sub-Committee II. His delegation would nevertheless reserve its position on the problems it had placed before the Special Committee. His delegation was pleased to note that the Committee had decided that it was essential to send a mission to visit the Territory and had accepted the Soviet Union amendment providing for United Nations supervision when the inhabitants of the Territory made their wishes known concerning their future.

52. The representative of Venezuela said that he did not know whether the translation he had received was correct or whether there was a misunderstanding of what the Venezuelan delegation had said. What he had said was that the sending of visiting missions was a principle defined and upheld by Venezuela, admitted and accepted by the Committee and approved by the General Assembly as one of the methods of work of the Committee. He made an express differentiation between the provisions of the Charter which served as the basis of the arguments of the representative of the United States and a defined principle which had been accepted by the General Assembly and also clarified by the General Assembly. He also said that resolution 1514 (XV) had given the Committee its terms of reference and that these contained a list of Territories, among which could be found the Territories covered by Article 82 of the Charter—in other words, Trust Territories in strategic areas—and he agreed with the representative of Sierra Leone that these Territories could not be excluded from the general methods of work applied by the Committee in its study of the Territories.

53. For all those reasons, the Special Committee could not set itself up as a tribunal, nor was it empowered to do so, to decide in one or the other direction. The Committee could not interpret what resolution 1514 (XV) may have meant or what Article 82 of the Charter meant, much less if there was a contradiction or incompatibility between what was said in the Charter and what was said in resolution 1514 (XV) approved by the General Assembly. As long as these doubts were not dispelled and until his delegation was sure that the Special Committee was fully authorized legally to approve a paragraph of the nature of paragraph 70, it would abstain.

54. The representative of Chile said that his delegation had voted in favour of paragraph 70 because it was now drafted in such general terms that it could not be regarded as inconsistent with Article 83 of the Charter.

55. At the 310th meeting on 12 November 1964, the Special Committee approved the report of Sub-Committee II on the Trust Territory of the Pacific Islands (see annex to this chapter) and adopted the conclusions and recommendations therein as orally amended.

56. The conclusions and recommendations adopted by the Special Committee are as follows.

Conclusions

57. The Special Committee notes that the people of the Trust Territory, like all other dependent peoples, are capable of administering themselves in conformity with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV).

58. While noting the constitutional changes introduced, including the setting up of the Congress of Micronesia which is a helpful step in the political development and unification of the Territory, the Special Committee is of the view that these do not fully meet the requirements of Article 76 of the Charter and of General Assembly resolution 1514 (XV).

59. The Special Committee feels that economic, social and administrative reforms are necessary to remedy certain shortcomings in these fields, leading to a diversification of the economy, the elimination of wage disparities, the participation by the indigenous peoples of the Territory in the higher cadres of the executive and the judiciary, and the provision of university education.

60. The Special Committee is aware of the Territory's special problems of distance, isolation and economic resources.

Recommendations

61. The Special Committee reaffirms the inalienable right of the people of the Trust Territory of the Pacific Islands to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV).

62. The Special Committee recommends to the Administering Authority that the Congress of Micronesia should be provided with all powers necessary to pave the way for the speedy implementation of resolution 1514 (XV).

63. The people of the Territory should be enabled to express their wishes in regard to their future status in accordance with the provisions of resolution 1514 (XV) through well-established democratic processes and under United Nations supervision.

64. Steps should be taken by the Administering Authority with a view to the early elimination of disparities in the wage structure, the establishment of an institution of higher education, and the assumption of the highest positions of responsibility by the people of the Territory.

65. The Administering Authority is requested to set up urgently an over-all economic plan in order to develop and strengthen the economy and increase production.

66. A visiting mission to the Territory would be useful and steps may, therefore, be taken to arrange such a visit, in consultation with the Administering Authority.

ANNEX

Report of Sub-Committee II on the Trust Territory of the Pacific Islands*

CONSIDERATION BY THE SUB-COMMITTEE

1. The Sub-Committee considered the Trust Territory of the Pacific Islands at its 34th, 35th and 37th to 41st meetings held on 9, 12, 15, 19, 20 and 23 October 1964.

2. The Sub-Committee had before it the working paper prepared by the Secretariat (paragraphs 1-19 of this chapter). It also had three petitions addressed to the Trusteeship Council after its thirty-first session (T/PET.10/L.8, L.9 and Corr.1, and L.36).

3. The representative of the United States of America said that the Trust Territory of the Pacific Islands consisted of some 2,100 islands with a total area of 700 square miles, scattered over an area of 3 million square miles of the western Pacific Ocean. It was populated by 85,000 people, almost all of whom were Micronesians, who lived on ninety-six of the islands and spoke nine separate languages.

4. He said that in 1947 the United States placed the Territory under United Nations trusteeship through an agreement between the United Nations Security Council and the Government of the United States. Under this agreement, which entered into force on 18 July 1947, the Territory was designated a strategic area, as provided for by Article 82 of the Charter of the United Nations. Under the provisions of Article 83, paragraph 1, of the Charter, "All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council".

5. The United States representative reiterated that under the terms of the Charter all functions of the United Nations relating to strategic areas were to be exercised by the Security Council.

6. He said that Article 83, paragraph 3, of the Charter provided that "The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas". He added that the Security Council, by its resolution 70 (1949) of 7 March 1949, had requested the Trusteeship Council to perform, on behalf of the Security Council, the functions specified in Articles 87 and 88 of the Charter relating to the political, economic, social and educational advancement of the inhabitants of strategic areas. Article 87 provided that the Trusteeship Council might consider reports submitted by the Administering Authority, accept petitions and examine them in consultation with the Administering Authority, provide for periodic visits to the respective Trust Territories at times agreed upon with the Administering Authority, and take other actions in conformity with the terms of the trusteeship agreements.

7. In accordance with this resolution of the Security Council, the Trusteeship Council had submitted its annual reports on the Trust Territory of the Pacific Islands to the Security Council, and not, as in the case of non-strategic Trust Territories, to the General Assembly. It had examined petitions and heard petitioners. It had sent six visiting missions to the Trust Territory, the last of which visited the Territory in February and March 1964, and submitted its report to the thirty-first session of the Trusteeship Council (T/1620). United Nations Members whose representatives had served on these visiting missions included Belgium, Bolivia, Burma, China, Guatemala, India, Liberia, New Zealand and the United Kingdom.

8. The United States representative said that Article 83, paragraph 2, of the Charter stated that "The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area". He said that the words of Article 76 expressed better than any other the principles which had guided his Government in every action it had taken in fulfilling its obligations to the citizens of the Trust Territory of the Pacific Islands and to the United Nations. Ambassador Sidney Yates had cited this Article in his opening statement at the thirtieth session of the Trusteeship Council on 5 June 1963 (1209th meeting), when he said that his Government was in total agreement with Article 76 of the Charter, which declared the goal of the trusteeship system to be "the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence".

9. Ambassador Yates had continued by saying that the United States subscribed to the purposes of General Assembly resolution 1514 (XV) and supported firmly operative paragraph 2 of the resolution, which declared that "all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." It was the goal of his Government that the people of the Trust Territory should be given a free and an informed choice of the type of government they wished for themselves.

10. The representative continued to quote Ambassador Yates as saying that the United States goal in the Trust Territory of the Pacific Islands was threefold: first, to raise the general level of health and education to equip the people to deal with the problems of the Micronesian community and the world beyond; second, to build the structure for a more productive economy which would enable the people to achieve an acceptable level of self-sufficiency and well-being; and finally, to foster the sense of political unity and responsibility necessary to enable the people to make an informed decision about their future.

11. He said that there was a great wealth of documents which recounted the manner in which the United States had been seeking to achieve that threefold goal. He stated that the greatest obstacle faced by the Administering Authority in the Trust Territory was the problem of the vast dispersion of the islands, with the resultant characteristics of diversity of languages, lack of contact among the inhabitants of the various islands, isolation, and immense difficulties in communications and transportation. This was recognized by the 1964 Visiting Mission in paragraphs 13 and 16 of its report (T/1620).

12. In order to attempt to meet this problem, the late President Kennedy had obtained from Congress a doubling of the annual appropriation for the Territory to \$15 million for each of the fiscal years 1963 and 1964, and President Johnson had sought and obtained an appropriation of \$17.5 million for the current 1965 fiscal year. Much of this new money was going to improved facilities for education and health, the advancement of which was the first part of the "threefold goal" mentioned by Ambassador Yates. An important aspect of developing a "Micronesian self", as the Visiting Mission had termed it, was the effective teaching of a common language to all the people so that they might readily communicate with one another as they developed their political and other territory-wide institutions. In the case of the Trust Territory, the medium of instruction in the schools was English, in conformity with the desire of the Micronesian people, as noted by the Visiting Mission in its report (paragraph 28).

13. This intensive effort in the field of education had been noted by the Visiting Mission, which had commended the Administering Authority for the high quality of the education system and the energy with which its policy was being put into effect (paragraph 37). Similarly, the Visiting Mission had noted the objectives of the Administration's public health programme and had commended the Administration for the "energy and skill" with which this policy was being carried out (paragraph 68).

14. The second part of the threefold goal, to build the structure for a more productive economy, was no doubt the most formidable. The Visiting Mission pointed this out in the

* Previously issued as document A/AC.109/L.136/Add.5.

introduction to its report (paragraph 9) by saying that few countries could have a more meagre endowment of physical resources than had Micronesia.

15. Although the possibilities appeared limited, the Administering Authority was actively at work in seeking to develop new cash crops where those could be grown, facilitating the development of fisheries and assisting in the establishment of co-operatives. An Economic Development Loan Fund with assets of \$300,000 had been established. A high priority had been placed on the development of transport and communications, so essential to economic development. The Visiting Mission had also given its commendation for this (paragraphs 162 and 169).

16. The High Commissioner, in his statement of 11 June 1964 at the thirty-first session of the Council (1236th meeting), had affirmed that his Administration viewed most seriously the problems of economic development in the Territory, that a Division of Resources Development had been established, and that the establishment of a Territorial Economic Development Board would be given every consideration and all possible support.

17. The third part of the United States' threefold goal, "to foster the sense of political unity and responsibility necessary to enable the people to make an informed decision about their future", was no doubt the one in which the members of this Sub-Committee were most interested. This was the part of the goal to which all others were related and which epitomized the aim of his Government.

18. Both the Trusteeship Council and the Administering Authority had long recognized the need to create a sense of Micronesian identity and unity among the peoples of the widely scattered islands of the Trust Territory, and that this was not an easy task. The Visiting Mission's report had testified that the Administering Authority was succeeding in this task.

19. Much of the advanced educational training was in the field of political science. Students sent abroad for higher education frequently returned to positions of importance in the territorial administration. In several districts, Micronesians served as assistant district administrators. In three of the six districts, as reported by Mr. Coding to the Trusteeship Council on 28 May 1964 (1230th meeting), the second senior administrative posts were held by Micronesians. This process would continue as rapidly as Micronesians became qualified.

20. All of the districts except one had a district legislature. The sixth, Yap, had a District Congress. A territory-wide Council of Micronesia had been established in August 1961. All members were Micronesians, elected by popular vote. In 1962, the Council had recommended the establishment of a territorial legislature. This had also been recommended by the Trusteeship Council and the Visiting Mission. The United States Government had agreed with this recommendation and at a previous session of the Trusteeship Council, had announced that it expected to establish such a legislature by 1965.

21. He went on to state that on 28 September 1964, the Secretary of Interior of the United States, under authority delegated to him by the President, had issued Order No. 2882, establishing the Congress of Micronesia. Under this Order, the first general elections to the Congress of Micronesia would be held on 19 January 1965. The Congress, which superseded the Council of Micronesia, would consist of a House of Delegates with twelve members, two from each of the six districts, and a General Assembly of twenty-one members, with the most populous district, Truk, represented by five assemblymen, and the least populous, Yap, represented by two. All candidates had to be citizens of the Trust Territory and eighteen years of age or over. The first regular session of the Congress would be held in July 1965.

22. In drafting the Order, the Secretary of Interior had taken into account the recommendations of the Council of Micronesia, the Visiting Mission, and the Trusteeship Council. Most, though not all, of these recommendations had found expression in the Order. Thus, the Congress would have wide powers of legislation, including the full range of legislative committee activity. Moreover, the High Commissioner would

be required to submit the preliminary budget plan of his administration to the Congress for its detailed review.

23. He said that, faithful to its trust, the United States was moving as rapidly as wisdom and the development of the Micronesian entity permitted toward the day when the Micronesians themselves would be able to exercise a meaningful and considered choice as to their future. He quoted the final conclusions and recommendations of the thirty-first session of the Trusteeship Council as contained in paragraph 145 of the Council's report to the Security Council (S/5783):

"The Council notes with satisfaction that the policies of the Administering Authority rest on a firm commitment to the unity and Territorial integrity of Micronesia.

"The Council notes also the conclusion of the Visiting Mission that no fully matured opinions on the future of the Territory have yet emerged among the people of Micronesia. It therefore welcomes the fact that the goal of the establishment of a true Territory-wide legislature will shortly be achieved through the inauguration of the congress of Micronesia and it expresses the hope that the congress will direct its attention to all the possibilities which lie open for the future status of the Territory. Noting the statement made to the Visiting Mission by the Administering Authority that the range of options for the future would start with independence and cover all other possibilities, the Council endorses the Visiting Mission's view that a heavy responsibility rests with the Administering Authority to keep the people of Micronesia aware of the full extent of these options and to ensure that these options remain open.

"The Council urges the Administering Authority to continue to implement, in the light of the Charter of the United Nations, the Trusteeship Agreement and General Assembly resolutions 1514 (XV) and 1541 (XV) and in consultation with the congress of Micronesia, realistic plans and programmes reflecting a proper sense of urgency for the rapid and planned advance of the Territory in all aspects of its political life."

24. In closing, he reiterated that the United States, working in co-operation with the people of the Trust Territory, was faithfully carrying out its obligations under the Trusteeship Agreement and the Charter of the United Nations. This was well known to the people who, in their turn, were meeting their responsibilities and participating enthusiastically in this joint endeavour.

25. The representative of Cambodia stated that it was necessary to accelerate the political development of the Territory and stimulate thereby its economic and social advancement. The Administering Authority should be invited to establish the necessary conditions for giving executive power to the Micronesians. By the same token, a central legislative organ, strong, efficient and truly representative of the people, should be established quickly. He noted that the functioning of the Congress of Micronesia was delayed, and that its precise terms of reference had not yet been clearly determined. Nor did it appear that legislative power was completely vested in the hands of the people. The people were now capable of administering themselves and it was time that steps be taken to transfer power to them and the means of taking care of their own affairs.

26. He believed that progress in the Micronization of the Administration was slow and much remained to be done to ensure effective control by Micronesians of executive power. Urgent steps would have to be taken to secure the intensive training of Micronesians and to accelerate their participation in the civil service. It was regrettable that none of the fourteen most important posts were held by Micronesians. He fully approved of the recommendations of the Visiting Mission concerning the adoption of a unified scale of wages for the whole of the territorial civil service, and the setting up of a unified Micronesian civil service. He considered that the present disparity between the wages of American and Micronesian workers must come to an end as soon as possible. This process should also be applied to the machinery of the judicial organization.

27. The representative of Cambodia approved the recommendation made by the Trusteeship Council (S/5783, para. 75) concerning the acceleration of economic development in the Territory, and felt that an economic plan should be established immediately with Micronesian participation in all phases of it.

28. The development of teaching should be parallel with the economic development of the Territory. Also a place of higher learning should be considered so that higher education could be obtained in the Territory itself. In this connexion the Administering Authority should take full advantage of the opportunities of teaching to promote more actively a national awareness among Micronesians and to lead the inhabitants to exercise as soon as possible with full knowledge the right to self-determination in conformity with the aims of resolution 1514 (XV).

29. In conclusion, he stated that a visiting mission of the Sub-Committee would be useful to ascertain the wishes of the people and to recommend measures aimed at self-determination and independence for the Territory in accordance with resolution 1514 (XV).

30. The representative of Poland expressed his appreciation for the information furnished by the Administering Authority, but noted that if the study report of the United States Presidential mission of experts who visited the Territory in 1963 had been included in this it would have been of great assistance to the Sub-Committee.

31. He considered that political and constitutional development in the Trust Territory was more retarded than in American Samoa and Guam. All executive and legislative powers were vested in the High Commissioner. The Council of Micronesia had advisory powers and the High Commissioner was not bound to follow its advice. In the case of the new Congress of Micronesia which was being established the changes would be more in form than substance, with extremely limited powers of a rather advisory nature. It could pass laws on certain internal matters subject to the assent of the High Commissioner, who retained the power of veto over legislation and also was empowered to give legal effect to any bill before the Congress even if it had not been voted upon. This was contrary to the wishes of the people and to the recommendations of the United Nations Visiting Mission in 1964, which urged the Administering Authority to give real and effective power to the proposed Congress, including full authority over the budget.

32. The Polish representative therefore concluded that the new arrangements did not meet the requirements of General Assembly resolution 1514 (XV) and that the Administering Authority had continued to delay the implementation of this resolution and was reluctant to discharge its responsibilities under Article 76 of the Charter. It was not sufficient merely to subscribe to the provisions of resolution 1514 (XV); rather, concrete steps were needed aimed at the transfer of power to the people of the Territory which would enable them freely to decide their future status. He believed that in the development of political institutions, power should be given the people to fashion for themselves the institutions which they considered most appropriate to their circumstances, and he noted that this view was supported by paragraph 2 of the Declaration in resolution 1514 (XV). In this connexion he noted that the Administering Authority had not consulted with the people of the Territory, as the Visiting Mission had requested, before promulgating the establishment of the Congress of Micronesia.

33. In the economic field, a lack of advancement was even more apparent, and despite repeated recommendations by the Trusteeship Council, the economy of the Territory had been permitted to remain static. Agriculture formed the basis of the Territory's economy, but it had not even reached the pre-war level. From the statements of the special representative of the Administering Authority and the findings of recent visiting missions, there were definite and substantial resources and possibilities for economic growth in the Territory. But due to the policy of the past two decades, these possibilities had not been explored and made available for the welfare of the people. The past policy was affecting the present economic situation and the Territory was in a great and increasing meas-

ure dependent on United States grants. They now had been increased to \$17.5 million, but as the Visiting Mission had noted, they were still highly insufficient to cope with the pressing needs of the Territory and the accumulated neglect of the past. He noted that the Mission had implied that if this level or even a lower one had been met in the past, it might not be necessary to suggest a further increase.

34. The Polish representative welcomed the acceleration of progress in the fields of primary education and public health which had been undertaken recently, but he agreed with the views of the Mission criticizing the failure to place similar emphasis on economic development. He considered that urgent steps should be taken to stimulate the over-all development of the Territory and in this the central issue was political development and the implementation of the provisions of resolution 1514 (XV). The Micronesians should be given the opportunity to exercise their right to self-determination and independence without further delay.

35. He noted the observation of the Visiting Mission that the documents of the Trusteeship Council apparently had not reached a number of persons in the Territory to whom they would be useful. He presumed that this had also happened regarding the dissemination of the Declaration and the work of the Special Committee in general, and thought it would be appropriate to request the Administering Authority to bring these to the attention of the Micronesians. In conclusion, he also supported the proposal of Cambodia for sending a visiting mission to the Territory to get more first-hand information and to study the implementation of the Declaration contained in resolution 1514 (XV).

36. The representative of Australia noted that the report of the recent Visiting Mission (T/1620) was careful and orderly in its considerations and conclusions, and that it had firstly and rightly addressed itself to the very nature of the Trust Territory. This approach seemed to him to be a right one because it was axiomatic that one could only consider the problems of such a Territory in the light of the particular factors which made the Territory what it was. Foremost among these was the small land area scattered over three million square miles of ocean. This complicated all problems of administration and development. In spite of this, very interesting and far-reaching developments were being fostered.

37. He was gratified to learn that, being the wish of the people, English was the medium of instruction in the schools and additional funds had been made available to promote this teaching widely. The development of a common language for all was vital in itself, as well as being a key to the twentieth century world outside and an important step towards the creation of a sense of unity among the people.

38. He noted the proposal for a new and dynamic education policy and stated that this effort in education would also benefit economic development. In this regard, as elsewhere in the Pacific, there were particular problems, and he supported the emphasis which the Visiting Mission had placed upon economic development, and noted that there was a close identity of thinking between the proposals of the Mission and the planning and effort of the Administering Authority itself.

39. In the political field, he was particularly impressed that there was a well-established political system set up by the Administering Authority based on the internal political and local government provisions within the larger body politic. On local levels, much progress had been made through democratic processes based on a universal franchise system, and this would be vital to the operating of the Congress. Although much remained to be done in the political field, it was important to acknowledge the difficulties of administering and developing a Territory such as the Pacific Islands and to recognize that the Administering Authority had the interests of the people foremost in mind. This was borne out by the fact that the annual appropriation for the Territory had been increased to \$17.5 million for the current fiscal year and by the establishment of the new Congress of Micronesia.

40. In regard to the future, the representative of Australia attached great importance to the political education of peoples in dependent Territories. He cautioned against the application

of a doctrinaire interpretation of resolution 1514 (XV) which could precipitate unfortunate consequences so far as the people themselves were concerned; and against the urging of greater speed when the people themselves rejected that speed. Constitutional change had to be geared to the response of the people themselves and that response could best be accelerated by means of political education and the continued expansion of democratic institutions. While he encouraged the Administering Authority to continue to increase its efforts in this regard, he considered that there was no need to fear the future outcome. In conclusion, he noted that the goal laid down by the Administering Authority was to raise social, educational and health standards within the Territory to a level whereby the people could play a constructive role in the development of their own Territory and participate in world affairs in general; to improve the economy leading towards the objective of a viable and self-sufficient Micronesia; and to develop a homogeneous Micronesian people with a common purpose destined to make a meaningful and informed decision about their future. He considered this goal worthy and commendable.

41. The representative of India was gratified to note, concerning the implementation of resolution 1514 (XV), that the people of the Territory were very much interested in the activities of the United Nations and aware of its efforts on their behalf. This was reflected in their welcome to the Visiting Mission in 1964. He had no doubt that a visiting mission from the Sub-Committee would be equally welcomed by the Administering Authority, and he hoped that it would co-operate with any mission which might be sent.

42. He was aware of the efforts of the Administering Authority to establish democratic institutions and to improve the economic well-being of the people and had taken them into account. However, the Trusteeship System had not been created as a permanent solution to the problems now under consideration. It was in the interests of the Administering Authority itself to relinquish its control and transfer full powers to the people of the Territory. He believed that there was no essential conflict of purpose or objective between the Administering Authority and the Sub-Committee. The difference of opinion arose only in regard to the extent and pace of political and economic progress in the Trust Territory. The Administering Authority had taken some steps in pursuance of the goals laid down in the Charter, but many more steps and at a less leisurely pace remained to be taken. Twenty years of administration had not produced results sufficient to escape criticism, even considering the particular difficulties it had to cope with.

43. The representative of India noted that there appeared to be some disparity and distinction in the wages of United States citizens and indigenous persons, and stated that he would be glad to be reassured by the Administering Authority that there was no discrimination of any kind between them.

44. He hoped that the Administering Authority would remedy any shortcomings in eligibility requirements which reduced the effectiveness of universal adult suffrage.

45. He noted the monopolization of all-important executive and judicial posts in the administration, and the policy of filling ordinary posts with Micronesians. Unless energetic efforts were made to fill the higher posts with Micronesians, he felt that this might be presented as an obstacle to the political advancement of the Territory.

46. In spite of the many educational programmes announced by the Administering Authority, little progress seemed to have been made in higher secondary and university education. A modern democracy required higher education to provide leaders, and the reluctance of the Administering Authority to establish a college in the Territory was a matter of some concern. Scholarships abroad could not fill the gap of a local institution. The lack of one was a matter on which the Administering Authority would have to act with speed and determination.

47. In conclusion, the representative of India considered that urgent measures should be taken to introduce more democratic institutions, the absence of institutions of higher education should be remedied, and the people of the Territory should be given more responsible positions in the administration. He had little doubt that the Administering Authority would im-

plement the letter and spirit of the resolutions of the General Assembly which concerned the future of the Territory.

48. The representative of Chile noted the importance of the report of the Trusteeship Council (S/5783) and the recommendations it contained relating to the political, social, economic, educational and health problems of the Territory, and believed that it would be more useful for the Sub-Committee to focus its attention upon progress in the political field, which offered more scope to the Special Committee and also had assumed a certain urgency. He expressed his satisfaction in regard to the progress made in the social field by the Administering Authority, and felt that the progress made in the educational field was also impressive. However, in the economic field, progress had been less apparent and the Administering Authority should increase its efforts and provide the means for greater economic development. On this point he shared fully the opinion of the Trusteeship Council, as reflected in its conclusions and recommendations.

49. Regarding political advancement, he noted the problems of geography, demography and communications which made economic and social development difficult. However, a positive aspect was the fact that the people were the same ethnically and under the same administration, and this should facilitate the formation of a single State. Above all, it was necessary, in applying the principles of the Charter and resolution 1514 (XV), to develop a sense of national unity among the different groups. He therefore considered that the creation of the Congress of Micronesia as a parliament representative of the whole of the Territory was an event of major importance. This represented considerable progress over the existing Council which had only consultative status. However, it appeared that the legislative powers of the Congress of Micronesia would be restricted in that the Secretary of the Interior had the power of veto over the laws it passed. He hoped these restrictions could soon be removed so that this new legislative organ would assume fully its representative role.

50. He shared the viewpoint expressed by the Visiting Mission and the Trusteeship Council regarding the desire for increased participation by the Micronesians in executive power. The continued action of the United Nations and the Administering Authority would shorten considerably the time when the Micronesians would be granted self-determination. The Administering Authority had stated that it was endorsing the provisions of resolution 1514 (XV), particularly those regarding the rights of the people to self-determination. According to the report of the Visiting Mission, the people of the Territory did not seem to have any clear opinion concerning the future of the Territory. Therefore he felt that it was even more urgent to increase the tempo of political advancement in creating representative organs and in encouraging the formation of a feeling of cohesion and national unity.

51. The representative of Iraq stated that he was happy to note that the people of the Trust Territory were acquiring a feeling of nationality and were therefore becoming a political entity, and he felt that his process should be accelerated and encouraged. He hoped that the creation in 1965 of the Congress of Micronesia would soon enable the Micronesians to crystallize their legitimate aspirations. The Trusteeship Council had emphasized that in order for the Congress to be the spokesman and efficient tool of the Micronesians, it must be given real powers, particularly in the financial field, and he also wished to emphasize the necessity for setting up uniform municipal administrations and electoral procedures.

52. He stated, concerning economic development, that although the Administering Authority had made certain efforts to diversify agriculture and establish a fishing industry, it had not yet set up an over-all economic plan in order to strengthen the economy and increase production. Therefore, the Territory's continuing dependency on outside aid was a source of concern.

53. In the Public Service, he noted that the Micronesians held no important posts and that the present organization of the Civil Service was not in their interests. He felt that this system should be abolished and replaced by a unified Micronesian civil service.

54. In the field of education, he considered that even though satisfactory progress had been made in the primary level, there still were no institutions of higher education in the Territory. This was a serious shortcoming, and it would be difficult for the Territory to move forward if this was not speedily remedied.

55. In conclusion, the representative of Iraq considered that it was necessary to set up an agenda for the achievement of the aims underlined in the Trusteeship System and resolution 1514 (XV) in accordance with the wishes of the population. Secondly, greater efforts were necessary to improve economic, social and educational conditions. Thirdly, since the Visiting Mission to the Territory had played a useful role in gaining information and formulating recommendations, similar missions from the Special Committee would be equally useful.

56. The representative of Sierra Leone noted that while the Trusteeship Council's recent discussion of the Territory had made the Sub-Committee's task easier, it still had to find out what the Administering Authority had done or intended to do towards the full implementation of resolution 1514 (XV). In this connexion, he noted that its declared goal was to give the people a free and informed choice of the type of Government they wished for themselves.

57. He considered that credit was due to the Administering Authority for the substantial sums spent on health and education and hoped that efforts in this direction would be continued and, where possible, accelerated. The provision of a free public school system was noteworthy, but equally obvious was the need for a more vigorous programme of adult education and vocational training.

58. In the economic field, he felt that if the Territory was to be freed of its present reliance on the generosity of the United States, speedy and vigorous efforts were necessary to achieve the Administering Authority's declared aim of establishing a more productive economy which would enable the people to achieve an acceptable level of self-sufficiency and well-being. It appeared that even the limited natural resources of the Territory had still not been exploited. Although the need for an economic development plan had already been underlined, the Special Committee was bound to emphasize this further in order to ensure the full implementation of resolution 1514 (XV). Greater efforts were necessary in fishing and agriculture and the encouragement of foreign investment, and he hoped that these would be vigorous and speedy so that all areas of development proceeded concurrently.

59. In the political sphere, he noted that the establishment of a Congress of Micronesia was a significant step which would bring the various islanders together in a united effort toward nationhood, and the application of the principle of universal adult suffrage was to be commended. This was a step in the right direction but it was by no means sufficient. The powers of the Congress should be enlarged if it was to become a really effective instrument of the people of Micronesia. Consideration should be given to an extension of the regular session of the Congress to enable it to discuss important issues fully, and attention should be directed towards the reduction of the virtual powers of veto of the High Commissioner so that the Territory would be able to make its own decisions on vital matters, and especially on the question of its future status.

60. In conclusion, the representative of Sierra Leone considered that while plans for the educational, social and political

development of the Territory had been prepared in broad outline, vital details needed further consideration and these details would make the plans either effective or ineffective. He also felt that it would not be out of place for the Special Committee to send a visiting mission, in consultation with the Administering Authority, to study specifically the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples as it applied to the Trust Territory.

CONCLUSIONS OF THE SUB-COMMITTEE

61. The Sub-Committee notes that the people of the Trust Territory, like all other dependent peoples, are capable of administering themselves in conformity with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV).

62. While noting the constitutional changes introduced, including the setting up of the Congress of Micronesia which is a helpful step in the political development and unification of the Territory, the Sub-Committee is of the view that these do not fully meet the requirements of Article 76 of the Charter and of General Assembly resolution 1514 (XV).

63. The Sub-Committee feels that economic, social and administrative reforms are necessary to remedy certain shortcomings in these fields, leading to a diversification of the economy, the elimination of wage disparities, the participation by the indigenous peoples of the Territory in the higher cadres of the executive and the judiciary, and the provision of university education.

64. The Sub-Committee is aware of the Territory's special problems of distance, isolation and economic resources.

RECOMMENDATIONS OF THE SUB-COMMITTEE

65. The Sub-Committee reaffirms the inalienable right of the people of the Trust Territory of the Pacific Islands to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV).

66. The Sub-Committee recommends to the Administering Authority that the Congress of Micronesia should be provided with all powers necessary to pave the way for the speedy implementation of resolution 1514 (XV).

67. The people of the Territory should be enabled to express their wishes in regard to the provisions of resolution 1514 (XV) through well-established democratic processes.

68. Steps should be taken by the Administering Authority with a view to the early elimination of disparities in the wage structure, the establishment of an institution of higher education, and the assumption of the highest positions of responsibility by the people of the Territory.

69. The Administering Authority is requested to set up urgently an over-all economic plan in order to develop and strengthen the economy and increase production.

70. A visit by the Sub-Committee to the Territory would be useful and steps may, therefore, be taken to arrange such a visit, in consultation with the Administering Authority.

CHAPTER XIX

TRUST TERRITORY OF NAURU, PAPUA AND THE TRUST TERRITORY OF NEW GUINEA, AND COCOS (KEELING) ISLANDS

A. INFORMATION ON THE TERRITORIES

1. Trust Territory of Nauru

Introduction

1. The Trust Territory of Nauru is a small island situated in the Central Pacific Ocean with an area

of about eight square miles (20.7 square kilometres). This consists of a narrow, fertile coastal belt of flat land, on the inner side of which a coral cliff formation rises to a height of from forty to 100 feet above sea level. This merges into a central plateau with extensive phosphate deposits which almost completely inhibit

any useful natural growth. The removal of the phosphate leaves a rugged terrain consisting of coral pinacles varying from thirty to fifty feet in height above the floor of the old coral formation.

2. At 30 June 1962 the population of Nauru consisted of 2,516 Nauruans, 1,173 "other Pacific Islanders", 748 Chinese and 412 Europeans.

3. The question of the future of the Nauruan community has been of special concern to the Trusteeship Council by reason of the fact that Nauru is totally lacking in natural resources other than phosphate and this will be exhausted in approximately forty years. It has urged the Administering Authority, in consultation with the Nauruans, to formulate plans for their resettlement. In order to assist in this matter, the Administering Authority has appointed a Director of Nauruan Resettlement who has been making extensive investigations regarding a possible location for a future home for Nauruans. As a result, an inspection of Curtis Island (off the Queensland coast of Australia) was carried out by the Head Chief of Nauru and the Administrator in February 1963. No decision on the suitability of this island has been reached, and discussions with the Nauru Local Government Council are continuing.

Status

4. Nauru, formerly a German colony, became a mandated territory at the end of the First World War, and was administered by Australia on behalf of the Governments of Australia, New Zealand and the United Kingdom of Great Britain and Northern Ireland. Under the Trusteeship Agreement by which Nauru became a Trust Territory and which was approved by the General Assembly on 1 November 1947, the Governments of Australia, New Zealand and the United Kingdom were designated as the joint Administering Authority. These Governments have agreed that the Australian Government shall exercise full powers of legislation, administration and jurisdiction in and over the Territory, and that the administration of the island shall be vested in an Administrator appointed by the Government of Australia.

Constitution

5. The Government of the Territory derives its authority from the Agreement of Nauru, dated 2 July 1919, between Australia, New Zealand and the United Kingdom, which provides for the administration of the island to be vested in an Administrator.

6. *Administrator.* The Administrator has the power to make ordinances for the peace, order and good government of the Territory and is responsible to the Australian Government through the Minister of State for Territories.

7. *Nauru Local Government Council.* Nauru has no executive or legislative council, but certain local government matters are handled by the Nauru Local Government Council, which consists of nine members elected by the Nauruan community. The Council may advise the Administrator about any matter affecting Nauruans, including the making of new ordinances and regulations and the repeal or amendment of any existing legislation. Powers and functions may be conferred on the Council by ordinance. The Administrator may act in opposition to the advice of the Council on any matter where, in his opinion, he is justified in so doing. The Council may make rules in respect of certain

specified matters and generally for the peace, order and welfare of Nauruans. Such rules are subject to the approval of the Administrator.

Electoral system

8. Every Nauruan in the Territory over twenty-one years of age is required to enrol as a voter in the district in which he resides. Voting is compulsory and by secret ballot. Council elections are held at intervals not exceeding four years.

Public Service

9. The Public Service is under the control of a Public Service Commissioner appointed by the Minister of State for Territories. No person other than a Nauruan is eligible for appointment to the Service unless the Public Service Commissioner is of the opinion that there is no Nauruan who is available and capable of performing the duties of the office. During 1961-1962, the number of posts in the Public Service was increased from 479 to 499. At 30 June 1962, a total of 425 posts were filled. Nauruans and other Pacific Islanders filled 372 positions and there were thirty-four Australian expatriate staff and nineteen Chinese.

Judiciary

10. The courts which exercise jurisdiction in Nauru are the District Court, the Central Court and the Court of Appeal. The practice and procedure of the Central Court are regulated by rules similar to those of the Supreme Court of Queensland. Conduct of proceedings in the Court of Appeal and in the District Court is in accordance with normal British and Australian procedure. Appeal lies from the District Court to the Central Court and from that court to the Court of Appeal. The functions of the Court of Appeal are performed by the Chief Justice of the Supreme Court of Papua and New Guinea. The Central Court consists at present of a judge and five magistrates, two of whom are Nauruans. The District Court consists of three magistrates, two of whom are Nauruans.

Political parties

11. There are no political organizations in Nauru.

Economic conditions

12. The economy of Nauru is based on the raising of phosphate by the British Phosphate Commissioners. In 1961-1962, production totalled 1,541,652 tons valued at £A3,391,634, on which the Commissioners paid the Nauruans £A277,545 in royalties. Nauru has very little land suitable for agriculture, no forests, and no secondary industries. Apart from the phosphate deposits, there are no known resources capable of development.

13. All expenses of the Administration so far as they are not met by other revenue are defrayed out of the proceeds of phosphate sales. An amount of £A494,415 was provided by the British Phosphate Commissioners during 1961-1962 for this purpose. Other revenue, from import duties, postal revenue, etc., came to £A29,365, making a total of £A523,780.

Social and educational conditions

14. For information on social and educational conditions in Nauru, see the report of the Trusteeship Council to the General Assembly at its nineteenth session (A/5804, paras. 256-287).

Action taken by the Trusteeship Council in 1964

15. In a letter dated 1 July 1964 (A/AC.109/89), the President of the Trusteeship Council informed the Chairman of the Special Committee that the Trusteeship Council, at its thirty-first session, had examined conditions in the Trust Territory of Nauru, and that its report for the nineteenth session of the General Assembly would be available in printed form. The Council's conclusions and recommendations concerning Nauru appear in its report.

2. Papua and the Trust Territory of New Guinea

Introduction

16. The Trust Territory of New Guinea has a land area of approximately 93,000 square miles (240,087 square kilometres). This includes that part of the island of New Guinea north of the Papuan border, the islands of Bismarck Archipelago, and the northernmost islands of the Solomon Group, namely Buka and Bougainville. At 30 June 1962, the indigenous population of the Trust Territory of New Guinea was estimated to exceed 1,469,320. This consisted of an enumerated population of 1,421,090 and an additional estimated population of 48,230. At 30 June 1961 the non-indigenous population numbered 15,536.

17. The Territory of Papua has a land area of 87,540 square miles (226,728 square kilometres), and comprises the south-eastern portion of this island of New Guinea lying south of the Trust Territory of New Guinea, and the Trobriand, Woodlark, D'Entrecasteaux and Louisiade island groups. It is separated from Australia by the Torres Straits. The administrative headquarters of the Territory is at Port Moresby in Papua. The indigenous population of Papua at 30 June 1962 consisted of an enumerated population of 481,256. The remainder of the indigenous population was estimated at 47,600. The estimated non-indigenous population numbered 9,794.

Status

18. New Guinea, a former German colony, became a mandated territory at the end of the First World War. It is now administered by Australia under a Trusteeship Agreement approved by the General Assembly of the United Nations on 13 December 1946. The Territory of Papua, formerly a British possession, became an Australian possession by the Papua Act of 1950 which came into force on 1 September 1906. The Papua and New Guinea Act, 1949, provided for the government of the Territory of Papua and the Territory of New Guinea in an administrative union under the title of the Territory of Papua and New Guinea. The Act provided that the identity and status of the Territory of Papua as an Australian possession, and the Territory of New Guinea as a Trust Territory, would continue to be maintained.

Constitution

19. The constitutional authority for the administration of Papua and New Guinea is set out in the Papua and New Guinea Act, 1949-1960. By amendments to the Papua and New Guinea Act which were passed by the Australian Parliament in May 1963, provision is made for changes in the executive and legislative institutions which will come into effect in 1964. In August 1963, legislation to give effect to these changes was introduced in the Legislative Council of Papua and

New Guinea. The main provisions of the present Constitution, and of the changes that will be introduced, are set out below.

20. *Administrator.* The Administrator administers the Territory on behalf of the Government of Australia. He has the authority under certain ordinances to make regulations relating to matters specified in those ordinances. In practice this power is exercised with the advice of the Administrator's Council.

21. *Administrator's Council.* The Administrator's Council has advisory functions. At present it consists of the Administrator, three official members of the Legislative Council and three non-official members, two of whom must be elected members. The Administrator is not bound to act in conformity with the advice of the Administrator's Council, but if he fails to do so in a case where a statutory power is given under an ordinance may be exercised either by the Administrator-in-Council or by the Administrator, he must provide the Legislative Council, not later than the first sitting day of its next meeting, with a statement of his reasons.

22. By the amendments to the Papua and New Guinea Act, provision has been made to give the Administrator's Council wider functions and to enlarge it from seven to eleven members, by increasing the number of non-official members from three to seven and stipulating that all seven should be elected members of the new House of Assembly. Provision has also been made for the appointment of Parliamentary Under-Secretaries from the elected members, who will under-stand the heads of departments at present taking the place of ministers.

23. *Legislative Council.* The Legislative Council consists of the following members:

- (i) The Administrator;
- (ii) Fourteen officers of the Territory;
- (iii) Twelve elected members: six elected by the electors of the Territory, and six elected by the indigenous population;
- (iv) Ten appointed members.

24. There are a total of six electorates, four in the Trust Territory of New Guinea and two in Papua. Eight members are elected from the former and four from the latter. The ten appointed members must include not fewer than five residents of the Trust Territory and not fewer than five indigenous inhabitants. The Council is empowered to make ordinances for the peace, order and good government of the Territory. All ordinances must be assented to by either the Administrator or, in certain cases, the Governor-General of Australia.

25. By the amendments to the Papua and New Guinea Act, the present Legislative Council is to be replaced by a House of Assembly in April 1964. This will consist of 64 members, of whom 54 will be elected. The administering Power has stated that 10 of these 54 seats will, as an interim measure, be reserved for non-indigenous members.

Electoral system

26. Beginning in 1964, the elected members of the House of Assembly will be elected by universal suffrage of all persons over eighteen years of age from a common roll representing single-member constituencies. The last election to the Legislative Council was held on 18 March 1961. Elections for members of the new

House of Assembly were due to begin on 15 February 1964.

Public Service

27. The Public Service of the Territory of Papua and New Guinea consists of four divisions of officers: the First, Second, Third and Auxiliary Divisions. Appointment to the Auxiliary Division, which was created as a training division in 1957, is restricted to indigenous persons who are either British subjects or Australian protected persons. At 30 June 1962, the staff of the Public Service totalled 5,437, an increase of 212 over the previous year. This consisted of the following permanent officers in the First, Second and Third Divisions: 1 Asian, 39 indigenous and 2,757 expatriate persons. In the same divisions there were 1,376 expatriate, 18 indigenous and 226 Asian and mixed race temporary employees, and 328 exempt employees (persons to whom the provisions of the Public Service Ordinance do not apply). The Auxiliary Division had 598 permanent and 94 temporary indigenous officers.

Judiciary

28. The Supreme Court of Papua and New Guinea, the highest judicial authority in the Territory, has unlimited criminal and civil jurisdiction. District courts (in Papua, courts of petty session) have criminal jurisdiction over the less serious offences which are punishable on summary conviction, but have no jurisdiction to try crimes of treason, misdemeanours and other indictable offences. They also exercise a limited civil jurisdiction. Courts for Native affairs (in Papua, courts for Native matters) have jurisdiction over offences by indigenous inhabitants against Native Administration Regulations and civil actions of any kind, other than matters relating to the ownership of land or water if all parties are indigenous persons.

29. Legislation to replace the courts for Native affairs by a system of local courts operating under simplified rules of procedure is being considered by the Legislative Council. The local courts, which will have a relatively low limit of jurisdiction in both criminal and civil matters, will have power to apply customary law in appropriate cases. The legislation provides for account to be taken of customary law and for assessors to be appointed for this purpose. It also provides for selected indigenous persons to be appointed as justices to sit with magistrates in local courts, but without power of decision, and also for appeals from local courts to the Supreme Court.

Local government

30. *Native local government councils.* Native local government councils, composed of elected indigenous members, are empowered to make rules for the peace, order and welfare of their respective areas. When approved by the District Officer, these have the full force of law. They are authorized to levy rates and taxes and to charge for services rendered. The administering Power proposes to introduce in the Legislative Council a new local government council ordinance which will provide for a considerable expansion of the powers and functions of, and give greater responsibilities to, the councils. An annual conference is held, attended by representatives from all local government councils in Papua and New Guinea. In June 1963, there were fifty councils in the Trust Territory covering a popu-

lation of 473,772. There were twenty-two councils in Papua covering a population of approximately 155,675 in June 1962.

31. *District and town advisory councils.* District and town advisory indigenous and non-indigenous members are non-statutory. Through them, residents may express their views and offer advice to district commissioners on matters directly affecting them within the district or town concerned.

Political parties

32. The only political organization in Papua and the Trust Territory is the United Progressive Party. The administering Power reports that it is not an active body at present.

Economic conditions in Papua and New Guinea

33. Primary production is the basis of the economy of both the Trust Territory and Papua. Agriculture is the chief activity, and agricultural exports comprised approximately 90 per cent of the total exports of the Trust Territory in 1961-1962, and 96 per cent of the total exports of Papua in 1960-1961. The principal agricultural exports of Papua are copra and rubber; those of New Guinea are copra, cacao and coffee. An important timber industry based on the Trust Territory's extensive forest resources is being developed. Gold mining, an important activity in the Trust Territory, is now declining. Manufacturing industries, associated mainly with the processing of primary produce, are of minor though growing significance in both the Trust Territory and Papua.

34. Revenue raised in the Trust Territory and Papua is derived chiefly from import tariffs and direct taxation. This is supplemented annually by a direct interest-free and non-repayable grant from the Government of Australia. In 1961-1962, the total revenue was £A25.7 million. This consisted of £A7.9 million raised by internal revenue collections, £A500,000 from Territory loan subscriptions, and a grant of £A17,293,398. The Trust Territory received £A10,114,366 of this grant. The total expenditure for 1961-1962 in the Trust Territory and Papua was £A25.7 million.

35. The administering Power states that one of the greatest problems encountered in economic advancement is that of capital formation. In the traditional subsistence economy of the Trust Territory and Papua, production is largely geared to current needs and the economic situation is one of stagnation rather than growth. As the people move towards a more advanced economy there is an increasing need for capital. The administering Power states that the investment of outside capital is encouraged, subject to suitable safeguards to protect the interests of the indigenous people and to ensure that their full participation in the economic life and wealth of their country will not be prejudiced.

36. In order to strengthen the economy of the Territory, the United Nations Visiting Mission to the Trust Territories of Nauru and New Guinea, 1962, recommended in its report on New Guinea (T/1597 and Add.1) that the International Bank for Reconstruction and Development (IBRD) should be invited to carry out a full economic survey. It considered that this was necessary in order to prepare a balanced development plan with special reference to agriculture, marketing and trade problems and to future taxation policy and the need for new investment.

37. In June 1963, it was announced that arrangements with IBRD had been made for a Mission organized by the Bank to undertake a comprehensive review of the economic potentialities of the Trust Territory and Papua. The Mission had already begun its work in New Guinea. When this was completed, it would make recommendations to assist the Government of Australia in planning a developmental programme. This would be designed to expand and stimulate the economy and to raise the standard of living of the people. In addition to assessing the local resources, the Mission would assess the amount of capital likely to be available for development over the next five years from all sources.

38. In 1962 a total of 136 foreign companies were operating in the Trust Territory, and 124 were operating in Papua. Many of these operate through agents, usually a local company or firm. In the same year, 349 local companies were operating in the Trust Territory with an aggregate nominal capital of £A41,234,500 and 227 were operating in Papua with an aggregate nominal capital of £A58,900,299. The administering Power has subscribed £A750,001 in a company engaged in the plywood industry in the Trust Territory with a total paid-up capital of £A1,500,000 and £A152,999 in the New Guinea Resources Prospecting Company, Ltd., in Papua with a total paid-up capital of £A300,000.

Social conditions in Papua

39. *Labour.* At 31 March 1962, there were 25,278 workers in paid employment in the Territory (excluding members of the Public Service), compared with 23,508 in 1961. Private industry employed 18,182, of whom 10,135 were plantation workers. The Administration employed 7,096, including 1,106 members of the police force. Of the total number employed, approximately 11,103 workers were engaged in skilled or semi-skilled occupations.

40. Two organizations of workers, known as the Kerema Welfare Association and the Papua and New Guinea Workers' Association, have been formed in the Territory. Information concerning the number of members belonging to them is not available. The Administration reports that these associations have taken an active interest in the work of the Native Employment Board and have negotiated with employers' representatives for improved conditions of work.

41. *Public health.* No valid vital statistics are available for the Territory. The principal diseases and causes of death are pneumonia, malaria, gastro-enteritis and tuberculosis.

42. There are thirty-two Administration hospitals in the Territory. Admission is free to Papuans at all hospitals, with the exception of two paying hospitals at centres where free hospitals are also established. The staff of the health services includes 5 specialists, 28 physician surgeons and 8 assistant medical officers. In addition, 3 specialists and 9 physician surgeons are employed by the Public Health Department of the Territory of Papua and New Guinea at Port Moresby. Most religious missions also provide medical services, which include thirty hospitals. The missions are assisted by the Administration through a system of grants-in-aid and medical supplies. The value of this assistance totalled £A122,903 in 1962.

43. In 1961-1962, expenditures on health services totalled £A1,166,258, and expenditures on works and

services of a capital nature and on the improvement and maintenance of hospital buildings and equipment amounted to £A71,703.

Educational conditions in Papua

44. In 1962, the number of Administration schools in the Territory increased from 131 to 147, and enrolments increased from 12,370 to 15,348. The number of teachers increased from 442 to 536. All non-Administration schools are conducted by missions. The number of these schools decreased from 845 to 795 and enrolment declined from 48,700 to 47,203, owing to the closing of a number of exempt schools which could not meet the standards laid down by the Department of Education.

45. Pupils in all schools totalled 62,551, of whom 59,643 were in primary schools. The remaining pupils consisted of 732 in post-primary schools, 335 in junior high schools, 376 in secondary schools, 311 in technical schools, 249 in teacher-training schools and 905 students receiving tuition in the Pre-entry and Auxiliary Training Branch of the Department of Education. Of this last number, 721 students are enrolled for courses in post-primary subjects and 184 in secondary subjects.

46. The Administration assists parents to send children to secondary schools in Australia. Non-indigenous children receive £145 *per annum* plus annual return fare. Through a special scholarship scheme, selected mixed-race children receive, in addition, up to £200 *per annum* subject to a means test. A scholarship scheme for Papuan children provides selected pupils with the full cost of education in Australian schools, including fares, clothing and incidental expenses. In 1962 there were 381 European children, 62 mixed-race children, and 51 Papuan children receiving educational assistance for secondary schooling in Australia.

47. There are no universities in the Territory. Qualified students have access to universities in Australia. One Papuan student is studying agriculture at the University of Sydney and another is studying law at the University of Queensland.

48. In 1961-1962, expenditure on educational services by the Administration (excluding the maintenance of buildings) rose from £A1,037,515 during 1961 to £A1,363,000 in 1962, and amounted to 10.4 per cent of total government expenditures. This included £A102,932 in grants-in-aid to missions.

Social and educational conditions in the Trust Territory of New Guinea

49. For social and educational conditions in the Trust Territory of New Guinea, see the report of the Trusteeship Council to the General Assembly at its nineteenth session (A/5804, paras. 133-174).

Action taken by the Trusteeship Council in 1964

50. In a letter dated 26 June 1963 (A/AC.109/89), the President of the Trusteeship Council informed the Chairman of the Special Committee that the Trusteeship Council, at its thirty-first session, had examined conditions in the Trust Territory of New Guinea, and that its report to the General Assembly at its nineteenth session would be available in printed form. The Council's conclusions and recommendations concerning the Territory appear in its report.

3. Cocos (Keeling) Islands

Introduction

51. The Territory of Cocos (Keeling) Islands, consisting of twenty-seven small coral islands with a total land area of five square miles (thirteen square kilometres), is situated in the Indian Ocean 2,290 miles west of Darwin, Australia. Direction Island, West Island and Home Island are the only inhabited islands. The administrative headquarters of the Territory are located on West Island. A telegraph station, linked by submarine cable with Australia and Indonesia, located on Direction Island, is operated by the Overseas Telecommunications Commission of Australia. An international airport, under the control of the Australian Department of Civil Aviation, is located on West Island.

52. The Cocos Islanders, the largest population group in the Territory, are the descendants of the original Malayan settlers who came to the islands with John Clunies-Ross, a British subject, in 1827. In 1962 they numbered approximately 436. Between 1948 and 1958, more than 1,700 Cocos Islanders migrated to North Borneo, Christmas Island and Singapore. A total of 176 Europeans form the other population group in the Territory, comprising the Clunies-Ross family, the employees of government departments and of private enterprises, and their families.

Status

53. The Cocos Islands have been under British control since 1857. By the Cocos Islands Act, 1955, of the United Kingdom and the Cocos (Keeling) Islands Act, 1955, of the Commonwealth of Australia, on 23 November 1955, the Cocos Islands became a Territory under the authority of the Commonwealth of Australia, and were designated the Territory of Cocos (Keeling) Islands. Before their transfer to Australia they formed part of the Colony of Singapore.

Constitution

54. The basis of the Territory's legislative, administrative and judicial systems is the Cocos (Keeling) Islands Act, 1955-1958. This Act empowers the Governor-General of Australia to make ordinances for the peace, order and good government of the Territory. These are required to be tabled in the Parliament of the Commonwealth of Australia and are subject to disallowance in part or whole by the Parliament. Commonwealth Acts do not apply to the Territory unless this is so expressed in the Act.

55. An Official Representative is appointed by the Minister of State for Territories. He exercises and performs such powers and functions in relation to the Territory as are delegated to him by the Minister under the Cocos (Keeling) Islands Act, 1955-1958, or otherwise conferred on him under the Act or the laws of the Territory. At present, he is responsible for general administration, including health and education.

56. In addition to the Department of Territories, a number of other Commonwealth departments are represented in the Territory, either directly or through the agency of other departments. These include *inter alia* the Prime Minister's Department, the Department of the Interior and the Department of Works.

Electoral system

57. There are no elected offices in the Territory.

Public Service

58. In addition to the Official Representative and employees of government departments, government employees are engaged in administrative and technical work associated with the airport and aviation facilities on West Island and a small aviation marine base on Direction Island.

Judiciary

59. The courts exercising jurisdiction in the Territory are the Supreme Court, the District Court, the Magistrates Court and the Coroner's Court. The Supreme Court consists of a judge who visits the Territory and presides over sittings as and when required. It is a superior court of record and appeals against its judgement may be taken to the High Court of Australia. The jurisdiction of the District Court is exercised by a District Judge. In its civil jurisdiction it may hear claims to a value not exceeding £A150, and in its criminal jurisdiction it may pass sentences of imprisonment for a term not exceeding one year or a fine not exceeding £A200. The Magistrates Court has power to try in a summary way minor offences. A Cocos Islander holds the position of magistrate and coroner.

Political parties

60. No information is available concerning political parties.

Economic conditions

61. The islands consist mainly of coral, and a lack of real soil and fresh water impedes the development of agriculture. They are not self-sufficient, supplies being brought mainly from Australia and Singapore by sea and air. Small quantities of vegetables are grown on Home Island. All supplies of fresh fruit and vegetables for the other two inhabited islands must be imported, owing to the limitations of the soil and water supplies. Large numbers of fish are caught in the lagoon for local consumption. Apart from the operations of the Australian Government, the economy of the Territory is based on the production and export of copra, all of which is grown by the Clunies-Ross Estate. In 1961-1962 this totalled 495 tons.

162. Administrative expenditure and expenditure on capital works and services are met from moneys appropriated by the Commonwealth Government and placed under the control of various Commonwealth departments represented in the Territory. Expenditures by the Department of Territories during 1961-1962 amounted to £A34,919 and those by the Department of Works amounted to £A3,564. Expenditures incurred by other departments having functional responsibilities in the Territory are not appropriated specifically for the services they provide, but are included in the overall appropriation of those departments for services which they provide throughout Australia. Revenue for 1961-1962 totalled £A2,291. This was derived from messing charges and from other sources such as hospital fees.

Social conditions

63. *Labour.* The copra industry operated by the Clunies-Ross Estate provides the main source of employment for Cocos Islands. The Estate provides housing, rations, medical services, clothing subsidies and pension benefits for its workers, in addition to

a cash wage paid in local token currency. Pensions above 50 per cent of salary are paid to workers reaching the age of 65.

64. *Public health.* Medical services are provided by an Australian medical officer and a nursing sister who are responsible for public health matters generally. A four-bed hospital is equipped to handle most surgical and medical emergencies. Dental treatment is provided by a visiting dentist of the Australian Department of Health.

Educational conditions

65. Elementary education is provided by the Clunies-Ross Estate for the children of its employees. Basic education is restricted to two to three years of schooling in the vernacular (Malay).

66. On West Island an Administration school provides both primary and secondary schooling. It follows the West Australian syllabus. At 30 June 1962, sixteen primary pupils and eight secondary pupils, undertaking correspondence courses under the supervision of the headmaster, were in attendance. Secondary pupils may also proceed to schools in Australia. Each pupil sent to Australia receives an annual education allowance of £A145 plus air fare. At 30 June 1962, two pupils from the Territory were undergoing secondary education in Australia.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

67. The Special Committee heard a statement by the representative of Australia at its 253rd meeting on 7 May 1964.

68. At its 308th and 309th meetings, on 11 and 12 November 1964, the Special Committee considered the report of Sub-Committee II on the Trust Territory of Nauru, Papua and the Trust Territory of New Guinea, and the Cocos (Keeling) Islands, which appears as an annex to this chapter.

Statement by the representative of Australia

69. The representative of Australia said he would base his statement on features of major interest to the members of the Special Committee. He would not be speaking with the degree of detail which his delegation considered appropriate in the proceedings of the Trusteeship Council, which in respect of the Trust Territories had been set up under the United Nations Charter to assist the General Assembly in carrying out the functions of the United Nations in regard to the Trusteeship Agreements to which Australia was a party. The Trust Territory of New Guinea and the Non-Self-Governing Territory of Papua had been joined together in an administrative union to form the Territory of Papua and New Guinea. In the combined Territory the principles of the United Nations were being applied equally in spite of the differences in their legal status. There were over two million indigenous people in Papua-New Guinea, divided into numerous tribal groups, each with its particular customs. They spoke some 700 different languages. The country itself was as varied and as fascinating as the people. There never was any interruption by Australia of any single form of government common to the whole or any extensive separate parts of the island. Australia's first task in bringing the country to self-government had been to create a self to govern itself. The period between the two great wars had been one of penetration and ex-

ploration. That had been followed by the great destruction of the Second World War. Now, the task was to build afresh, to give the indigenous inhabitants a political identity and to bring them to self-government.

70. The provision of finances was of basic importance. In 1964 the Australian grant to the Territory of Papua and New Guinea was some £25 million, to which must be added upwards of an additional £5 million carried in the Australian budget itself but actually spent in the Territory, mainly on public works and services. In addition, the revenue of the Territory itself had increased annually; in 1964 it had amounted to £10 million, every penny of which had been spent in and for the Territory. From all that expenditure had come a highly integrated Public Service, as compared with the mere field force of the post-war Administration with emphasis on participation by and training of indigenous people.

71. Universal franchise and the common roll were a reality. Between 15 February and 18 March 1964 the people of the Territory had elected a new Parliament by "Australian" or secret ballot. As a result of that election, 38 indigenous representatives would take their place on 8 June in the new Parliament of 64 members, 54 elected and 10 nominated. The 10 nominated members represented merely a transitional stage. The common roll contained about one million names. Its compilation and the actual conduct of the elections had been an astonishing physical achievement. During the elections 297 candidates had presented themselves, of which 233 had been indigenous. In some cases the indigenous people themselves had returned non-indigenous representatives, giving a splendid example of the harmonious race relations which existed in the Territory. Such developments were very much in line with the recommendations made by the last United Nations Visiting Mission to the Trust Territory of New Guinea and with the wishes of the General Assembly as expressed, for example, in General Assembly resolutions 1858 (XVII) and 1969 (XVIII).

72. The development of the system of local government councils had been less dramatic but absolutely basic. In January 1964 there had been eighty-five such councils (with 2,468 popularly elected councillors) as compared with only four in 1950. The councils were elected by the people themselves and presided over by their own elected leaders. They now represented almost 1 million people. In line with United Nations thinking, they had ceased to be mere instruments of indigenous government and administration but had become, where appropriate, responsible to and representative of the whole community. The indigenous people also played a full part in town and district advisory councils and on many boards, which were concerned with economic and social development. Typical of those boards were the Copra Marketing Board, the Coffee Marketing Board, the Education Advisory Board and—a most recent development—the Territory Broadcasting Advisory Council. That council had a particular importance as being concerned with the most important medium of mass communication in the Territory. In addition to two non-indigenous private citizens, it had two indigenous private citizens as members.

73. The Administration had been active in assisting the development of political groups and trade unions, although political parties as such had not emerged. In accordance with the recommendations of the last Visiting Mission, it had set up a Commission on Tertiary

Education (which it had previously planned), and that completed its work and submitted its report to the Government. Its recommendations would probably lead to the early establishment of a university and the development of an institute of higher technical education adjacent to it. A number of possible component parts of such a university already existed within the Territory. At the same time a programme for the extension of primary and secondary education was being pushed vigorously.

74. There had been a similar emphasis on public health and on economic development. The General Assembly had endorsed the recommendation of the Trusteeship Council that IBRD should investigate and advise upon the economic development of Papua and New Guinea. The Bank was now about to submit its report to the Australian Government and it would be a most important factor in increasing the tempo of economic development in the Territory. In accordance with the recommendations of the United Nations, the Australian Government had been devoting particular attention to land tenure. As a result of a careful land policy, not more than 2 to 3 per cent of the whole land area of the Territory had been alienated from indigenous ownership.

75. In all fields there had been an increasingly close identity of thinking between the United Nations and the Australian Government. Much of what the United Nations had emphasized was being translated into action in Papua and New Guinea. As the Australian Prime Minister had emphasized, the aim in Papua and New Guinea was to allow the people to be themselves. The whole body of legislation in New Guinea had been combed to eliminate from it every vestige of discrimination in any form in which it might have existed.

76. The Australian Government believed that political development was impossible without economic and social development. What was going on in Papua and New Guinea was without parallel in the present age of decolonization. There, all people walked in freedom. There, indigenous and Australian people were working side by side with mutual respect in the same fields of human effort. The people of Papua and New Guinea were not yet a nation but they were moving towards the point where they would speak with one voice. As the Australian Minister for External Affairs (who as Minister for Territories had been the architect of the progress which had been described) had pointed out, the Australian Government was keenly aware that there would be increasing pressure internationally to hasten towards the day of self-government for Papua and New Guinea; Australia realized the urgency of its task but it also realized the importance not only of going faster but of arriving safely.

77. With regard to the Trust Territory of Nauru, he said that the population had mounted steadily to its current level of about 2,500 persons and would no doubt continue to increase. The island had full employment, efficient schools and modern medical services. The standard of living was probably the highest in the Pacific. There was a close identity of views and objectives between the United Nations and the Administering Authority, which had implemented many of the Organization's recommendations. Nauru had a standard working week, and a wage tribunal had been established. There was an integrated primary school system, without any discrimination as to race. Increasing efforts had been made to train Nauruans for public

office and the few Australians still occupying key positions on the island would gradually be replaced by Nauruans. There were regular annual meetings between the British Phosphate Commissioners and the Nauruans to ensure an equitable sharing of the proceeds from the phosphate mining. Lastly, the elected Nauruan Council had been given increasing powers so that the Nauruans enjoyed a considerable degree of self-government.

78. However, that happy state of affairs could not continue unless the question of a future home for the Nauruans was solved. The efforts made by the Administering Authority to solve that question had been described at the thirtieth session of the Trusteeship Council by the Special Representative for the Trust Territory of Nauru (1204th meeting). In August and September 1963, the Director of Nauruan Resettlement had submitted to the Local Government Council and the people of Nauru Australia's suggestions regarding the resettlement of the Nauruans on Curtis Island. The Council had rejected the suggestions on the grounds that they did not meet the wishes of the Nauruan people regarding the form of government they desired if they were to be resettled on Curtis Island. The Council had then indicated that it would submit counter-proposals. The Australian Government would give careful consideration to any counter-proposals but would not go back on its decision already stated before the Trusteeship Council "that it could not transfer sovereignty over territory which was at present part of Australia" (*ibid.*, para. 7). Meanwhile, in order to ensure the availability of Curtis Island, should it be needed for resettlement, the Commonwealth Government in consultation with the Government of Queensland had decided to acquire all the residential leaseholds at Southend on Curtis Island and to make arrangements for the people already living on the island who would be affected by the resettlement.

79. In any association of two peoples, such as inevitably had to be considered in the case of self-determination and independence of small and remote Territories, the wishes of the two groups involved had to be taken into consideration. The future of Nauru was the subject of constructive negotiations, which would undoubtedly have a successful outcome with the fullest possible regard to the wishes of the Nauruan people.

80. In a later and subsequent statement the representative of Australia advised the Committee of recent developments concerning Nauru. He said that the fundamental problem facing the Trust Territory of Nauru was that of resettlement. Until very recently the Nauruans had acknowledged that resettlement in another area was the only possible solution and the Administering Authority had made a most generous offer to resettle the 2,700 inhabitants on Curtis Island. In the most recent discussions, the Nauruan representatives had said that they held firmly to the view that the Australian Government's proposals would not secure the future of the Nauruans as a separate people but on the contrary would result in their absorption in the Australian community as Australian citizens. They were also asking for a much greater degree of independence and better financial arrangements.

81. The Nauruans were willing to allow Australia to be responsible for their defence and some aspects of their foreign affairs if they settled on Curtis Island, and they were willing to accept Australian quarantine regulations, but they did not wish to become Australian

citizens or to be subject to Australian customs tariffs, taxes, etc. It was impossible for the Australian Government to accept those conditions, however, if only because Curtis Island was already an established part of the state of Queensland, and there seemed to be little prospect of agreement on Curtis Island for the moment. The Australian Government was continuing with the preparation of Curtis Island as a possible home for the people of Nauru, however, considering it to be very suitable for that purpose. It did not wish to abandon the project prematurely, as there was still a possibility that the people of Nauru might change their minds. Meanwhile, it was continuing to seek other mutually acceptable solutions, bearing constantly in mind the resolutions and recommendations of the United Nations.

82. In addition to the question of resettlement, discussions were taking place on the extent to which the Nauruans should share in the phosphate profits. It had already been agreed that the royalties on the phosphate exports should be raised from one shilling to three per ton. Those royalties were placed in a long-term investment fund which was intended to provide a perpetual income for the Nauruans when the phosphate beds were finally exhausted. It was estimated that by 1989 the fund would stand at £A20 million or more. It would represent an increase from the present two shillings and eight pence per ton to four shillings per ton. The Nauruan delegation had proposed an increase in royalties to fourteen shillings and eight pence per ton. The Australian representatives had indicated that they could not agree to the Nauruan request. The negotiations as a whole, however, would have to continue, and the recent discussions had represented simply a phase of the whole series of negotiations which were necessary in relation to that vital problem. The Australian Government proposed to continue its investigations—and the negotiations—with a view to the successful achievement of the resettlement of the Nauruan people. It was important to remember that in all questions involving Nauru, Australia had to consult New Zealand and the United Kingdom before taking a decision, as the Island was the subject of a joint Trusteeship Agreement.

83. The solution of the problems facing Nauru would require time and patience on the part of the Nauruans, the Australian Government, and the United Nations. On 31 May 1963, the Head Chief of Nauru had said that, in his opinion, the Nauruans would not reverse their decision in favour of resettlement. Similarly, in its report on Nauru (T/1595 and Add.1 para. 51), the United Nations 1962 Visiting Mission had stated that the question of the future home of the Nauruans was the main issue. It was therefore clear to the Australian Government that the problem of resettlement was urgent and his country was continuing to study the latest views put forward by the Nauruans. Meanwhile, the Phosphate Commissioners were carefully considering the wishes of the Nauruans in an attempt to find the most satisfactory and honourable solution to the problems of the industry.

84. Nauru was a very remote island and had no harbour or port. It measured nine miles across and the only flat land was the narrow coastal strip. Even if unproductive land could be made fertile, Nauru could never support its present population, or even a smaller one. There was a great difference between the needs of adults and those of the young people who were attending training courses. The future of the Nauruans

conferred a serious responsibility on all the parties concerned.

85. As to the Cocos Islands, they covered about five square miles and consisted entirely of coral with a little very poor soil. There were about 450 Cocos Malays who could be described as indigenous inhabitants only in a limited sense, since they were the descendants of a Scottish sea Captain and a small group of Malays who had settled in one of the islands in 1827; they had been uninhabited until then. Since 1948, some 1,700 other descendants of that original group had left, primarily because the islands could not support them. In addition, there were about 200 people employed in the cable station on one of the islands, in the operation of a civil airport and by the Australian Administration. The economy of the islands consisted solely of those operations and of coconut production. There was no prospect of the islands becoming self-sufficient and, for everything except their basic subsistence needs, they depended on imports and the outside assistance given in various emergencies. In approaching its responsibility, the Australian Government respected the institutions, customs and usages of the Cocos Islanders. Those included the practice of the Moslem religion and the exercise of leadership by headmen and leaders elected in accordance with local customs, family traditions and the Moslem religion. The Australian Government provided modern medical facilities and the health of the community was good. There was an atmosphere of unbroken peace on the islands and the Administration Courts of Justice had tried no cases for over four years. Although the small size of the community did not affect its right to exercise basic human freedoms, it did influence the way in which those freedoms would be exercised. The basic ideals of the Special Committee were at present being fulfilled since the Cocos Islanders were able to exercise their own form of government, their own customs and their own religion.

86. Each of the Territories administered by Australia was differently situated geographically and in relation to the rest of the world. In each the problems differed widely, and the solutions to those problems should also be different, in order to take into account—in the terms of Article 73 of the Charter—"the particular circumstances of each territory".

C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE II

87. The representative of the Union of Soviet Socialist Republics said that he duly appreciated the efforts of many members of Sub-Committee II to ensure the swiftest possible application of the provisions of General Assembly resolution 1514 (XV) of 14 December 1960, especially operative paragraph 5, to the peoples of the Territories concerned. A number of representatives had put forward constructive ideas and conclusions regarding measures for giving effect to the resolution, but a few delegations—those of Australia and the United States—had tried to present a distorted picture of the situation in the Territories under consideration, to whitewash the policy pursued by the administering Power and even to impose on the Sub-Committee their own concept of self-determination and of the means by which the future status of the Territories should be decided.

88. In the first place it was noteworthy that the Australian representative had, both in the Sub-Committee and in the Trusteeship Council, whose thirty-

first session had ended in June 1964, tried to present the matter as if in the political development of Papua and New Guinea there had been important changes in the direction of self-government and independence. In that connexion he had referred to the existence in the Territory of an elected House of Assembly. A House of Assembly had indeed been established in Papua and New Guinea, but it should not be forgotten that it possessed no rights or powers. So far, it was a case of form without any content, since all authority in the Territory continued to remain in the hands of the administering Power. Under Australian legislation, the Governor-General and the Government at Canberra retained complete control over the Territory and the right to veto any law adopted by the House of Assembly. The House of Assembly was not even entitled to consider such questions as land distribution, the conditions under which local labour was hired, the public service, immigration or deportation, not to speak of questions of defence or foreign policy; the same applied to questions connected with weapons, explosives and in certain cases, marriage relationships (e.g. divorce), and so forth. Attention should be drawn to another very important fact which showed the possible consequences of the present distribution of seats in the House of Assembly, which already had such limited powers. Replying to a question by the Soviet delegation in the Trusteeship Council, the Australian representative had stated that the House of Assembly would adopt its decisions by a simple majority; he had failed to add that article 42 of the Act of 1963 fixed the quorum at twenty-two, which was only a third of the total membership of the House. That served to illustrate the undemocratic character of the method which had been adopted. Under article 46, matters considered by the House were to be decided by a simple majority of the members, excluding the presiding officer. However, the question arose whether that meant a simple majority of the full membership of sixty-four or of the twenty-two members who constituted a quorum. The House had twenty-six Australian members, and, if the quorum required for the enactment of laws was twenty-two, the way was clearly open for all sorts of manoeuvres. When the further fact was recalled that all laws passed by the House required approval by the authorities at Canberra, it was quite obvious that the House of Assembly was a powerless body. The same could be said of the local government councils and other organs of local government.

89. Thus one of the basic problems relating to the Territory's political development, namely, the establishment of a representative legislature endowed with full powers, had not yet been solved. The outward form was there, but it had to be given content through the transfer to the House of Assembly of all powers of government in the Territory. The administering Power should take such action immediately; it should implement the decisions of the General Assembly, especially paragraph 5 of resolution 1514 (XV). His delegation accordingly felt that the phrase "through well established democratic processes" in paragraph 63 of the report of Sub-Committee II (see annex to this chapter) was too vague, and it proposed the addition of the words "under United Nations supervision".

90. With regard to the Sub-Committee's conclusions, he observed that the administering Power had done almost nothing in the fields of economic and social development and education, and that Papua and New Guinea remained an agrarian and raw-material append-

age of the metropolis. Australia promoted only the development of those crops which did not compete with crops which were already adequately developed in Australia. But it did not acknowledge that those crops ensured profits for Australian planters and monopolies. That was confirmed, however, e.g. in a study made by Professor R. T. Shand of the Australian National University, who concluded that the Territory's economic development had slackened considerably. The Australian representative and his country's Press contended that the Territories under consideration would not be viable without Australian financial assistance, and they made much of the £28 million subsidy which Australia had granted to the Territories in 1964-1965. However, they did not mention, as the Melbourne newspaper *Sun* had reported, that the overseas Territories produced more than they received every year. Indeed, a very large part of the subsidies granted to Papua and New Guinea went to maintain the colonial administrative machinery in those Territories; Australian officials alone absorbed £12.5 million of the £28 million subsidy.

91. The predominant Australian and other foreign companies in the country, with the use of cheap labour provided by the local population, were making enormous profits. Thus the firm of W. R. Carpenter, a partner of the powerful Burns Philp company, had recently increased its assets almost sevenfold; they now amounted to £2.5 million. That company and the Steamship Trading Company, Meriboy, Sogbery and a number of other companies dominant in the Territory's economy were receiving, on the average, annual dividends of 20 per cent on their total capital investment.

92. After half a century of Australian rule, the indigenous population lived in poverty and ignorance. Eighty per cent of the inhabitants were illiterate, and approximately two thirds of school-age children did not attend school; so far not a single member of the local population was equipped with higher education, while all the higher and really important posts in the administration were occupied by Australians. There was wage discrimination, and only 7,000 of a total of 56,000 workers were organized in trade unions; there was neither labour legislation nor a system of social security. Racial discrimination was also practised in education, medical care, land tenure and other fields. For example, there were two salary scales in the Civil Service, one for Australians and another for indigenous personnel. The Assistant Administrator of Papua and New Guinea, Hunter, in conversation with a Nigerian correspondent, had admitted that there was indeed racial discrimination in Papua and New Guinea. Hunter had stated a month and a half previously (cf. the *Canberra Times* of 16 September 1964) that racial discrimination was a very terrible thing, but that unfortunately it did exist in Papua and New Guinea. In conversation with the same journalist, the leader of the elected members of the House of Assembly, Guise, had quoted facts of racial discrimination against the local inhabitants in connexion with the granting of plots of land, and of loans.

93. In the light of those facts the USSR delegation could not endorse the Sub-Committee's conclusions in paragraphs 50 and 56 of its report (see annex to this chapter), which should be amended or deleted.

94. In regard to the position in Papua and New Guinea, it was impossible to ignore the extremely important question of the mutual relations between Papua and New Guinea and the neighbouring territories and States, as well as the serious problem constituted by

the fact that Papua and New Guinea had in practice been drawn into the system of the ANZUS military bloc. The Soviet delegation continued to hold the view that there was no justification whatever for Australia's involving the Trust Territory in that bloc, the aims of which had nothing in common with the interests of the inhabitants of Papua and New Guinea, viz. coexistence with their neighbours in peace and friendship. Despite the absence of any desire on the part of the indigenous population to be involved in the military plans of Australia and ANZUS, the administering Power had begun to implement a far-ranging plan of military preparations in that area.

95. With regard to Nauru, his delegation reserved its position, which was that the will and desires of the Nauruan people in respect of all questions affecting its future, including its transfer and its right to the natural wealth of the island, should be paramount and should be basic to any measures taken in the Territory and to any decisions adopted by United Nations organs in the matter. Despite United Nations decisions, what characterized the position on the Island of Nauru was the vividly expressed reluctance of the Administering Authority to give effect to the will and desires of the Nauruan people, and, above all, Australia's efforts, by means of persuasion and open pressure, to turn the Nauruan people back on to the path which it had rejected and to bring the Nauruans to abandon their own plans for their future. Accordingly, certain ambiguous passages in the conclusions should not be permitted to stand. He proposed the deletion of the second sentence in paragraph 58 and of the second part of paragraph 60, beginning with the words "and that this question", since the Nauruans had declined transfer from the Island of Nauru and the conversations between the Nauruan population's representatives and the Australian Government about the phosphates question—conversations held in conditions unfavourable for the Nauruans—had ended with a refusal by the Administering Authority to satisfy the Nauruans' legitimate demands. He had thought it essential to mention those facts, since it was too often said that Australia was a colonial country of a special type, different from the others; such an assertion was not confirmed by the facts.

96. The representative of Iran said that he had no objection of principle to make to the Sub-Committee's report, but noted that there was no reference in the conclusions to the important political and constitutional changes that had occurred recently in Papua and New Guinea, especially the establishment of a House of Assembly elected on the basis of universal suffrage. While it was of course fair that the administering Power should be criticized for what it had failed to do, account should also be taken of what it had accomplished. He therefore proposed the addition of the following paragraph after paragraph 54:

"The Special Committee takes note with satisfaction of the political and constitutional changes lately occurring in the Territory of Papua and New Guinea and particularly of the setting up of a House of Assembly on the basis of universal franchise. The Special Committee invites the administering Power to take all measures whereby the House of Assembly can be made a fully representative body as soon as possible".

97. The representative of Australia said that he reserved the right to reply in detail at the appropriate time to the almost completely baseless charges made by the Soviet Union. In view, however, of the proposal

just made by the Iranian representative, he would like immediately to clarify two points in reply to some of the assertions made by the Soviet Union.

98. With regard to the House of Assembly of Papua and New Guinea, twenty-two members did indeed constitute a quorum, but decisions were taken by a majority of the sixty-four members of the House, which contained a large elected indigenous majority. Any member of the House might introduce a bill relating to the peace, order and good government of the Territory; the fate of any such bill would be determined by the majority of the members of the House.

99. Contrary to what the Soviet Union representative had said, there was, moreover, a great body of labour legislation in the Territory. He had already corrected the Soviet Union representative's assertion that the only economic activities undertaken were those which did not compete with Australian industries. To illustrate the point, he mentioned the efforts being made by Australia to develop the cattle industry which would directly compete with one of Australia's own major industries. Australia was furthermore importing ground-nuts from the Territory, and the Australian Traffic Board saw to it that there were no impediments to those imports.

100. Turning to the Sub-Committee's reports, he wished to reiterate the reservations he had already made in the Sub-Committee. He did not believe that the report adequately reflected some of the realities of the situation in the islands, in particular the social and economic circumstances peculiar to the islands, their isolation and small population and their separate histories, which called for an individual approach in each case. The report also did not adequately reflect the particular problems which had faced the administering Power, or its achievements.

101. Moreover, the reactions of the indigenous people should be taken into account, and the contents of the report should accordingly be carefully weighed. In that regard, he recalled that in Papua and New Guinea the indigenous elected majority of the House of Assembly had introduced in the House a resolution which had been strongly supported by every single member and had related to what they considered to be United Nations pressure in their affairs. That resolution had subsequently been circulated as a United Nations document at the express request of the indigenous elected majority. It expressed the confidence of its sponsors in the Australian administration and affirmed that it was the responsibility of the indigenous people to decide, in consultation with the administering Power, the appropriate future relationship between the two and the steps to be taken in the meantime. The Australian Minister had said the same thing: namely, that it was for the inhabitants of the Territory to say, when the time came, what form of government they wished to have, and it was for Australia and the self-governing State of the future to work out by discussion what the relationship between them should be after self-government had been achieved.

102. His country could therefore reply to the representative of the Soviet Union that, with regard to paragraph 50 of the report, its declared policy was indeed to work for the social, educational, economic and political advancement of the people of the Territories. Furthermore, the recent resolution by the people of New Guinea served as a reminder of the need for the members of the Special Committee to show restraint and realism in their observations.

103. In his view, the Sub-Committee's report on Papua and New Guinea did not do justice to the efforts made by the administering Power, particularly in the political field. In reply to the observations of the representative of the Soviet Union, he recalled that the Prime Minister of Australia had declared in Parliament in August 1960 that, with regard to Papua and the Trust Territory of New Guinea, the Australian Government was bound by the United Nations Charter and by the Trusteeship Agreement and that it was discharging its responsibilities with scrupulous care. In addition, the response of the people to the efforts of the Australian Administration had expressed itself in an unparalleled unanimity of purpose between all the races of the Territory and with the Administration. A lack of recognition of that co-operation by the Committee could hardly fail to discourage the people.

104. The representative of Venezuela supported the amendment proposed by the representative of Iran. In his opinion, the constitutional changes that had taken place in Papua and New Guinea represented an important step forward in the implementation of resolution 1514 (XV).

105. The representative of Ethiopia felt that the Iranian and USSR amendments made no substantial change in the conclusions of the report. For example, in paragraph 55 the Sub-Committee drew attention to the fact that there had been advances towards self-government, and in paragraph 64 it recommended a visiting mission, which could be regarded as a form of United Nations supervision. He therefore requested the Iranian and Soviet Union representatives not to press their amendments.

106. The representative of Poland noted that, in the statement he had just made, the representative of Australia had not said that his Government would give the people of Papua and New Guinea an opportunity to exercise their right to self-determination and independence in accordance with resolution 1514 (XV).

107. The Iranian representative had proposed that the Committee should take note with satisfaction of the political progress made in Papua and New Guinea. Yet that representative knew that, although the 1962 Visiting Mission had recommended the establishment of a fully representative Parliament of 100 members, in the new House of Assembly there were only sixty-four members, including ten nominated and ten reserved seats for Australians. In addition to those twenty seats Australians were permitted to compete with the indigenous inhabitants in a common roll and in that way Australians gained six seats. Thus with twenty-six Australian members the administering Power could easily block a two-thirds majority vote in the House of Assembly and could also always count on a quorum requiring the presence of twenty-two members only. Four years after the adoption of resolution 1514 (XV), the administering Power had still taken only half measures. The Committee should note that the administering Power had not acted on the recommendations of the United Nations Visiting Mission, which had been adopted by the Trusteeship Council and endorsed by the General Assembly; it certainly could not express satisfaction.

108. It would be only fair to adopt the Soviet amendments. The wording "under United Nations supervision" had been adopted for other territories. Moreover, when the Soviet representative had spoken of racial discrimination, particularly in the field of land purchase, he had based his statement on facts

which were not denied by the administering Power. It was the duty of the Special Committee to look into any type of discrimination which existed, and that question should be drawn to the attention of the administering Power.

109. The representative of the Union of Soviet Socialist Republics said that the Special Committee could not congratulate the Australian Government on the progress made towards granting independence to the Territory. The Australian delegation had not even stated that that was its Government's aim. There was one fact which the Australian representative had omitted to mention: Mr. Hasluck had categorically told the Australian Parliament in 1963 that the Government had no intention of granting self-determination to the Territory either in 1970, as the people desired, or on any other date. It was true that there was a House of Assembly, but it had no power.

110. The Soviet delegation did not press its amendments to paragraphs 50 and 56 of the report, but did not withdraw its amendment to paragraph 63, which would add the words "under United Nations supervision". The adoption of that amendment would ensure that the advance towards independence proceeded on democratic lines.

111. The representative of Syria supported the USSR amendment. It was a matter of a brief addition that had already been made with regard to other Territories and had been accepted without difficulty. It was not entirely clear to his delegation what purpose the Iranian amendment would serve. The words "notes with satisfaction" already appeared in paragraph 50. He therefore asked the Iranian representative not to press his amendment.

112. The representative of Iran explained that the Iranian delegation wished the Special Committee to record an undeniable fact, namely, that major changes had taken place in the political and constitutional situation in New Guinea and Papua in the last few months. The establishment of the House of Assembly was a very important measure that was not mentioned in the conclusions of the report. On his recent visit to the Territory he had spoken to many people in the various sectors of the population, and they had been unanimous in recognizing the importance of the establishment of that Assembly. His delegation could not withdraw its amendment.

113. The representative of Italy proposed that the word "full" should be inserted before the word "implementation" in paragraphs 65 and 66, since paragraph 55 stated that the administering Power had not undertaken "full measures" for the application of the provisions of the Declaration.

114. The representative of the United States of America reminded the Special Committee that his delegation had envisaged proposing some amendments if some of the amendments already submitted were not withdrawn. He now proposed that the words "to continue" should be inserted after the word "enabled" in paragraph 63 and after the word "Power" in paragraph 65.

115. The representative of Poland proposed that the words "in the purchase of land and" should be inserted after the words "existing disparities" in paragraph 67, and that the words "with satisfaction" should be deleted from paragraph 50.

116. The representative of Australia said that he was ready to accept the USSR amendment, for

Australia had no fear of United Nations supervision or of United Nations presence. Apart from that, he thought it might be possible to reach agreement on keeping only the Iranian amendment, less the words "with satisfaction".

117. The representative of Syria welcomed the suggestions of the representative of Australia and appealed to the sponsors of the other amendments to withdraw them.

118. The representative of Iran agreed to drop the words "with satisfaction" from his amendment.

119. The representatives of Italy, Poland and the United States of America withdrew their amendments.

120. The representative of Australia, replying to a question of the representative of Poland concerning the land situation in Papua and New Guinea, explained that in accordance with a deliberate Administration policy, only 2.46 per cent of the entire land area of New Guinea had been alienated from indigenous owners. Only the Administration could acquire land, after it had satisfied itself that the full consent of the indigenous owners had been obtained and that the land was not in fact required by the indigenous owners. A very substantial part of the land which was not in indigenous ownership had been acquired by the Government for the use of all the people of the Territory.

121. He wished next to give the Committee a brief report on recent developments in Nauru. The Australian Government was continuing its negotiations with the Nauruans on the matter of resettlement and was proceeding with plans for the acquisition of Curtis Island so that it would be available to the Nauruans if they should again wish to settle there. The Nauruan Council had asked to be transformed into a Legislative Council. The Nauruans, in the hope of having by that time gained sufficient experience of government through the proposed new Council, had requested the Australian Government to grant them independence on their own island by 1 January 1967.

122. In connexion with the phosphate operations, the Nauruan Council was asking for an increase in royalties. The Australian Government had proposed a smaller increase, of which two shillings per ton would be added to the long-term investment fund to provide a capital accumulation of some £20 million by 1989, thus allowing for an income of approximately £1 million a year for the Nauruan community after the phosphate deposits had been exhausted. The matter was currently under negotiation between the Nauruans, the Australian Government and the Phosphate Commissioners. The Nauruans had also requested that ownership of the phosphate industry should be transferred to them, because it was their only natural resource and they believed that their need to obtain the maximum value from it was greater than the need of the three administering Governments. They had expressed the hope that if that were done, some mutually satisfactory arrangement could be made for the future working of the phosphate deposits.

123. In conclusion, the representative of Australia wished to make it clear that his delegation disagreed with some sections in the report adopted by the Sub-Committee, and especially with the reference in paragraph 53 to the slowness of progress towards the implementation of General Assembly resolution 1514 (XV) in the Australian Territories. Since the adoption of General Assembly resolution 1514 (XV), two

great constitutional steps had been taken, and the Legislative Council for Papua and New Guinea had been completely transformed. The report did not reflect the efforts made by the administering Power or the degree of freedom prevailing in the Territories.

124. He assured the Special Committee that all of its recommendations would receive the Australian Government's close and earnest attention, as was always the case with recommendations made by Committees of the United Nations. He himself spoke in the Committee simply as the representative of his Government, and not as a person who made government decisions.

125. The representative of the United States of America said that in the recent elections it was clear that the people of Papua and New Guinea had given the Australian administration a real vote of confidence. His delegation could not, therefore, associate itself with paragraph 53 of the report, which stated that progress had been slow. In view of the formidable obstacles of terrain and relative development of the area, the word "slow" was not applicable to the case, particularly in the year 1964, in which the greatest political advance in the history of the Territory had occurred. For the same reason, his delegation had opposed certain amendments submitted, and later withdrawn, by the Soviet delegation.

126. As the Special Committee knew, the people of Papua and New Guinea already had expressed their views on their future, through the elected indigenous majority in the House of Assembly, which had specifically stated that it was for the people of the Territory, without outside interference but in co-operation with the administering Power, to decide when they would be ready for self-government and self-determination. The United States delegation had felt that paragraphs 63 and 65 should indicate that fact, but it had withdrawn its amendments to that effect at the request of members of the Committee.

127. Moreover, his delegation had opposed the USSR amendment, also withdrawn later, to paragraph 58 concerning Nauru, which had overlooked the fact of the continuing dialogue between the representatives of the people of Nauru and the Australian Government concerning the question of resettlement.

128. Nor could his delegation support the USSR amendments to paragraphs 63 and 64. Its reservations on other portions of the report, such as paragraph 67, already appeared in the summary records of Sub-Committee II.

129. At the 308th meeting on 11 November 1964, the Special Committee approved the report of Sub-Committee II on the Trust Territory of Nauru, Papua and the Trust Territory of New Guinea, and the Cocos (Keeling) Islands (see annex to this chapter), and adopted the conclusions and recommendations therein as orally amended: by the addition of a new paragraph after paragraph 54 in accordance with the revised Iranian amendment; by the addition of the words "under United Nations supervision" to paragraph 63; and by the substitution of the words "A visiting mission" for the words "A visit by the Sub-Committee" in paragraph 64.

130. The conclusions and recommendations adopted by the Special Committee are as follows.

Conclusions

General

131. The Special Committee notes with satisfaction that the declared policy of the Australian Government is to work for the social, educational, economic and political advancement of the people of these Territories.

132. The Special Committee also notes that the Australian Government has yet to declare that the implementation of the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), is the objective of the administering Power.

133. The Special Committee assumes that the logical conclusion of the constitutional advances made in these Territories would be to realize the objectives of resolution 1514 (XV) at the earliest possible date.

134. The Special Committee considers that progress towards the speedy implementation of the Declaration, contained in resolution 1514 (XV), in the Territories under Australian administration has been slow, and notes that the administering Power has not yet taken adequate steps in this regard.

Papua and the Trust Territory of New Guinea

135. The Special Committee recognizes the identity of interests of the peoples of these Territories towards the development of a common destiny, irrespective of the legally separate status attributed to each.

136. The Special Committee takes note of the political and constitutional changes lately occurring in the Territory of Papua and New Guinea and particularly of the setting up of a House of Assembly on the basis of universal franchise. The Special Committee invites the administering Power to take all measures whereby the House of Assembly can be made a fully representative body as soon as possible.

137. While noting the advances towards self-government, the Special Committee feels that the administering Power has not undertaken full measures for the application of the provisions of the Declaration contained in General Assembly resolution 1514 (XV).

138. The Special Committee takes into account the efforts of the Australian Government for the economic and social development of these Territories.

Trust Territory of Nauru

139. The Special Committee notes that the Nauruan people have expressed through their elected leaders the desire to be sovereign and free to govern themselves and to attain independence in January 1967.

140. The Special Committee considers that the questions of self-government and independence remain of paramount importance as far as the people of Nauru are concerned. At the same time, it does not overlook the serious problems relating to their resettlement.

141. The advances towards self-government, which are encouraging, fall short of the requirements of the Declaration contained in resolution 1514 (XV).

142. The Special Committee notes that the Nauruans have asked for the transfer to them of full control over the operations of the phosphate industry and that this question has been under discussion between the representatives of the Nauruans and the Australian Government.

Cocos (Keeling) Islands

143. The Cocos Islands have special problems of size and economic viability but that should not preclude the administering Power from complying with the implementation of the Declaration.

Recommendations

General

144. The Special Committee reaffirms the inalienable rights of all the peoples in these Territories to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV).

145. The peoples of these Territories should be enabled to express their wishes in accordance with the provisions of resolution 1514 (XV) through well-established democratic processes under United Nations supervision.

146. A visiting mission would be useful in assessing the political climate and aspirations of the peoples. Steps may be taken to arrange such a visit in consultation with the administering Power.

Papua and the Trust Territory of New Guinea

147. The Special Committee requests the administering Power to take urgent steps for the implementation of the provisions of General Assembly resolution 1514 (XV).

148. The administering Power, in consultation with the new House of Assembly, should be requested to take further constitutional steps aimed at the abolition of special and reserved seats and the implementation of resolution 1514 (XV).

149. Existing disparities in the wages of the indigenous people should receive the immediate attention of the administering Power with a view to their elimination.

150. The Special Committee recommends the strengthening of local government councils in order to give the population the possibility of exercising self-government in municipal matters.

151. The Special Committee feels that the efforts in the economic field and the field of education should continue at an accelerated pace.

Trust Territory of Nauru

152. The implementation of resolution 1514 (XV) and the resettlement are two distinct questions and should be settled independently, precedence being given to the first, as desired by the Nauruans themselves.

153. The Special Committee requested the Administering Authority to assist fully in the future resettlement of the Nauruans according to their wishes.

154. The Nauruans should be given full control over their natural economic resources and the Administering Authority is requested to continue to pursue negotiations to this end.

Cocos (Keeling) Islands

155. The Special Committee requests that the people of these Territories should be given the opportunity to express their wishes with regard to their future status and the assistance of the United Nations could be made available in this regard, if required.

ANNEX

Report of Sub-Committee II on the Trust Territory of Nauru, Papua and the Trust Territory of New Guinea, and the Cocos (Keeling) Islands*

CONSIDERATION BY THE SUB-COMMITTEE

1. The Sub-Committee considered the Trust Territory of Nauru, Papua and the Trust Territory of New Guinea, and the Cocos (Keeling) Islands at its 11th, 19th to 22nd and 26th to 33rd meetings, held on 18 May; on 11, 14 to 16 and 28 to 30 September; and on 1, 2 and 5 to 7 October 1964.

2. The Sub-Committee had before it the working paper prepared by the Secretariat (paragraphs 1-66 of this chapter). It also had before it the statement made by the representative of Australia in the Special Committee at its 253rd meeting on 7 May 1964.

3. The representative of Australia stated that an important event in Papua-New Guinea's political development had taken place on 8 June 1964, when the Territory's House of Assembly had begun to function. The House had 64 members—54 of them elected and 10 nominated by the administering Power—and of the 54 elected members, 38, or over two-thirds, were indigenous inhabitants of the Territory. The role of the 10 nominated members was not to exert any Australian influence on the work of the House of Assembly, but simply to provide the knowledge and experience which the other members still lacked in some fields. Each of the 10 was assisted by an Under-Secretary, taken from the ranks of the elected indigenous members, who would eventually assume the nominated member's responsibilities completely. In his speech at the inauguration of the House of Assembly, the Governor-General of Australia had stressed that the establishment of that body was by no means the final step in the constitutional evolution of the Territory. Papua-New Guinea, which had once been a primitive society with fragmented loyalties, was now a unified area. Although much remained to be done for the development of the Territory and Australian help would be needed for a long time to come, the new House of Assembly would henceforth be accepted by the rest of the world as representing the true opinions and the democratically expressed will of the indigenous inhabitants.

4. The fundamental problem, he stated, facing the Trust Territory of Nauru was that of resettlement, for by the end of the present century, the island would be totally uninhabitable. Until very recently the Nauruans had acknowledged that resettlement in another area was the only possible solution and the administering Authority had made a most generous offer to resettle the 2,700 inhabitants on Curtis Island. However, they were now displaying some reluctance to accept the administering Authority's proposals for their resettlement. They were willing to allow Australia to be responsible for their defence and some aspects of their foreign affairs if they settled on Curtis Island, and they were willing to accept Australian quarantine regulations, but they did not wish to become Australian citizens or to be subject to Australian customs tariffs, taxes, etc. It was impossible for the Australian Government to accept those conditions, however, if only because Curtis Island was already an established part of the State of Queensland, and there seemed to be little prospect of agreement on Curtis Island for the moment. The Australian Government was continuing with the preparation of Curtis Island as a possible home for the people of Nauru, however, considering it to be very suitable for that purpose. Meanwhile, it was continuing to seek other mutually acceptable solutions, bearing constantly in mind the resolutions and recommendations of the United Nations.

5. In addition to the question of resettlement, discussions were taking place on the extent to which the Nauruans should share in the phosphate profits. It had already been argued that the royalties on the phosphate exports should be raised from one shilling to three shillings per ton. Those royalties were placed in a long-term investment fund which it was estimated would stand at £A20 million or more by 1989. The Australian Government had proposed that royalties paid under other headings should be increased by 50 per cent. The Nauruans desired a considerably greater increase, however, and dis-

cussions on that subject were still in progress. It was important to remember that in all questions involving Nauru, Australia had to consult New Zealand and the United Kingdom before taking a decision, as the island was the subject of a joint Trusteeship Agreement.

6. In conclusion, the representative of Australia stated that the solution of the problems facing Nauru would require time and patience on the part of the Nauruans, the Australian Government, and the United Nations. On 31 May 1963, the Head Chief of Nauru had said that, in his opinion, the Nauruans would not reverse their decision in favour of resettlement. Similarly, in its report on Nauru (T/1595 and Add 1. para. 51), the United Nations 1962 Visiting Mission had stated that the question of the future home of the Nauruans was the main issue. It was therefore clear to the Australian Government that the problem of resettlement was urgent and his country was continuing to study the latest views put forward by the Nauruans. Meanwhile, the Phosphate Commissioners were carefully considering the wishes of the Nauruans in an attempt to find the most satisfactory and honourable solution to the problems of the industry.

7. The representative of the United States of America stated that Australia had undertaken a gigantic task in bringing the peoples of Papua and New Guinea from the most rudimentary forms of social life into what would be a cohesive society constituting a single, independent State, and considered it noteworthy that Australia had administered it as a single unit, thus seeking to unite and not to divide the people; and that it had laid a sound basis for political development through the training of indigenous civil servants, the establishment of local government councils and the founding of the new House of Assembly with a two-thirds indigenous majority.

8. He stated that the impressive sum allocated for education in 1964—£6 million—showed the emphasis being placed on primary and secondary schooling, and that activities in the field of health since the end of the Second World War were also impressive. The Administration was making notable efforts to diversify agriculture and to ensure, generally, that when Papua and New Guinea became politically independent they would not be economically dependent. This concern with the essential relationship between economic and political independence, he noted, had already led many members of the Special Committee to examine the alternatives of association or integration as the solution for many small dependent Territories, whose severely limited economies rendered it unlikely that they would be able to stand completely alone in the complex modern world.

9. The tiny island of Nauru presented an entirely different problem, where eventually, the bulk of the people would have to go elsewhere if they were to maintain anything approaching their present standard of living. The Australian Government had taken steps to make Curtis Island available to the Nauruans, but, understandably, could not accede to their request for sovereignty over that piece of Australian Territory less than a mile off the Queensland coast. The matter would be discussed further and his delegation hoped that the two peoples would find a solution which would be both equitable and mutually satisfactory.

10. Regarding the Cocos Islands, the United States representative noted that it was significant that 1,700 persons had had to emigrate from the islands in recent years in order to seek work elsewhere. Whatever the future of the islands—and it might be that the people would wish to remain associated with Australia—it seemed clear that they could not stand alone in the modern world.

11. In conclusion, he considered that Australia's administration of its Territories was both progressive and far-sighted; the steps being taken to prepare Papua and New Guinea for meaningful political and economic independence were particularly impressive. The Australian Government deserved a vote of confidence from the Sub-Committee.

12. The representative of India stated that, in marked contrast with certain other administering Powers, the Government of Australia had always respected the Charter and co-operated with the various agencies of the United Nations as far as the

* Previously issued as document A/AC.109/L.136/Add.3.

Trust Territories were concerned. However, according to the Charter of the United Nations, General Assembly resolution 1514 (XV) and other related resolutions, the people of Papua, New Guinea, Nauru and the Cocos Islands had a right to decide their own future and he was happy to note the declared policy of the Australian Government that the people of those Territories had such a choice.

13. He noted that during the past fifteen years there had been many changes in Papua and New Guinea, although political and constitutional progress had not kept pace with developments in other fields. The recent establishment of the House of Assembly was a landmark in the constitutional evolution of the Territory, but so long as that body was not entirely representative of the people and contained reserved seats for officials and non-indigenous persons, it was open to criticism. Such criticism had been voiced not only in the United Nations but also in the Australian Parliament and parts of New Guinea and Papua.

14. The representative of India also noted that the Sub-Committee had recently been informed that the House of Assembly had adopted a resolution which stated, *inter alia*, that the United Nations and the Trusteeship Council should not meddle in the affairs of the Territory and that the people must themselves decide their own future. While not disputing the right of the people of the Territory to self-determination, his delegation could not subscribe entirely to the view that Papua and New Guinea were not the concern of the Sub-Committee or of the United Nations. While the House was at liberty to pass any resolution it wished, so long as Papua and New Guinea were respectively Non-Self-Governing and Trust Territories, the United Nations, under its Charter, not only had the responsibility but also the duty to discuss the Territory and make recommendations.

15. The Australian Government was to be congratulated on the efforts it was making to provide the Territories with personnel and finance. Praiseworthy achievements had been made in the fields of health, civil aviation, transport and primary education, but much remained to be done in respect of secondary and high-school education.

16. He was gratified to note the absence of racial friction in the Territory and that the Australian Government, with the co-operation of the people, was aiming at a multi-racial society. He had no doubt that, within the framework of resolution 1514 (XV) and other resolutions of the General Assembly, the people of Papua and New Guinea would attain self-government, nationhood and independence.

17. He stated that in conformity with General Assembly resolutions 1514 (XV) and 1541 (XV), the people of Nauru and the Cocos Islands were masters of their own destiny and that no decision could be imposed on them against their wishes, and that in its consideration of the Cocos Islands, the Sub-Committee must take into account the special problems of economic viability and geographical isolation to which the Australian representative had drawn attention.

18. The representative of Poland stated that the claim of the Australian representative in his statement to the Special Committee, that there had been an increasingly close identity of thinking between the United Nations and the Australian Government, was unfounded and misleading. One of the main characteristics of Australian administration was the extremely slow pace of development in all fields. The urgent need for speeding up the political, economic and social advancement of the indigenous people in the Territory of Papua and New Guinea had been the basic conclusion of the 1962 Visiting Mission, but the Australian Government had consistently refused to accept the establishment of target dates for their advancement. His statement revealed no substantial change in Australia's attitude, which consisted in posing as defender of the rights of colonial peoples while in fact opposing the endeavours of the United Nations in the field of decolonization.

19. He welcomed the recent elections in the Territory of Papua and New Guinea and the establishment of a new House of Assembly with an elected indigenous majority, but felt such developments were long overdue and still did not meet the requirements of General Assembly resolution 1514 (XV).

He noted the discriminatory nature of the electoral ordinance which had brought about an over-representation of the 25,000 Australians, who held 26 seats in the new House of Assembly as against 38 seats for the 2 million indigenous inhabitants. He indicated that the policy of the administering Power to keep as many indigenous inhabitants as possible from direct participation in the House of Assembly was contrary to the recommendations of the 1962 Visiting Mission, which called for a truly representative Parliament of 100 elected members comprising five officials only. He also noted that its powers were limited since the Administrator, the Australian Government and the Governor-General retained full control over the Territory.

20. The representative of Poland considered it disquieting that the Australian administration, which was responsible for the economic backwardness of the Territory, was using that very argument as a pretext for its delay in granting independence. Experience of decolonization had shown that indigenous peoples, once they had been liberated from foreign domination, could more easily overcome all kinds of obstacles. The new spirit of independence had inspired achievements of which the colonialists, with their greater wealth and knowledge, had proved themselves incapable or unwilling.

21. He noted that the Australian Government had made no attempt to ascertain the real wishes of the indigenous inhabitants on the basis of a referendum or any other means of popular consultation, and considered that they must be given the earliest possible opportunity to exercise freely their right to self-determination and independence. He felt that none of the seats in the House of Assembly should be reserved and that all powers should be transferred to a truly democratically elected Parliament and Government of Papua and New Guinea. Since the Sub-Committee had so far received no information about the Territory from petitioners, it would be appropriate to dispatch a visiting mission of the Special Committee in order to gather the facts on which specific recommendations could be based. Invitations extended by Australia to individual officers and some other members of the Special Committee to visit the Territory could in no way substitute for the sending of such a visiting mission.

22. Concerning Nauru, he noted that the administering Authority had failed to implement even the modest recommendations made by the Trusteeship Council in 1962 and reaffirmed in 1963, but had limited itself to half measures with the result that all effective power was still vested in the Administrator. The representative of Poland considered that Australia was quite unjustified in linking the question of self-government for Nauru with the outcome of the negotiations concerning resettlement. It appeared from the statement of the representative of Australia, made before the Sub-Committee, that the negotiations concerning resettlement had produced no results. The Nauruans had again rejected the Australian terms of resettlement as being incompatible with their national aspirations. Once settled on Curtis Island under the full jurisdiction of the Australian Government, the Nauruans would become Australian citizens and would be deprived of their sovereignty. He noted that they had expressed the desire to stay on Nauru and take over the phosphate industry themselves, a position that was fully in accord with General Assembly resolution 1803 (XVII) concerning permanent sovereignty over natural resources. The Nauruans had also stressed that they want independence in 1967. The Sub-Committee should therefore reaffirm that the provisions of the General Assembly resolution 1514 (XV) were applicable to Nauru and should urge the administering Authority to transfer all executive and legislative powers to the Nauruan people in accordance with their wishes as expressed in the Nauruan memorandum of 19 June 1962 (A/AC.109/73) and reiterated in recent negotiations.

23. The representative of Poland considered that after a century of British rule and almost a decade of Australian administration, there were no democratically elected representatives in the Cocos Islands. While recognizing the difficulties arising from the remoteness and small size of the islands, his delegation felt the inhabitants had an inalienable right to self-determination and should be given an opportunity to exercise it in conformity with resolution 1514 (XV).

24. The representative of Iraq stated that in the Territories of New Guinea, Papua and Nauru, there had been a number of important developments which reflected the serious effort made by the administering Power to improve the lot of the populations concerned.

25. The administering Power had declared that in New Guinea and Papua the first task of the New Guineans and the Australians who were working for the political progress of those Territories was to instil in the people greater self-awareness to enable them eventually to be self-governing, and he hoped that those efforts would not be relaxed. It was obviously up to the inhabitants of the Territories concerned to decide their political future, but they must be given the necessary means to fashion their own destiny. That did not relieve the United Nations of the responsibilities towards New Guinea and Papua. He noted that the representative of India had requested the administering Power to explain the United Nations position to the populations concerned in view of the fact that certain criticisms of the Organization had been made by members of the New Guinea Assembly, and he associated himself with the Indian request.

26. He noted that the Australian delegation had stated that the nominated members had been given seats at the urgent request of the indigenous inhabitants, but felt that such a method was incompatible with the fundamental principles of democratic constitutions and was too reminiscent of the days when administrations had been imposed from outside. Consequently, he considered that, even allowing for the fact that each *ex officio* member would be assisted by an understudy destined to succeed him, the elimination of official and specially allocated seats in the House of Assembly was much to be desired.

27. As for the Trust Territory of Nauru, the representative of Iraq noted that recently the attitude of the Nauruans had changed. They now considered that the question of their resettlement and that of their independence should be decided separately, and they wanted their local government council to be replaced by a legislative council and a date fixed for independence. Operative paragraph 5 of resolution 1514 (XV) provided that immediate steps should be taken to transfer all powers to the peoples of Trust and Non-Self-Governing Territories without any conditions or reservations. For that reason he felt that the Nauruans' future could be decided only in consultation and complete agreement with them.

28. Regarding the Cocos Islands, he stated that he would like to see their inhabitants have a greater share in the running of their affairs in order to allow them the opportunity to exercise their will and decide their political future.

29. The representative of Chile noted that the Trust Territory of New Guinea was the most important of the Territories administered by Australia, and he considered that the conclusions of the 1962 Visiting Mission furnished a solid base for the measures to be taken in that Territory.

30. In the Territory of New Guinea he recognized the need to diversify and develop its exports and utilize its resources, so as to make it less dependent on Australian subsidies. He thought that the administering Authority should redouble its efforts to raise the education standard of the inhabitants; more of them should receive secondary and higher education so that the change-over might take place more smoothly.

31. Regarding Papua, he felt the Special Committee should have more complete information, particularly concerning economic and social conditions. In the political sphere, he noted that considerable progress had been made in the Territory during the current year, namely, the setting up of a common voting roll, the organization of general elections and the establishment of a legislative assembly. The next goal on the road to self-determination and independence, he considered, should be the assignment of the ten official seats and the ten reserved seats to elected representatives. In addition, the legislative competence of the House of Assembly should be expanded.

32. The representative of Chile noted that the administering Power had mentioned some measures of special importance, whose immediate application should be recommended by the Special Committee: first, the establishment within the Administrator's Council of an "embryo executive" designed to facilitate

the transfer of executive powers to the representatives of the people; and secondly, the appointment of parliamentary under-secretaries. And it had been asserted in the Trusteeship Council that the Administrator's Council should have a majority of elected members in order to bring it closer to the legislative assembly, and that parliamentary committees should be established in order to enable representatives to familiarize themselves with administrative techniques. He believed that those suggestions should be supported, and he noted with satisfaction the Australian representative's statement that the appointment of the parliamentary under-secretaries had already become a reality.

33. At the local level, he believed that the ability of the inhabitants of Papua and New Guinea to administer themselves could be developed by strengthening the town and district advisory councils, increasing their powers and financial resources and expanding their authority over education, police, transport, trade and industry. In short, the Special Committee should set a certain number of political goals to be reached in the immediate future, specifically, the reform of the membership and powers of the House of Assembly, the establishment of parliamentary committees, the setting up of an executive body which was more broadly representative, and the transformation and strengthening of the town and district advisory councils. Moreover, the new House of Assembly could be asked to draw up, in co-operation with the administering Power, a constitutional programme aimed at the Territory's complete independence.

34. He noted that negotiations regarding the resettlement of the Nauruans appeared to have reached an impasse and that the Nauruans, having rejected the idea of resettlement and decided to remain on Nauru, were now demanding independence and control over the phosphate industry. In his view, the implementation of resolution 1514 (XV) and resettlement were two distinct questions which should be settled independently. The measures essential for the Nauruans' actual accession to independence should be taken now. Once that stage was concluded, the inhabitants would have the right to determine their own future and, in particular, could decide whether they did or did not intend to limit their own sovereignty or adopt a particular form of association for the purpose of resettlement in a new national territory.

35. In regard to the Cocos Islands, the representative of Chile believed that the Special Committee should reaffirm the right of the inhabitants to self-determination and independence, although those concepts should, of course, be interpreted in a special manner by reason of the small size and population of the islands, their resources and their isolation. The Territory, whose population could not be regarded as constituting a national community capable of leading an independent life, would no doubt come to be associated with, or integrated into, Australia or some other independent country.

36. For the time being, he considered that the Sub-Committee should give thought to specific recommendations regarding the development of local administrative bodies, possibly patterned after municipal institutions. Similarly, the administering Power could be requested to develop machinery which would enable the inhabitants in the future to express their views on political affairs. Finally, more complete information should be obtained for an appreciation of the situation in the Islands from the economic and social point of view.

37. The representative of Sierra Leone stated that although very little had been done until recently to improve the situation of the indigenous people of Papua and New Guinea, and although there was no excuse for such negligence, it was comforting to note that effective action was now being taken to foster progress in those Territories and to prepare their inhabitants for self-government and independence. He welcomed that development. With regard to the new House of Assembly, he noted that, according to the representative of the administering Power, the ten appointed members sat with the elected members only because of their great administrative experience, and he hoped that their presence would be temporary.

38. He believed that the steps which were being taken to prepare the inhabitants politically for independence should be

accompanied by measures designed to foster economic and educational development in the right social atmosphere. He found it encouraging to note that the administering Power was providing the Territories with considerable financial assistance; another encouraging factor was the request made to the International Bank for Reconstruction and Development (IBRD), following the visit of the 1962 Visiting Mission, to carry out a full economic survey of the two Territories. He hoped that the administering Power would make the best possible use of that survey, to the benefit of the indigenous people.

39. Although in the educational field the development schemes were of quite recent origin, it was reassuring to find that the administering Power was giving not only primary but also secondary and higher education the attention they deserved.

40. In the social field, he noted that the wage structure and the conditions of employment created inequalities which must be eliminated, but that the absence of racial strife and discrimination and the maintenance of equal justice and opportunity for all could serve as an example to the other colonial Powers of the world. On the whole, he felt that the plans for the educational, economic and constitutional development of the Territories had been clearly laid down. Plans, however, were not in themselves sufficient to give the Committee the kind of satisfaction envisaged in operative paragraph 2 of General Assembly resolution 1514 (XV). It was also necessary to implement those plans, and speedily. He therefore hoped that the appreciable constitutional progress now being made in the Territory would be matched by equal progress in the other spheres mentioned.

41. In the case of Nauru, pending the decision on the people's future home, he considered that vigorous efforts should be made to prepare them for the independence to which, like all other dependent peoples, they were entitled. He therefore welcomed the recent increase in the powers of the Nauru Local Government Council, although those powers were still inadequate in the legislative sphere. On the other hand, the situation was encouraging with regard to education, the training of the indigenous inhabitants for positions of authority, and inter-racial relations.

42. The representative of Sierra Leone noted that although the small island Territory of the Cocos Islands was handicapped by its size, isolation and inadequate natural resources, its people nevertheless had the right to self-determination, and it was the Committee's duty to find the best ways in which that self-determination could be fully realized.

43. In conclusion, he believed that the over-all progress of the Territories should be accelerated, for the administering Power and the Special Committee had a sacred obligation to end colonialism in all its forms, in accordance with the aims of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

44. The representative of Cambodia considered that the Sub-Committee, in examining both Trust and Non-Self-Governing Territories, should pursue the same goal for all Territories which had not yet attained independence: that of liberating them from alien domination, in accordance with the freely expressed wishes of their peoples; and that the Trusteeship Council and the Special Committee should consequently join forces to attain the objectives set forth in the Charter and made more specific in General Assembly resolution 1514 (XV).

45. With regard to the Territories administered by Australia, he considered that the efforts undertaken were praiseworthy. Progress had been made, albeit somewhat slowly, but it was towards the future that attention should now be turned.

46. He fully appreciated the recent political development in New Guinea and Papua, although the new Legislative Assembly was not yet entirely representative and its present composition should be rectified. Nor was the situation satisfactory with regard to the executive power either, for there was no representative government so far. Although mention had been made of a great many achievements in the cultural, economic and social fields, he considered that political progress would do much to speed up the country's development. He recognized the efforts that had been undertaken by the administering Power, but felt that those efforts were still inadequate.

47. With regard to the Trust Territory of Nauru, he did not think it proper to link the question of resettling the Nauruans with that of self-government and independence. The former question was at present in an impasse, but that should not prevent the realization of the people's desire to govern themselves. Once they were masters of their own destiny, the Nauruan people would be able to discuss the question of permanent sovereignty over the natural resources of their own Territory.

48. As to the practical steps which should be taken, the representative of Cambodia thought that a visiting mission of the Special Committee would be able to gather useful information regarding the people's wishes and to formulate recommendations with a view to the implementation of resolution 1514 (XV). Failing that, the Trusteeship Council Mission, which was to visit the Territories in 1965, should take into consideration the views expressed by the Special Committee concerning the future of those Territories.

49. Lastly, with regard to the Cocos Islands, he fully endorsed the Chilean representative's view concerning the desirability of consulting the inhabitants of the Islands on their wishes and determining what form of administration they preferred.

CONCLUSIONS OF THE SUB-COMMITTEE

General

50. The Sub-Committee notes with satisfaction that the declared policy of the Australian Government is to work for the social, educational, economic and political advancement of the people of these Territories.

51. The Sub-Committee also notes that the Australian Government has yet to declare that the implementation of the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), is the objective of the administering Power.

52. The Sub-Committee assumes that the logical conclusion of the constitutional advances made in these Territories would be to realize the objectives of resolution 1514 (XV) at the earliest possible date.

53. The Sub-Committee considers that progress towards the speedy implementation of the Declaration, contained in resolution 1514 (XV), in the Territories under Australian administration has been slow, and notes that the administering Power has not yet taken adequate steps in this regard.

Papua and New Guinea

54. The Sub-Committee recognizes the identity of interests of the peoples of these Territories towards the development of a common destiny, irrespective of the legally separate status attributed to each.

55. While noting the advances towards self-government, the Sub-Committee feels that the administering Power has not undertaken full measures for the application of the provisions of the Declaration contained in General Assembly resolution 1514 (XV).

56. The Sub-Committee takes into account the efforts of the Australian Government for the economic and social development of these Territories.

Nauru

57. The Sub-Committee notes that the Nauruan people have expressed through their elected leaders the desire to be sovereign and free to govern themselves and to attain independence in January 1967.

58. The Sub-Committee considers that the questions of self-government and independence remain of paramount importance as far as the people of Nauru are concerned. At the same time, it does not overlook the serious problems relating to their resettlement.

59. The advances towards self-government, which are encouraging, fall short of the requirements of the Declaration contained in resolution 1514 (XV).

60. The Sub-Committee notes that the Nauruans have asked for the transfer to them of full control over the operations of the phosphate industry and that this question has been under discussion between the representatives of the Nauruans and the Australian Government.

Cocos (Keeling) Islands

61. The Cocos Islands have special problems of size and economic viability but that should not preclude the administering Power from complying with the implementation of the Declaration.

RECOMMENDATIONS OF THE SUB-COMMITTEE

General

62. The Sub-Committee reaffirms the inalienable rights of all the peoples in these Territories to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV).

63. The peoples of these Territories should be enabled to express their wishes with regard to the provisions of resolution 1514 (XV) through well-established democratic processes.

64. A visit by the Sub-Committee would be useful in assessing the political climate and aspirations of the peoples. Steps may be taken to arrange such a visit in consultation with the administering Power.

Papua and New Guinea

65. The Sub-Committee requests the administering Power to take urgent steps for the implementation of the provisions of General Assembly resolution 1514 (XV).

66. The administering Power, in consultation with the new House of Assembly, should be requested to take further constitutional steps aimed at the abolition of special and reserved seats and the implementation of resolution 1514 (XV).

67. Existing disparities in the wages of the indigenous people should receive the immediate attention of the administering Power with a view to their elimination.

68. The Sub-Committee recommends the strengthening of local government councils in order to give the population the possibility of exercising self-government in municipal matters.

69. The Sub-Committee feels that the efforts in the economic field and the field of education should continue at an accelerated pace.

Nauru

70. The implementation of resolution 1514 (XV) and the resettlement are two distinct questions and should be settled independently, precedence being given to the first, as desired by the Nauruans themselves.

71. The Sub-Committee requests the Administering Authority to assist fully in the future resettlement of the Nauruans according to their wishes.

72. The Nauruans should be given full control over their natural economic resources and the Administering Authority is requested to continue to pursue negotiations to this end.

Cocos (Keeling) Islands

73. The Sub-Committee requests that the people of these Territories should be given the opportunity to express their wishes with regard to their future status and the assistance of the United Nations could be made available in this regard, if required.

CHAPTER XX

NEW HEBRIDES, GILBERT AND ELLICE ISLANDS, PITCAIRN ISLAND AND THE SOLOMON ISLANDS

A. INFORMATION ON THE TERRITORIES

I. New Hebrides

Introduction

1. The New Hebrides form an irregular chain of islands some 440 miles (704 kilometres) long in the south-western Pacific Ocean about 500 miles (800 kilometres) west of Fiji and 250 miles (400 kilometres) north-west of New Caledonia. They have a total land area of 5,700 square miles (14,763 square kilometres). The larger islands are mountainous and the group has three principal volcanoes, which are usually active. The administrative headquarters is located at Vila on the island of Efate. The indigenous inhabitants of the New Hebrides are Melanesians. In 1960, the population was estimated to total 60,374, of which 55,428 were indigenous persons. The remaining 4,946 persons were British and French subjects and *ressortissants* (nationals of other powers who elect to come under the jurisdiction of either the United Kingdom or France).

Status

2. The New Hebrides form a Condominium jointly administered by France and the United Kingdom which was established on 20 October 1906. By the Anglo-French Convention of 16 November 1887, these Powers appointed a Joint Naval Commission charged with the protection of the lives and properties of their

subjects. In 1902, Deputy Resident Commissioners were appointed. By the Convention of 20 October 1906, the two Governments established the Anglo-French Condominium of the New Hebrides. This Convention was superseded by the Anglo-French Protocol of 1914.

3. Subjects and citizens of the Signatory Powers enjoy equal rights. Each Power "retains sovereignty over its nationals and over corporations legally constituted according to its laws", and neither Power may exercise a separate authority over the Condominium. Nationals of third Powers residing in the group opt for either the British or French legal system and to come, for all practical purposes, under the administrative protection and authority of the Power for whose legal system they opt. The 1914 Protocol does not define the national status of the indigenous inhabitants of the Condominium. It states that they cannot be dependants of either Power nor can they "acquire in the group the status of subject or citizen" of either Power.

Constitution

4. The Constitution of the Condominium is laid down in the Anglo-French Protocol of 6 August 1914, which was ratified in 1922 and proclaimed in the New Hebrides on 5 July 1923. This Protocol has, with some modification, regulated the administration of the Condominium since that time.

5. *Joint Administration.* The Government of the Condominium is known as the Joint Administration,

of which the joint and equal heads are, formally, the British and French High Commissioners, acting through their local representatives, the British and French Resident Commissioners, to whom they delegate their powers and to whom they give directions. (The British High Commissioner resides at Honiara in the British Solomon Islands Protectorate and as High Commissioner for the Western Pacific his jurisdiction extends to other United Kingdom Territories in the area; the French High Commissioner resides at Nouméa in New Caledonia and is also the Governor of New Caledonia.) The Joint Administration consists of the British National Administration, the French National Administration and certain Joint or "Condominium" Services. In addition to participating in the Joint Administration, each national administration under its Resident Commissioner deals independently with national affairs in so far as these are not of joint concern.

6. The national administration civil services consist of administrative, clerical, accounting and technical officers, including medical and education officers, since health and education, although subsidized from the Joint (Condominium) budget, are primarily national subjects. Each civil service has its own set of estimates, the revenue of which is to a greater or lesser extent derived from the Metropolitan Government.

7. The Joint Services, created under article 4 of the Protocol, include normal government departments such as the Treasury (including customs and inland revenue), public works and transport, posts and telephones, radio, lands, survey, agriculture, meteorology and mines.

8. The Joint Services are financed from local taxation, the joint budget being prepared by the Resident Commissioners and assented to by the High Commissioners and the Metropolitan Governments.

9. *Advisory Council.* The Advisory Council for the New Hebrides is presided over by the Resident Commissioners. It has four official and twenty unofficial members, of whom eight are elected and twelve are nominated. The unofficial members consist of five British, five French and ten New Hebrideans. The Council meets once or twice a year and debates such matters as the annual budget.

Judiciary

10. The New Hebrides has three types of courts: Condominium courts, British national courts and French national courts. The Condominium courts comprise the Joint Court, the courts of first instance and the Native courts. The Joint Court is the chief court. It hears appeals from the courts of first instance and from the Native courts which are established in each district of the New Hebrides. It is responsible for land registration, for law cases involving both French and British, Europeans and indigenous persons, and for cases between indigenous persons.

11. One of the two agents (Administrative Officers) of the district concerned sits in the Native courts with two local assessors. The agents are obliged to consult the local assessors. The Native courts have jurisdiction throughout their districts over offences against New Hebridean regulations and customs. British or French national courts administer their own national laws where British or French subjects are concerned, except in cases reserved for the Joint Court.

Public Service

12. At the end of 1962, the Joint Services employed seventy-four permanent and thirty contract overseas officers, and seventy-five local and other officers. The British Administration employed eighteen pensionable and nineteen non-pensionable overseas officers and 106 local and other officers. The French Administration employed 175 officers at the end of 1961.

Local government

13. There are eighteen local councils throughout the islands which deal with most matters of local importance such as village amenities. Vila, the administrative capital, has a Town Planning Commission.

Economic conditions

14. The economy of the New Hebrides is based mainly on agriculture, chiefly the production of copra. Apart from subsistence crops, the main cash crops are copra, cocoa and coffee: the only other industries of any importance are a commercial fishing industry and the mining of manganese. No information is available on national income and capital formation, or the amount of foreign capital invested in industries in the Territory.

15. Import duties are levied without discrimination of origin. The standard rate is 16½ per cent of f.o.b. value. Higher rates are paid on tobacco and spirits. The French Administration has a system of certificates of origin which enables copra and other crops to enter France under the preferential tariff.

16. Fifty per cent of all imports came from Australia and 20 per cent came from France in 1962. Forty-one per cent of all exports went to France and 42 per cent to South America. The value of exports and imports in 1962 totalled £1,982,330 and £2,239,368 respectively. Copra, frozen fish and manganese ore made up about 95 per cent of value of all exports, and copra alone made up about 60 per cent.

17. Taxation levied by the Joint Administration is for the most part indirect, 75 to 80 per cent of the total revenue being derived from import and export duties. No income or company tax is levied, owing to the difficulty of assessment and collection under a system of joint administration. Revenue in 1962, including grants and local development funds amounting to £73,329, totalled £752,977. Expenditures, including £86,857 on development plans, totalled £760,304.

18. The Protocol provides that the currency and banknotes of either Power shall be legal tender, and in 1935, Australian currency was recognized as valid for payments in sterling. The currencies in use are the Australian pound and the New Hebrides franc. The latter is convertible into Australian currency. Its issue is regulated by the French authorities, who also fix the rate of exchange with the metropolitan franc.

19. A joint plan of economic development, to be financed from Colonial Development and Welfare funds and the French counterpart, FIDES, has been drawn up to cover the period ending 31 March 1964. The Plan is estimated to cost £373,829, and includes a topographical survey (already carried out), the expansion of the agricultural service (with emphasis on extension work), the encouragement of co-operative societies, a geological survey, the rehabilitation of airfields at Vila and Santo and the improvement of other communications.

Social conditions

20. *Labour.* Most of the population is employed on plantations and in trading or subsistence agriculture. There is no joint labour legislation having general application in the Territory. Each national administration deals with its own *ressortissants* where labour questions are concerned. A joint regulation governs trade unions and the settlement of labour disputes. Disputes are settled by conciliation when submitted to a labour inspector. There is one agricultural organization to which many of the European planters in the Territory belong, and there is one organization of Vietnamese workers. The Convention of 1914 provides for the protection of indigenous persons where recruitment and basic working conditions are concerned. Modern labour legislation is in course of preparation.

21. *Public health.* Medical services in the Territory are provided by the British and French Administrations, the Joint Administration and religious missions. Each service is independent but they co-operate, and a measure of co-ordination is ensured by the senior French and senior British medical officers. Although there are exceptions, the French Administration has devoted its main effort to the provision of hospitals in the main centres of population, and the British Administration and British missions have concentrated on the rural areas.

22. The Chief Condominium Medical Officer (normally the senior French Medical Officer, who receives a special allowance from joint funds) is in charge of Condominium-employed assistant medical officers and dressers engaged in public health work, and he administers joint public health funds. Other public health staff are employed by the British and French national medical services and by the missions.

23. In 1961-1962, recurrent expenditures by the Condominium Government on public health amounted to £59,393 and were approximately 9 per cent of the total recurrent expenditures. During the same period expenditures by the British National Administration amounted to £A20,214. Expenditures by the French National Administration are not available for 1962. In 1961 they amounted to 20,574,000 New Hebrides francs or £A12,017.

24. In 1960, the Territory had three general hospitals equipped to deal with all general medical and surgical cases. It also had three infirmaries equipped to handle lighter cases, and sixty-eight dispensaries chiefly for the treatment of out-patients and lighter cases. These institutions had a total of 330 beds. The medical staff included eight registered government physicians and one registered mission physician, and seven government and two mission medical assistants.

25. No statistical data are available on birth-rates and death-rates. Malaria and tuberculosis continue to be the main public health problems.

Educational conditions

26. The Condominium Government has no education service but makes an annual subsidy to the national administrations for education. In 1962, this subvention (for both capital and recurrent expenditures but excluding development) totalled £30,000 and was approximately 5 per cent of the ordinary Condominium budget. Recurrent and capital expenditures by the British National Administration during the same period, including the disbursements it received from the Condominium subvention, totalled £A148,778. In 1961

expenditures on education by the French National Administration amounted to 17,830,000 New Hebrides francs or £A10,399.

27. Primary education of varying quality is available but there are no secondary schools in the Territory. Children are sent to neighbouring Territories for post-primary education. The British Administration has no schools of its own but makes grants-in-aid to the British voluntary agencies engaged in educational work. The French Administration operates a number of primary schools in various parts of the Territory. It also gives financial assistance to certain Roman Catholic schools.

28. No statistics are available on the number of children of school age or the number of children attending school in 1962. In 1960, a total of 7,772 pupils were attending schools conducted by British voluntary agencies, and in 1961, there were 3,112 in public and private French schools. A teacher-training college, financed by a Colonial Development and Welfare grant, opened in 1962. The college has a staff of five and gives a two-year course.

2. The Gilbert and Ellice Islands

Introduction

29. The Gilbert and Ellice Islands are situated in the south-west Pacific around the point at which the Equator crosses the International Date Line. It includes isolated Ocean Island and four groups of islands: the Gilbert, Ellice, Phoenix and Northern Line Islands. With the exception of Ocean Island, which has been raised by volcanic action to about 280 feet (85 metres) above sea level, all are low-lying coral atolls. They have a total land area of about 369 square miles (956 square kilometres), and are spread over more than 2 million square miles (5,180,000 square kilometres) of ocean. Canton and Enderbury Islands in the Phoenix Group are at present under joint British and American control. Both were uninhabited until the development of trans-Pacific aviation made them suddenly desirable as aviation stations. Canton became a fueling station for air services between Honolulu and Auckland and Sydney. It is used now as an emergency airfield and by military aircraft. Some aeronautical, meteorological and communication services continue to be maintained there.

30. The estimated population at the end of 1961 was 47,000, consisting of 39,000 Micronesians (Gilbertese), 7,000 Polynesians (Ellice Islanders) and 1,000 Europeans and others. Over-population is a pressing problem in the Gilbert and Ellice groups and there has been planned migration of the Gilbertese on Sydney Island (in the Phoenix group) to Gizo in the Solomon Islands, and of Ocean Islanders to Rabi in the Fiji Islands. As a result of a severe drought in 1963 on the Phoenix Islands, the populations of Hull and Gardner Islands have resettled on Wagina in the Solomon Islands. The great majority of the population live in the Gilbert and Ellice Islands, which make up about one half of the total area of the Territory. Christmas Island, on the other hand, has an area of more than 140 square miles (426 square kilometres), but much of it is desert and it has only a few hundred inhabitants.

Status

31. The Gilbert and Ellice Islands came under the jurisdiction of the High Commissioner for the Western

Pacific in 1877 and were declared a British Protectorate in 1892. By an Order in Council of 10 November 1915, they were annexed and became the Gilbert and Ellice Islands Colony. Subsequently its boundaries were extended to include the Phoenix and Northern Line Islands.

Constitution

32. The Territory is administered under the provisions of the Pacific Order in Council, 1893, the Gilbert and Ellice Islands Order in Council, 1915, and the Gilbert and Ellice Islands Order in Council, 1963.

33. *High Commissioner and Resident Commissioner.* Responsibility for the administration of the Territory rests with the High Commissioner for the Western Pacific, who resides at Honiara in the Solomon Islands. This he deputizes to a Resident Commissioner, the chief administrative officer of the Territory, who resides in Tarawa (the capital) where the principal departments of the Administration are located. The High Commissioner and the Resident Commissioner are both empowered to make laws for the peace, order and good government of the Territory with due regard being paid to local custom. In cases where a proposed law might affect the lives of the local population, the island councils are consulted.

34. *Executive Council.* The Gilbert and Ellice Islands Order in Council, 1963, provides for the establishment of an Executive Council, presided over by a Resident Commissioner, with an Assistant Resident Commissioner as an *ex officio* member, and not more than three official and four unofficial members.

35. *Advisory Council.* An Advisory Council was established in 1963, consisting of the Resident Commissioner as President, up to twelve unofficial members and up to five unofficial members appointed by the Resident Commissioner. It is intended that the Advisory Council should meet twice a year, and give advice on all matters relating to the administration of the Territory.

Public Service

36. During 1962, there were 46 overseas officers and 623 local and other officers in the Public Service. As a long-range measure to increase the pace of localization of the staff of the Public Service, the Administration has stated that it proposes to send overseas annually, for the next few years, up to about eleven of the most promising students for advanced secondary education. These students will eventually be sent on to a university, with a view to acquiring qualifications which will enable them to fill some of the posts that are customarily filled by expatriate officers.

Judiciary

37. Under the provisions of the Western Pacific (Courts) Order in Council, 1961, a High Court of the Western Pacific was established in 1962. The judges of this court consist of a Chief Justice and a number of puisne judges, and the Court possesses and exercises jurisdiction similar to that of the High Court of Justice in England. The High Court has jurisdiction to hear appeals from the judgements of any other court in the Territory, and there is a right of appeal in respect of a judgement by the High Court itself to the Fiji Court of Appeal, and thereafter to the Privy Council in London.

38. In addition to the High Court, there is a system of local or Native courts which have wide jurisdiction

over all indigenous inhabitants. These courts are presided over by the island magistrate, who can be assisted by four or more assessors. In addition, island land courts deal with local property, estate and land disputes. These are composed of the island magistrate and a panel of selected islanders.

Local government

39. There are twenty-six Native (or island) governments in the Gilbert, Ellice and Phoenix groups. These governments consist of island councils, a Native court with criminal and civil jurisdiction and a lands court. The head of each Native government is the island magistrate, an islander selected and appointed by the district commissioner who combines executive and judicial authority. He is the central Government's representative on the island, responsible for the local administration, the chairman of the island council and the magistrate of the Native court.

40. Island councils consist of elected members, nominated members and *ex officio* members. The elected members are elected by universal adult suffrage of all islanders over the age of 30. There is a majority of elected members in all the island councils. In addition to appointing certain members of the island governments, the island councils have power to make local regulations covering a wide range of subjects, and provide services for the general health, security and well-being of each island. The councils have full financial responsibility and make their own estimates of revenue and expenditure; in most cases they pay for the various island services out of local revenue but, in cases where they are not financially supporting, they receive a subvention from central government funds.

Economic conditions

41. Ocean Island has rich deposits of phosphatic rock, which are worked conjointly with the deposits on the Trust Territory of Nauru, about 160 miles westward, by the British Phosphate Commissioners. The economy of the Islands is based on the extraction of phosphate on Ocean Island and the production of copra on the other islands. The phosphate deposits are expected to become exhausted within twenty to thirty years. The Islands are subject to severe droughts and on most of them, the soil is but a few inches deep and consists largely of coral sand. These conditions make cultivation difficult. Copra is the only commercial crop, produced on the Gilbert, Ellice and Phoenix Islands by indigenous cultivators, and on the Line Islands by large commercial plantations.

42. Information on the total value of exports in 1960 and 1961 is not available. The value of imports in 1960 and 1961 totalled £A1,022,096 and £A1,384,480 respectively. Eighty per cent of all imports in 1961 came from Australia and the United Kingdom.

43. The mainstay of the Territory's budget consists of a revenue of 23 shillings on each ton of phosphate exported and an export duty on copra of 25 per cent *ad valorem* of the f.o.b. value. Revenue and expenditure during 1961 amounted to £A606,591 and £A653,503 respectively. Revenue and expenditure for 1962 amounted to £A854,981 and £A833,112 respectively.

Social conditions

44. *Labour.* All matters concerned with the recruitment, contracting and care of workers are undertaken

by administrative or other officers appointed by the Resident Commissioner. In addition to the Government, the chief employers are the British Phosphate Commissioners and the copra plantations. In 1962, the British Phosphate Commissioners employed 1,593 indigenous persons at Ocean Island and Nauru. Copra plantations employed 283, and ninety-six others were employed on Canton Island and Fanning Island. Conditions of employment for Gilbert and Ellice Islanders in the Trust Territory of Nauru are the same as those for Ocean Island.

45. *Public health.* The Territory has 2 general hospitals, 1 cottage hospital and 29 dispensaries. The Central Colony Hospital is located at administrative headquarters. The other general hospital is maintained on Ocean Island by the British Phosphate Commissioners. The two general hospitals have 349 beds. The government medical staff includes three registered physicians and eighteen assistant medical officers. There are also three physicians employed by private enterprises on Ocean, Fanning and Canton Islands. They are paid retainer fees to act as government medical officers. Medical attention for indigenous persons and government officers (with the exception of confinements) is free.

46. Actual expenditures on public health in 1961 totalled £A465,088 and estimated expenditures in 1962 totalled £A67,800. This amounted to approximately 10 per cent of the total expenditures of the Territory in 1961, and 9 per cent of estimated expenditures in 1962.

47. In 1962, the infant mortality rate was 50.8 per 1,000 live births, and the death-rate per 1,000 of local population was 8.6.

Educational conditions

48. At the end of 1962 there were 11,586 students in government, mission and other schools. Primary schools had 11,292 pupils, chiefly in mission primary schools. In addition to primary schools, there were two government and two mission secondary schools with a total of 294 pupils; and one government and three mission teacher-training colleges with a total of seventy-five trainees. The total number of teachers in all schools in 1962 was 464, an increase of fifty-two over the previous year.

49. Six students with scholarships were attending secondary schools in Australia in 1962 with a view to attaining university entrance qualifications, and thirteen additional students began further secondary education in Australia and New Zealand in 1963. An unspecified number of other students were studying medicine, nursing, boat-building, police work, printing, co-operative work, accountancy, marine engineering and agriculture in overseas Territories.

50. Recurrent expenditures on education amounted to £A37,517 in 1961, and were estimated at £A40,975 in 1962. This amounted to 5.8 per cent of all expenditures in 1961 and 6 per cent in 1962. Capital expenditures, actual and estimated, for the same periods were £A6,857 and £A23,384 respectively.

3. Pitcairn Island

Introduction

51. The Territory consists of four islands. Only Pitcairn, a volcanic island situated in the South Pacific about midway between Australia and South America,

is inhabited. It has a land area of about two square miles (5.18 square kilometres). The inhabitants of Pitcairn, numbering 126 at the end of 1961, are descendants of British sailors and Tahitians who settled there in 1793 after the mutiny of H.M.S. *Bounty*.

Status

52. The Territory of Pitcairn Island is a British colony which came under the jurisdiction of the High Commissioner for the Western Pacific in 1898. By the Pitcairn Order in Council, 1952, it was transferred to the administration of the Governor of Fiji when this office was separated from the High Commissionership of the Western Pacific.

Constitution

53. *Governor.* The Governor of Fiji is *ex officio* Governor of Pitcairn and legislates for the Territory.

54. *Island Council.* The Pitcairn Islanders very largely manage their own affairs but, when necessary, help and advice is available to them from Fiji. The island is administered by an Island Council consisting of the Chief Magistrate, two Assessors and a Secretary. These officers are local inhabitants elected by the population of the Territory on the basis of universal adult suffrage. The Chief Magistrate is elected triennially and the other officers annually.

Judiciary

55. The Island Court sits twice a month to hear breaches of the Island Rules. Cases of a serious nature come within the jurisdiction of the High Commissioner's Court for the Western Pacific.

Economic and social conditions

56. Pitcairn Island is isolated and its population is practically all of common stock and related through inter-marriage. The small community is able to meet its basic needs from the soil, the sea and private trading and it is self-sufficient. Pitcairn's revenue and expenditure for the year 1961-1962 were £14,183 and £12,268 respectively. Its main source of revenue is from the sale of postage stamps to collectors. Some fruits and handicrafts are sold to passing ships.

57. The population is self-employed. There is no permanent labour force although the local administration sometimes hires workers for limited communal services.

58. There is a government clinic, run in co-operation with the Seventh Day Adventist Church. The Government meets the cost of medical supplies and drugs. Professional advice and assistance may be obtained from surgeons on passing ships and, if medical treatment is required in New Zealand, compassionate grants or loans may be obtained from public funds.

Educational conditions

59. Education is controlled and financed entirely by the Government. It is free and compulsory for all children between 6 and 16 years of age. Instruction is in English and the New Zealand standard curriculum is used as the basis of instruction. Post-primary education on the island is conducted at the school by correspondence courses arranged through the New Zealand Department of Education.

4. Solomon Islands

Introduction

60. The British Solomon Islands consist of a double chain of islands in the South West Pacific. They extend over 900 miles (1,400 kilometres) of ocean, north-west to south-east, and have a total land area of 11,500 square miles (29,785 square kilometres). The main islands are mountainous, heavily wooded and well-watered. The Territory comprises one of the biggest groups in the Pacific and is the largest United Kingdom Territory in the Pacific. The Solomon Islands have a population of about 130,000, of whom about 123,000 are Melanesians, 5,000 Polynesians and the remainder of other or mixed races. The only township is Honiara, the administrative capital, with approximately 3,000 inhabitants. Most of the people live in small scattered villages throughout the islands. Those who live on the larger islands are often cut off from their neighbours on the same island by high mountain ranges and dense jungle.

Status

61. The Territory of the Solomon Islands is a British Protectorate which was established in 1893 over the Southern Solomons and by 1900 over the remainder of the Group which now make up the Territory.

Constitution

62. The present Constitution is contained in the British Solomon Islands (Constitution) Order in Council, 1960, under which the Territory is administered by a High Commissioner, who is advised by an Executive Council and who legislates with the advice and consent of a Legislative Council. Before 1960, the High Commissioner was assisted by an advisory council only. The main features of the present Constitution are as follows.

63. *High Commissioner.* The Solomon Islands Protectorate is one of the Territories administered by the High Commissioner for the Western Pacific, whose headquarters are at Honiara. The High Commissioner is appointed by the United Kingdom Government.

64. *Executive Council.* In the exercise of his powers, the High Commissioner is advised by the Executive Council. The Council consists of the holders of the three principal offices, namely, the Chief Secretary, the Attorney-General and the Financial Secretary of the Western Pacific High Commission, and also such other official and unofficial members as the High Commissioner may appoint. There are at present four other official members and four unofficial members who do not hold government appointments, two of whom are Solomon Islanders.

65. *Legislative Council.* Laws in the Solomon Islands are made by the High Commissioner acting with the advice and consent of the Legislative Council, except for matters which are reserved for the High Commissioner. The Legislative Council normally meets twice a year. The Legislative Council consists of the High Commissioner as President, three *ex officio* members, not more than eight official members and not more than ten unofficial members. The *ex officio* members must be the Chief Secretary, the Attorney-General and the Financial Secretary of the Western Pacific High Commission. The official and unofficial

members are appointed by the High Commissioner. At present, the Council consists of the full total of twenty-one members allowed by the Constitution, six of the ten unofficial members being Solomon Islanders. There are no elected bodies in the Solomon Islands.

Judiciary

66. Under the provisions of the Western Pacific (Courts) Order in Council, 1961, a High Court of the Western Pacific was established in 1962. The judges of this Court consist of a Chief Justice and a number of puisne judges, and the Court possesses and exercises similar jurisdiction to the High Court of Justice in England. The High Court has jurisdiction to hear appeals from judgements of any other courts in the Territory, and there is right of appeal in respect of a judgement by the High Court itself to the Fiji Court of Appeal, and thereafter to the Privy Council in London. In addition, there are Native courts in all areas of the Protectorate except for certain very small outlying islands. These courts are usually constituted according to local custom. They have limited civil and criminal jurisdiction and their decisions are subject to review by magistrates.

Public Service

67. At the end of 1962, there were 253 posts in the Protectorate Public Service, consisting of 217 overseas officers and 36 local and other officers. Twenty-eight of the latter were indigenous persons. In its annual report, the administering Power stated that an increasingly close watch is being kept upon recruitment and promotion to ensure that every opportunity is taken to replace expatriates by suitably qualified local officers.

Local government

68. There are local government councils in all areas except for some very small outlying islands. They comprise not more than five members who are appointed by the High Commissioner from amongst Solomon Islanders in the district. A council can make and pass resolutions for the welfare and good government of the district over which it has authority. All decisions of the councils are made by a resolution passed by a vote of the majority of the members of the council present at the meeting, and the person presiding has a casting vote if the voting is equal. The councils prepare and debate their own annual estimates of revenue and expenditure. Their range of subjects includes administrative services, communications, dispensaries, schools, market centres, water supplies, economic development, etc.

69. In Honiara, the capital of the Protectorate, the Honiara Town Council was set up in 1958, with a membership representing all sections of the community. The Council has specific responsibilities and duties in respect of the town of Honiara and has power to pass by-laws. The Council also has powers to raise revenue, but its main source of income is an annual subvention from the Protectorate Government.

Economic conditions

70. The economy of the Territory is not self-supporting and is based almost entirely on the production of copra. Cocoa is being planted as an export crop but has only begun to come into production. Subsistence crops are grown throughout the Territory. There are

limited manufacturing industries directed to meeting some local needs. The value of all imports in 1962 totalled £A2,233,611, about 75 per cent of which came from Australia and the United Kingdom. Exports were valued at £A1,589,184 of which £A1,411,637 consisted of copra exports. Eighty-six per cent of all exports went to the United Kingdom and Australia.

71. An Economic Development Committee was established in 1961 to advise the High Commissioner and the Executive Council on economic development generally. It has two sub-committees: the Inter-departmental Natural Resources Committee and the Inter-departmental Trade and Industry Committee. A survey of the Territory's timber resources has continued and confirmed that there is a promising potential for further economic development in this field.

72. Revenue and expenditure for 1961 totalled £A1,716,794 and £A1,702,665 respectively. Revised estimates of revenue and expenditure in 1962 totalled £A1,942,245 and £A2,077,330 respectively. Ordinary revenue amounted to £A791,180, of which £A551,110 was derived from direct and indirect taxes. A grant-in-aid from the United Kingdom Government and Colonial Development and Welfare grants amounted to £A512,435 and £A451,700 respectively.

Social conditions

73. *Labour.* A Labour Department was established in 1959 and a Commissioner of Labour was appointed. The latter advises on labour policy and administers labour legislation. He advises all parties concerned in matters relating to conditions of employment and advises employers and workers on the formation of associations and trade unions.

74. The total labour force of the Protectorate at the end of 1962 was estimated at 8,000 workers, of whom about 55 per cent were employed on coconut plantations. Most plantation workers are recruited under the provisions of the Labour Ordinance. There is one labour union, the British Solomon Islands Workers' Union, which had a membership of 2,250 in 1962. In the same year, the Union successfully negotiated an increase in wages for its waterfront members; at the end of 1962 it was negotiating a further increase for some of its plantation members. In the *Annual Report of the Labour Department for 1962*, it is stated that two other unions might be formed, consisting of a general union for labourers and another for government labour and classified workers.

75. *Public health.* Malaria and tuberculosis are the two major health problems in the Protectorate. In the *Annual Report of the Medical Department for 1962*, it is stated that the most significant event in the field of public health was the launching of a malaria eradication pilot project, organized in collaboration with the World Health Organization (WHO). Owing to the commitments of personnel and financial resources to this project, no major campaign against tuberculosis was contemplated for the next few years.

76. The Territory has six government hospitals and one leprosarium with a total of 463 beds. Hospitals and other medical facilities maintained by missions have 513 beds. The medical staff, public and private, includes eight registered medical officers and sixteen registered assistant medical officers. Expenditures on public health in 1961 totalled £A145,669. Estimated expenditures on public health in 1962, and about 9 per cent of all expenditures, consisted of £A142,870

Protectorate funds and £A42,038 from Colonial Development and Welfare funds.

Educational conditions

77. Primary education in the Protectorate is largely in the hands of missions. Mission schools are inspected by officers of the Department of Education and assisted by grants from the Government. In 1962, all but twelve of the 370 registered primary schools were run by missions. The missions also run an additional 103 unregistered primary schools. Enrolment in all primary schools totalled 18,401. A government secondary school for boys had sixty-two pupils. There were two teacher-training schools, one maintained by the Government and one by a mission, with enrolments of forty-three and eleven respectively. There are no institutions of higher education in the Protectorate. The number of registered and approved teachers in 1962 was 847. There was one teacher for each twenty-one pupils in registered primary schools. During 1962, eleven students held government scholarships and were enrolled in secondary schools overseas, and fifty-two were attending secondary schools under mission auspices.

78. Recurrent expenditure by the Department of Education in 1962 totalled £A74,994. Capital expenditure for the same year was £A3,807. Missions had recurrent and non-recurrent expenditures totalling £A123,038 and £A38,171 respectively. Government grants to missions for education totalled £A14,083 in 1962.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

79. At its 309th meeting, on 12 November 1964, the Special Committee considered the report of Sub-Committee II on the New Hebrides, Gilbert and Ellice Islands, Pitcairn Island and the Solomon Islands, which appears as an annex to this chapter.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE II

80. The representative of the United Kingdom said that he wished to repeat for the record a brief announcement, made in London on 5 October 1964, which his delegation had read out at the 35th meeting of Sub-Committee II, but which had not been mentioned in the Sub-Committee's report. The announcement concerned the question of introducing an electoral system for a majority of the non-elected members of the Solomon Islands Legislative Council, a matter dealt with in paragraph 18 of the Sub-Committee's report. Under a new arrangement, eight of the ten unofficial members of the Legislative Council would be elected to represent single-member constituencies. Election would be direct in the constituency of Honiara, the capital, while in the other seven constituencies election would be made indirectly by an electoral college composed of elected members of the local authorities. The new proposals represented a transitional stage in the constitutional development of the Protectorate towards the long-term aim of a wholly elected legislature. Elections for the new Legislative Council were envisaged for the first half of 1965. He hoped that that information could be included in the Special Committee's report to the General Assembly.

81. Similar progress had been made in the other Territories under consideration. In the New Hebrides,

an electoral basis for the Advisory Council had come into existence in December 1963; in the Solomon Islands a 1963 law had introduced universal adult suffrage for elections to all seats in the local government councils; the Gilbert and Ellice Islands Constitution had been introduced in 1963, with four non-official members of the Executive Council and eleven non-official members—a majority—of the Advisory Council. In his delegation's view, the Sub-Committee's conclusion, stated in paragraph 72 of its report, that there had been no significant progress towards the implementation of resolution 1514 (XV) of 14 December 1960 was somewhat unbalanced and would be a disappointment to the peoples of the Territories.

82. With regard to the question of representative political institutions in the Territories and the acceleration of their social and economic advancement, his delegation's comments at the 36th meeting of the Sub-Committee were fully applicable and he hoped that they could be recorded in the Special Committee's report.

83. He welcomed the positive and constructive elements in the Sub-Committee's report and congratulated the members of the Sub-Committee on their thoroughness and sense of responsibility in considering the unusual and difficult problem of the four Territories in question. His delegation would transmit the Sub-Committee's report to the United Kingdom Government, whose position he must formally reserve so far as the report's recommendations were concerned; he hoped that that reservation could also be included in the Special Committee's report.

84. The representative of Ethiopia suggested that the wording of paragraph 77 should be amended to read "The people of these Territories should be enabled to express their wishes in accordance with the provisions of resolution 1514 (XV) . . ." rather than ". . . with regard to the provisions . . .".

85. The representative of the Union of Soviet Socialist Republics proposed that the amendment of the representative of Ethiopia should also be incorporated in the appropriate paragraphs of the other reports of Sub-Committee II.

86. The amendments were adopted without objection.

87. At the 309th meeting on 16 November 1964, the Special Committee accordingly approved the report of Sub-Committee II on the New Hebrides, Gilbert and Ellice Islands, Pitcairn Island and the Solomon Islands (see annex to this chapter), and adopted without objection the conclusions and recommendations therein as orally amended or by the substitution of the words "in accordance with" for the words "with regard to" in paragraph 77.

88. The conclusions and recommendations adopted by the Special Committee are as follows.

Conclusions

89. The Special Committee feels that no significant progress has been recorded towards the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

90. While noting the constitutional changes recently introduced in these Territories, the Special Committee is of the opinion that the political institutions and

executive machinery are not fully representative of the people of these Territories.

91. The Special Committee is aware of the peculiar problems of these small and isolated islands.

Recommendations

92. The Special Committee reaffirms the inalienable right of the people of these Territories to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV).

93. The administering Power should take urgent measures for the speedy implementation of the provisions of resolution 1514 (XV).

94. The people of these Territories should be enabled to express their wishes in accordance with the provisions of resolution 1514 (XV) through well-established democratic processes based on the principle of universal adult suffrage.

95. The Special Committee feels that the administering Power should undertake steps to accelerate the social and economic advancement of the Territories.

96. A visiting mission would be useful in assessing the political climate and aspirations of the peoples. Steps may be taken to arrange such a visit in consultation with the administering Power.

ANNEX

Report of Sub-Committee II on the New Hebrides, Gilbert and Ellice Islands, Pitcairn Island and the Solomon Islands*

CONSIDERATION BY THE SUB-COMMITTEE

1. The Sub-Committee considered the New Hebrides, Gilbert and Ellice Islands, Pitcairn Island and the Solomon Islands at its 25th, 28th, 29th and 33rd to 36th meetings, held on 24 and 30 September and on 1, 7, 9, 12 and 14 October 1964.

2. The Sub-Committee had before it the working paper prepared by the Secretariat (paragraphs 1-78 of this chapter).

3. The representative of the United Kingdom participated in the work of the Sub-Committee.

4. In a letter dated 24 September 1964, the Chairman of the Special Committee invited the Government of France to appoint a representative to participate in the meetings of Sub-Committee II and of the Special Committee at which the Territory of the New Hebrides would be discussed. No reply to this communication has been received.

5. The representative of the United Kingdom stated that, apart from Pitcairn, which was administered by the Governor of Fiji, the Territories under discussion had since 1877 been under the jurisdiction of the High Commissioner for the Western Pacific, who resided at Honiara (Solomon Islands).

6. Regarding the social and economic affairs of the Territories, he said that the mainstay of the economy of the Solomon Islands was the export of copra but cocoa and timber were being developed and mineral resources were being investigated. Development plans had been drawn up since 1955; the current Plan covered the period 1963-1966 and envisaged a total expenditure of about \$7 million, of which nearly \$5 million would be met from British aid funds. The Plan provided for the building of more schools, hospitals and roads, the training of Solomon Islanders, schemes for agricultural and mineral development, and research. Since the Protectorate Government was unable to meet the cost of the normal administrative services, the United Kingdom Government paid a grant-in-aid, which in the current year had amounted to about \$1.4 million.

7. The Gilbert and Ellice Islands' economy depended on exports of copra and phosphates. The phosphate deposits were

* Previously issued as document A/AC.109/L.136/Add.4.

found only on Ocean Island and it was expected that they would be exhausted in fifteen to twenty-five years' time. The development plan for the period 1 January 1964 to 31 March 1966 provided for the continuation and expansion of development begun under previous plans. Expenditure was expected to be of the order of \$1.338 million, of which half would be devoted to the improvement of the medical and health services, 30 per cent to economic projects and 10 per cent to the improvement of inter-island sea communication and the rehabilitation of war-time airfields in readiness for the introduction of an air link with Fiji.

8. The plan sought to prepare for the time when the phosphate deposits would be exhausted by developing the coconut and fishing industries, sponsoring overseas settlement, reducing recurrent costs by capital development, building up the local civil service and improving social services and training so as to fit the people for overseas employment.

9. The scope for economic development was inevitably limited by the Islands' lack of resources and isolation. The United Kingdom Government was providing over half the funds required for the current development programme.

10. Pitcairn's economy rested on subsistence farming and the sale of stamps and handicrafts, supplemented by interest from investments. Sea communication with the outside world was very limited; some unscheduled stops were made by cargo vessels and passenger liners out of Panama, the west coast of the Americas and New Zealand.

11. Since 1958, grants totalling \$67,000 had been made from British Colonial Development and Welfare funds; the money was being used for the improvement of radio communications, agriculture and harbour facilities, for the supply of mechanical equipment and for sending young Pitcairners to receive secondary education overseas. Further funds would be made available if the need arose. Primary education was compulsory for children between five and fifteen years of age.

12. The economy of the New Hebrides was in the early stages of development. The chief export was copra, but frozen fish and cocoa were also exported, as were some coffee and manganese. The soil was generally fertile and the islands might have some mineral potential. The difficulty lay in finding markets and producing goods of competitive quality. Educational standards were low. The population was small and scattered, and owing to the multitude of languages and dialects there was little social cohesion.

13. With regard to the administration of the New Hebrides, certain amendments had been and were being made to the Anglo-French Protocol of 1914 and many of its provisions were regarded as obsolete. One amendment would have the effect of repealing articles 31 to 56, dealing with the recruitment, engagement and employment of indigenous labour, and replacing them by a provision permitting the introduction of a new labour code more in keeping with modern international standards.

14. The arrangements for condominium administration were complex but the aim of the United Kingdom and French Governments was simple: it was to bring the peoples of the New Hebrides to the point where they could decide their ultimate political status. Progress was being made to that end and the latest changes providing the elected basis had been made in December 1963. The French and United Kingdom Governments were co-operating in that process.

15. He noted that the present Constitution of the British Solomon Islands Protectorate dated from October 1960. The Territory was administered by the High Commissioner, aided by an Executive Council and a Legislative Council.

16. Legislation normally was made by the High Commissioner with the advice and consent of the Legislative Council, over which he presided. The Council consisted of the three principal officials as *ex officio* members and eight official and ten non-official members, all of whom were appointed by the High Commissioner.

17. In nearly all areas of the Protectorate there had been local government councils for some years. Legislation which would shortly become effective was designed to modernize

and improve the system and to expand the powers of the councils, whose members would be elected by universal adult suffrage and whose authority would apply to all persons regardless of race or nationality.

18. In October 1963, the Protectorate Government had published proposals for the holding of elections to return a majority of the non-official members of the Legislative Council. Those proposals had been examined by a Select Committee of the Legislative Council, which had undertaken widespread consultations with representative opinion throughout the Territory. Its recommendations had been unanimously approved by the Legislative Council in June 1964, and these were currently under consideration by the United Kingdom Government which would announce a decision shortly. Under the new system, the Legislative Council would include two non-official members appointed by the High Commissioner and eight members elected to represent single member constituencies. The member for Honiara would be elected by secret ballot under universal adult suffrage. The other seven members would be elected indirectly by the elected members of the local councils of their constituencies; the Select Committee had recognized with regret that in the case of those seven members, direct elections were not practicable at the present stage. It was hoped that the first meeting of the reconstituted Legislative Council could be held in spring 1965, after the elections planned for April 1965.

19. A sense of nationality had not yet appeared generally among the people of the Protectorate but was being nurtured by the administering Power. His Government was discharging its responsibility of preparing the island for self-government; when the islanders were in a position to determine their ultimate political status, his Government would be ready to consider any proposals that the people of the Protectorate might wish to put forward.

20. The High Commissioner for the Western Pacific was also responsible for the administration of the Gilbert and Ellice Islands, where he was represented by a Resident Commissioner residing at Tarawa, the capital of the Territory.

21. The present Constitution had been introduced in 1963. It provided for an Executive Council, presided over by the Resident Commissioner and consisting of the Assistant Resident Commissioner and three official and four non-official members. The Advisory Council, also presided over by the Resident Commissioner, had eleven non-official members and five official members appointed by the Resident Commissioner. It met twice a year and gave advice on all matters relating to the administration of the Territory.

22. The High Commissioner and the Resident Commissioner were both empowered to make laws for the peace, good government and order of the Territory, due regard being paid to local customs. The Resident Commissioner was required to consult with the Executive Council in the exercise of his powers. In cases where a proposed law might directly affect the local population, the Island councils were also consulted.

23. The twenty-six local governments, which were established on most of the inhabited islands, were the basic units of administration, and consisted of elected members, nominated members and *ex officio* members. The elected members were elected by the Islanders aged over thirty; there was a majority of elected members in all the Island councils. All the Island government officials were indigenous persons.

24. The economic and political life of the colony was dominated by the vast distances between the various islands (over 1,200 miles between the northernmost Gilbert Island and the southernmost Ellice Island; and nearly 2,500 miles between Ocean Island and Christmas Island). As a result, participation by the islanders in the central administration of the Territory had been rendered extremely difficult in the past, and despite recent improvements in communications it remained so. The feeling of unity in the Territory, which had emerged only recently, derived from British administration of the whole Territory, and needed fostering. The United Kingdom was always ready to consider any proposals for constitutional change advanced by the islanders, but at present it was their wish to remain associated with Great Britain. Indeed, they had

recently expressed concern lest that association might end, leaving them without adequate means of support.

25. In conclusion, the United Kingdom representative stated that the Governor of Fiji was responsible for the administration of Pitcairn Island. The Island had a Council consisting of the Chief Magistrate, two Assessors and a Secretary. Those officers were inhabitants of the Territory elected by the adult population. The islanders managed their internal affairs with assistance, when necessary, from Fiji. The Island had a large degree of practical autonomy. The last time a Governor of Fiji had visited Pitcairn had been in 1958; but a senior official of the Governor's staff had paid a visit to the Territory early in 1963 to look into the population problem, which had become serious in the past few months. His report was being examined by the Governor. Pitcairn was a tiny community which could not stand alone in the world of today and did not wish to do so. Its people desired to maintain their connexion with the United Kingdom.

26. The representative of Cambodia stated that all four Territories, whatever their legal status, were still administered as colonies. The High Commissioner and the Resident Commissioner had very broad powers of decision; the Executive or Legislative Councils included a large number of officials, and of the non-official members, many were appointed by the administering Power. He noted the efforts made by the United Kingdom to give the Territories more or less representative institutions capable of ensuring their internal self-government, but he was ever mindful of the recommendations in the Declaration on the Granting of Independence to Colonial Countries and Peoples, and considered that there was a need for sweeping measures that would enable the inhabitants to decide their future political status. For example, each Territory should have a legislative assembly elected entirely by adult universal suffrage, and a representative government.

27. In the case of the Solomon Islands, he noted that the recommendations unanimously approved by the Legislative Council in June 1964 concerned only the election of the majority of the non-official members of that Council. Thus, the Assembly would still have both official members, and non-official members appointed by the High Commissioner, so that it would still not be truly representative.

28. As to the Gilbert and Ellice Islands, the 1963 Constitution provided for an Executive Council which was not representative of the population and a second, purely advisory council.

29. It had been argued that in both the Solomon Islands and the Gilbert and Ellice Islands the population was as yet not conscious of belonging to a particular nation. But was it certain that everything had been done to develop such a consciousness? If not, the United Nations could give the administering Power some assistance.

30. He expressed his deep concern over Pitcairn Island's dwindling population. He noted that there had been talk of some measure of self-government for that Island, but it had not been said whether the inhabitants had been consulted as to how they envisaged their own future.

31. He believed that the New Hebrides might be regarded as a Trust Territory covered by the relevant provisions of the Charter as well as the provisions of the Declaration.

32. In conclusion, he stated that implementation of the Declaration in the four Territories meant measures to enable the inhabitants to express their aspirations freely. The form of consultation might be a plebiscite or elections on the basis of universal suffrage. The United Nations could be of help in such measures; to begin with, it would be useful to make arrangements for visiting missions in consultation with the administering Powers.

33. The representative of Chile felt that in spite of the interesting statement of the United Kingdom representative, the Sub-Committee did not have sufficient information to be able to form an accurate picture of the problems and conditions in the four Territories. Political institutions were most rudimentary, and there was little self-government. The only institutions of a representative character were the local government

councils, which would seem to be of some importance since they trained the inhabitants to tackle local problems. The New Hebrides appeared to be the only Territory having an assembly with elected members, although it was an advisory body and the elected members were in a minority. What was more, the archaic condominium was very complicated, and the judicial system particularly left much to be desired.

34. He noted with satisfaction the statement that the object of the two administering Powers was to enable the population of the New Hebrides to decide its political status; and also the plan to hold elections of representatives to the Solomon Islands Legislative Council by April 1965. Although the Council would still have a majority of appointed members and there would still be limitations on the exercise of universal suffrage, the plan represented progress towards self-government in the Solomon Islands.

35. The United Kingdom representative had said that both in the Solomon Islands and in the Gilbert and Ellice Islands his Government was trying to develop a sense of nationality, which so far did not exist, and had declared its readiness to consider any proposals that the people might put forward in that connexion. The representative also had said that the inhabitants of the Gilbert and Ellice Islands wished to remain associated with Great Britain. Lastly, he noted the statement that Pitcairn Island could not become self-sufficient.

36. His delegation had always given deep thought to the special problems posed by the application of the Declaration's provisions to small Territories. In political, economic and social advancement, such Territories obviously could not keep pace with large Territories richly endowed in population and material resources. The islands of the four groups were scattered over vast distances, far removed from world centres of production and consumption and almost completely devoid of natural resources, and that helped to explain their economic backwardness, the absence of a sense of nationality and their rudimentary political institutions.

37. Nevertheless, he was in no doubt that the Sub-Committee must reaffirm the islanders' right to self-determination and insist on the administering Powers helping the islands towards self-government and permitting the inhabitants to choose their future freely.

38. The representative of Iraq did not consider the development of the Territories under consideration very satisfactory. He could see no appreciable advancement in the political, economic or social fields, and that led him to believe that the provisions of resolution 1514 (XV) would not be effectively implemented in the Territories for some time to come.

39. The Solomon Islands were still being administered by a High Commissioner, who determined the membership of the Executive Council as he saw fit. Thus, the Council was not a representative body within the meaning of the Declaration on the Granting of Independence. As to the Legislative Council, its elected members were in the minority. In other words, there was no electoral system worthy of the name, and the colonial authorities had as yet done nothing to help the population become self-governing. There was delay in the diversification of the Territory's economy, and little was exported save copra. There were few primary schools and higher education was non-existent. The administering Power's achievements were therefore rather mediocre.

40. Progress towards self-government in the Gilbert and Ellice Islands was equally slow. The Resident Commissioner exercised considerable authority over the Executive and Legislative Councils, neither of which was representative in character. The Territory might well experience an economic calamity when the phosphate deposits were exhausted. Justice required that the population should receive its due share of present resources so as to be able to face the future without fear.

41. Pitcairn Island was still a colony and did not even have a Resident Commissioner. The population was not consulted on the management of its affairs.

42. Lastly, with regard to the New Hebrides, the administering Powers had not indicated whether they were prepared to help the population towards self-government or independence.

43. He concluded that practically nothing had been done to implement resolution 1514 (XV). He recommended that the peoples concerned should be fully informed of the opportunities open to them under the Declaration on the Granting of Independence to Colonial Countries and Peoples, and that visiting missions should be sent to the Territories in order to ascertain the wishes of the inhabitants with regard to their future.

44. The representative of the United States of America considered that the salient fact which emerged from the statement of the representative of the United Kingdom—apart from the geographic dispersion of the Territories, their paucity of natural resources, and the multiplicity of their languages—was the general lack of a feeling of national identity within the several Territories. The administering Power had recognized that this was the principal obstacle which must be overcome if the people were to govern themselves at any level above that of the village. This situation existed in all the Territories except the Pitcairn Islands which, thousands of miles away from any other land, presented an almost unique case. He thought the Sub-Committee should take thoughtful note of the situation and of the statement of the representative of the administering Power that the people of this Territory wished to maintain a connexion with the United Kingdom.

45. With respect to the other Territories, he thought the Sub-Committee should note with approbation and encouragement the declared intention of the administering Power to foster a sense of national identity among the peoples of these Territories for the expressed purpose of enabling each of them to bear the responsibility of deciding their own future in the world.

46. He noted that the establishment in these Territories of executive and legislative councils, and the progressive conferring upon them of additional government powers would not by itself complete the task to which the administering Power had dedicated itself. Social and economic steps must also be taken, and the administering Power had recognized this. He noted, also, the statement of the administering Power concerning steps which had already been taken. Despite these efforts, the task was a monumental one. Communications were complicated by rugged terrain in some instances and even more so in others by isolation and vast expanses of ocean. Many of the islands were coral atolls which simply could not be expected to sustain an economy much above the subsistence level. The Sub-Committee must therefore take care that in its desire to see these peoples enabled to determine their own future, it did not create for them a future which would be meaningless and devoid of hope. In its desire to see implemented the resolution on the granting of independence to colonial countries and peoples, the Sub-Committee must not lose sight of the peoples themselves.

47. It was, perhaps, with such territories as these in mind that the same session of the General Assembly which produced resolution 1514 (XV) also produced resolution 1541 (XV). These peoples must have not one but, if possible, several choices open to them. If they believed their future could best be assured and their severely limited economies complemented by association or integration with another State, then no one, he believed, would wish to deny this possibility to them. He believed that the Sub-Committee would be doing them a disservice if it failed to call these alternatives to their attention and to the attention of the administering Power, and if it failed to recognize them in its report to the Special Committee.

48. The representative of Australia stressed that forms which were politically good for one country might not be politically good for such areas as the tiny and scattered Gilbert and Ellice Islands; forms which might be good for another country might not be good in the rugged and diverse Solomon Islands or in tiny, isolated Pitcairn. In short, different Territories, surrounded by different circumstances, required differing treatments and differing solutions. To recommend, for example, that the administering Power must speedily develop a viable self-sufficiency for, say, the Tokelau Islands, or for Pitcairn, seemed to him to ignore the realities of the situation. To recommend the granting of immediate independence to a people who seek time to decide even what form that

independence should take, appeared to him equally unrealistic. To urge greater speed, when the people themselves rejected that speed, achieved only bewilderment, frustrations or worse. In some of these cases, for responsible and workable solutions, it was perhaps necessary to turn to resolution 1541 (XV) and to maintain a constant awareness of the Charter in the background of both resolutions.

49. He felt that in the Solomon Islands Protectorate perhaps further encouragement might be given to the expansion of indigenous cash cropping in the fields of copra production, cocoa and coffee plantings. No doubt the planting of other appropriate tropical primary products for indigenous exploitation was also being investigated. He noted the generous financial assistance the United Kingdom Government was giving from its aid funds for development in this Territory and hoped that this would continue.

50. As far as the Gilbert and Ellice Islands were concerned, it was apparent that as in the case of other scattered islands throughout the Pacific, economic resources and consequent scope for development were limited. However, in this regard he was pleased (because these industries were basic) to learn that particular attention was being given to the improvement of the coconut and fishing industries.

51. Pitcairn was faced with its own economic problems and there was little one could say in this regard. It seemed obvious that Pitcairn would always have to depend on the assistance of some country more generously endowed and he had no doubt that the people found great comfort in the continuing availability of United Kingdom assistance for development.

52. The New Hebrides were endowed more generously with economic resources. However, as in other tropical Territories in this region, there were many limitations—limitations because of the rugged, inhospitable nature of the country itself; limitations of climate congenial only for a relatively small range of tropical products; limitations because of the distance from world markets; and limitations imposed by fluctuations and the unreliability of those markets themselves. Nevertheless, the Joint Administration was endeavouring to raise the standard of living through diversified cash cropping with accelerated indigenous participation and the development of new industries.

53. In regard to political matters he was pleased to note that constitutional reforms were under way in the British Solomon Islands Protectorate. The proposal to hold elections to return a majority of non-official members to the Legislative Council was a progressive step. He appreciated the necessity, at this stage, for the election indirectly of seven members by elected members of the Local Government Council of their constituencies. This was a valid constitutional step in political progress and no doubt would be followed at an appropriate stage by elections on the basis of adult suffrage. In this political context experience had shown the value also of an executive council (or some such body) composed not as the executive council in the Solomons is composed, but more adequately representing the indigenous people.

54. The representative of Australia placed the greatest value on the local government council system and commended the continuing and rapid expansion of this system for the close attention of the administering Power. These bodies had proven to be an effective training ground even in backward areas of New Guinea and they provided a logical means for fostering unity among diverse groups and inculcating a sense of political responsibility and purpose.

55. The constitutional and administrative arrangements for the Condominium of the New Hebrides appeared to be both complex and involved. He noted, however, that certain amendments had, and were, being made to the Anglo-French Protocol of 1914 with a view to amending some of the obsolete provisions. He hoped this process would continue.

56. He hoped that the Joint Administration of the New Hebrides would soon follow the example of the United Kingdom Administration in the Solomon Islands Protectorate and work towards the establishment of a freely elected legisla-

tive council with an indigenous majority. Only through such means could the people play their proper role in the development of their Territory and later make meaningful choices regarding their political status.

57. The Gilbert and Ellice Islands, spread over more than 2 million square miles of ocean and populated by only 47,000 persons, posed their own special problems. Their ultimate political status was something that the people, and the people alone, must choose for themselves. But this choice would have to be made against a far wider background of political experience and political institutions than they now possessed.

58. The particular problems peculiar to Pitcairn were obvious and did not need enumerating. In his view, the rigid application of some purely doctrinaire interpretation of resolution 1514 (XV) to Pitcairn's eighty-six people just did not make sense. Here again, some form of free association or integration with an independent State seemed to be the only proper solution. He fully endorsed the words of the representative of the United Kingdom when he stated that these people could not stand alone in the world, and as it was the Islanders' wish to maintain their connexions with Britain, there could be no objection to this.

59. In conclusion, while he agreed that much remained to be done in some of these areas and hoped that the administering Power would continue to accelerate its efforts in this regard, he was confident that from its past record, it would continue to take progressive steps designed to bring about political and constitutional improvements, and that it would fully respect the wishes of the people concerning self-determination and independence.

60. The representative of India considered that the pace of political advance and constitutional progress in the Territories was indeed slow and insufficient and needed to be speeded up. Of course, there had been some forward movement, but the extent and the effectiveness of these changes fell very much short of the provisions of the Declaration contained in General Assembly resolution 1514 (XV). He maintained that there could certainly be a solution to the problems of the Territories, keeping in conformity with the provisions of the Declaration and at the same time not creating new problems relating to their size and economic viability. This solution depended essentially on the willingness and good will of the administering Power and its readiness to educate and inform the people of these Territories about the provisions of the Declaration and to enable them to realize these objectives. In this process of education and dissemination of the principles and provisions of the Charter and resolution 1514 (XV) and their eventual implementation, the United Nations could be of assistance to the people of the Territories and the administering Power. Perhaps visiting missions from this Sub-Committee could be of immense help in this direction. He concluded with an appeal to the administering Power to hasten the process of decolonization and to co-operate with the United Nations and the Sub-Committee, in this difficult but decidedly essential endeavour, since it was in the interests of the welfare and progress of these peoples and world prosperity and peace in general.

61. The representative of Poland stated that the political and economic realities existing in the Territories bore witness that little if any progress had been achieved there, let alone the implementation of General Assembly resolution 1514 (XV). He therefore fully shared the views expressed by other speakers and denounced the attitude of the administering Power towards the population of the Territories under discussion. He pointed out that after fifty years of British administration, in the Protectorate of the Solomon Islands, the High Commissioner retained all executive and legislative powers. The Executive and Legislative Councils were advisory organs, and the High Commissioner did not have to follow their advice. Moreover, they were not representative of the population since all the members of these councils were appointed by the High Commissioner. The situation was identical in local government councils whose members were chosen by the High Commissioner. Of course, the new constitutional measures provided for the election of members of local councils on the basis of universal suffrage, but the truth was that, of the

twenty-one members of the future Legislative Council, thirteen would be appointed and only one elected by universal adult suffrage, while the remaining seven members would be elected indirectly. It was obvious that the recommendations contained in resolution 1514 (XV) had not been complied with. In the economic and social fields the administration did not try to diversify agricultural production nor to improve health conditions, particularly as far as the elimination of malaria and tuberculosis were concerned.

62. In the Gilbert and Ellice Islands, progress towards self-determination was non-existent. The Resident Representative under the High Commissioner for the Western Pacific had authority over the Legislative and Executive Councils, where, furthermore, no indigenous inhabitants were represented. He wondered how a population which had no political organization and which had never been consulted could freely express its aspirations and how it could, as the representative of the United Kingdom had stated, express the wish to remain associated with Great Britain. He felt, on the other hand, that in anticipation of the time when the phosphate would be exhausted, the inhabitants of the Islands should be given control of the wealth of the Territories.

63. He noted that Pitcairn was an island where living conditions had probably not changed since 1793. The administering Power was not in a position to point out the least change on the economic and social level, and just as the Secretary of State for the Colonies had stated himself in March 1964, no modification of the present status of the Island was contemplated.

64. In the New Hebrides there was no legislative council but simply an Advisory Council presided over by the Resident Commissioner. There was therefore no need to emphasize the total lack of progress towards self-determination, since the executive and legislative powers were in the hands of the British and French Resident Commissioners. Nor was it necessary to point out the discriminatory character of the provisions according to which 55,000 indigenous inhabitants were represented by only ten members of the Advisory Council, while 5,000 Europeans were represented by fourteen representatives. The information received on this Council did not seem very clear, since according to the *Pacific Island Monthly* of July 1963, the members were all appointed. In the economic and social field, as well as in the field of teaching, progress so far had been very modest. The Territory had no education service. The reason that had been given for limiting the role of the indigenous inhabitants in the administration was their lack of experience and their lack of training. Moreover, as noted in the *Pacific Island Monthly* of March 1963, few indigenous inhabitants had had more than two or three years of school and only a few of them had reached the secondary level. In Espiritu Santo and Malekula, there were still 1,000 indigenous inhabitants who had had scarcely any contact with Europeans. The administering Power had taken no action to prepare the people for positions in the Civil Service, since few indigenous inhabitants had posts higher than that of messengers.

65. In conclusion, the representative of Poland expressed his regret that nothing had been done by the administering Power to implement resolution 1514 (XV), and stated that the Sub-Committee should reaffirm the inalienable right of the inhabitants of these Territories to self-government and independence. Urgent steps were needed, aimed at setting up democratic institutions based on universal adult suffrage, and all powers transferred to the people concerned. Because of a lack of information, it would be very useful to send an on-the-spot visiting mission. In addition, the pace of development in the economic and social fields as well as in the field of education should be accelerated. The peoples of these Territories had been abandoned too long and their interests had been too long neglected by the responsible authorities. It was about time that the latter discharged their responsibilities in accordance with the provisions of resolution 1514 (XV).

66. The representative of Sierra Leone stated that the administering Power should be congratulated for the honesty with which it had underlined the need for constitutional, social and economic development in these Territories.

67. In regard to the New Hebrides, the administration was largely Anglo-French, a legislative body which had a purely advisory function made up of a nominated and foreign majority. In the economic sector, there appeared to be a need for diversification so that the population no longer depended solely on subsistence farming. The Sub-Committee should recommend that the two Powers jointly administering the Territory take concrete steps towards the establishment of a viable economy. Socially and educationally there were similar inadequacies. It was significant, for example, that there were no statistical data on birth and death rates nor on the number of children attending school. Equally significant was the absence of secondary schools in the Territory.

68. Turning to the Gilbert and Ellice Islands, he noted a more complex form of administration, but one in which power continued to be centralized in the hands of the High Commissioner and his Resident Commissioner. It was desirable that the Advisory Council should be reviewed immediately and reorganized to enable it to perform a more active role in the administration of the Territory. In the interest of the indigenous population, the Advisory Council should be given legislative powers. It was even more urgent to make this Council a truly representative organ in order that the people of the Islands could fully participate in the central as well as local government, through elected representatives on the basis of universal adult suffrage. This could be coupled with an accelerated programme of training for indigenous public servants and leaders. He recognized that some action had been taken in this regard, but there was a need for increased speed. Regarding the economy, another source of revenue must be found in anticipation of the time when the phosphate deposits were exhausted. In this regard he urged that the administering Power and the islanders conclude an equitable arrangement with the proviso that the interest of the islanders must always be paramount.

69. The most striking feature of the Solomon Islands was the absence of democratic institutions. It was evident that the first significant constitutional step towards the implementation of resolution 1514 (XV) was still to be taken. Although there might be hospitals, labour unions and economic surveys, it was difficult to ensure their functioning in the interest of the indigenous people under a system of direct and indirect autocratic colonial rule, and he urged the administering Power to take immediate steps to remedy this situation.

70. He considered that Pitcairn Island was a special case because of the peculiar circumstances of its size, its small population and its lack of natural resources. Nevertheless, the

inhabitants of this Island were entitled to expect the application of the Declaration on the Granting of Independence to Colonial Countries and Peoples in one form or another. The least that could be done at this stage was to establish democratic institutions through which the wishes of the people could be ascertained in accordance with resolution 1514 (XV).

71. He stated that his delegation would support a proposal for a visiting mission to these Territories to obtain additional first-hand information. Moreover, the United Nations should furnish assistance towards the constitutional, economic and educational advancement of these Territories, if required.

CONCLUSIONS OF THE SUB-COMMITTEE

72. The Sub-Committee feels that no significant progress has been recorded towards the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV).

73. While noting the constitutional changes recently introduced in these Territories, the Sub-Committee is of the opinion that the political institutions and executive machinery are not fully representative of the people of these Territories.

74. The Sub-Committee is aware of the peculiar problems of these small and isolated islands.

RECOMMENDATIONS OF THE SUB-COMMITTEE

75. The Sub-Committee reaffirms the inalienable right of the people of these Territories to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV).

76. The administering Power should take urgent measures for the speedy implementation of the provisions of resolution 1514 (XV).

77. The people of the Territories should be enabled to express their wishes with regard to the provisions of resolution 1514 (XV) through well-established democratic processes based on the principle of universal adult suffrage.

78. The Sub-Committee feels that the administering Power should undertake steps to accelerate the social and economic advancement of the Territories.

79. A visit by the Sub-Committee would be useful in assessing the political climate and aspirations of the peoples. Steps may be taken to arrange such a visit in consultation with the administering Power.

CHAPTER XXI

BRUNEI

A. INFORMATION ON THE TERRITORY

Introduction

1. The Territory of Brunei is situated on the northern coast of the island of Borneo. It comprises two enclaves in north-eastern Sarawak, separated from each other by the valley of the Limbang River. The capital of Brunei is Bornei town. The area of the Territory is 2,226 square miles (5,765 square kilometres). The population of Brunei at the 1960 census was approximately 84,000, consisting of:

Indigenous:	
Malays	47,000
Other indigenous	12,000
Non-indigenous:	
Chinese	22,000
Others (Indians, Europeans, etc.)	3,000
TOTAL 84,000	

Status

2. Brunei became a British protected State following a treaty signed by the Sultan with the United Kingdom Government in 1888. Under this treaty, the Sultan agreed that the United Kingdom should be responsible for Brunei's defence and external affairs. A supplementary agreement in 1906 provided for a British Resident to represent the United Kingdom Government in Brunei. Between 1942 and 1945, Brunei was under Japanese military occupation. In 1946, civil government was re-established. Under a new agreement signed in 1959, the post of British Resident was replaced by that of High Commissioner and the United Kingdom Government continued to be responsible for Brunei's defence and external affairs.

3. The High Commissioner represents the United Kingdom Government in the State of Brunei and

exercises the United Kingdom's responsibilities for the defence and external relations of Brunei.

Political and constitutional development

Constitution

4. Formerly, a State Council of twelve members, consisting of the Sultan as President, the British Resident and nominees of the Sultan, advised the Sultan in the exercise of his executive and legislative functions. In 1959, the Sultan promulgated a Constitution which replaced the State Council with three separate bodies: a Privy Council, an Executive Council and a Legislative Council. The main provisions of the Constitution are set out below.

5. *Sultan*. Supreme executive authority is vested in the Sultan. His assent is required for all bills passed by the Legislative Council. A Chief Minister (*Mentri Besar*) is appointed by the Sultan and is responsible to the Sultan for the exercise of all executive authority in the State. The Chief Minister is assisted by a State Secretary, an Attorney-General and a State Financial Officer, all of whom are appointed by the Sultan.

6. *Privy Council*. The Privy Council advises the Sultan in relation to the amendment of the Constitution and on any other matters at the Sultan's request. It consists of the Chief Minister and five other *ex officio* members, the High Commissioner and such other persons as the Sultan may appoint.

7. *Executive Council*. The Executive Council, presided over by the Sultan, consists of seven *ex officio* members, the High Commissioner, and seven unofficial members appointed by the Sultan. Six of the latter are appointed from the elected members of the Legislative Council and one from its nominated members. The Constitution provides that in the exercise of his powers and in the performance of his duties the Sultan shall, with certain exceptions, consult with the Executive Council. He may act in opposition to the advice given him by a majority of the members of the Council, but must record fully in the minutes of the Council the reasons for his decision.

8. *Legislative Council*. The Legislative Council is composed of eight *ex officio* members, six official members, three nominated members, and sixteen elected members. The Speaker of the Legislative Council is appointed by the Sultan either from among the membership of the Council or from outside it. Subject to the assent of the Sultan, the Legislative Council may make laws for the peace, order and good government of the State. Except with the prior approval of the Sultan, it may not proceed upon any bill, motion or petition concerning certain matters, particularly financial matters. If the Legislative Council fails to pass a bill which has been introduced or to carry a motion which has been proposed, the Sultan may declare such a bill or motion effective if he considers such action to be in the public interest. The Legislative Council has a life of three years.

Electorate System

9. The elected members of the Legislative Council are elected by, and from among, the membership of the four District Councils in the Territory. The elected members of the four District Councils are directly elected by persons who are subjects of the Sultan, have attained the age of 21 and fulfil certain residential qualifications. The results of the elections held in

September 1962 for the District Councils and for the Legislative Council were as follows:

District Councils

<i>Party</i>	<i>Seats</i>
Party Ra'ayat	54
Independent	1
Brunei National Organization.....	—
Brunei United Party.....	—

Legislative Council

Party Ra'ayat	16
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Public Service

10. The Public Service in 1962 consisted of 11 pensionable and 34 non-pensionable overseas officers and 80 local and other officers. There are no local training facilities available in Brunei for public service officers, and a total of 86 have been sent overseas for special training. Of this number, 79 were Malays, and six were Chinese. It is stated that it is the policy of the Brunei Government to replace gradually officers from overseas by Brunei nationals as and when they become available.

Judiciary

11. Brunei has a Court of Appeal, three classes of magistrates' courts for less serious offences, and Kathis Courts for questions concerning the Islamic religion, marriage and divorce, property disputes and ancillary matters.

Local government

12. Brunei town, Belait, Tutong and Temburing each has a District Council with a majority of elected members.

Political parties

13. In 1962, there were three registered political parties in Brunei, the Party Ra'ayat (the People's Party) under the leadership of Mr. A. M. Azaheri, the Brunei National Organization and the Brunei United Party. In the elections in September 1962, the latter two parties failed to win any seats in the District Councils. They were reported to have advocated Brunei's entry into Malaysia.

14. The Party Ra'ayat, founded in 1956, opposed the 1959 Constitution, being in favour of a directly elected majority in the Legislature. It also opposed participation of Brunei in the Federation of Malaysia (see A/AC.109/PET.46) and favoured a union of Brunei with Sarawak and North Borneo. The Party Ra'ayat was banned in December 1962.

15. In January 1963, the Brunei Alliance Party was formed. At the time of its establishment, the party was reported to favour Brunei's entry into the Federation of Malaysia. Subsequently, it has advocated full independence for Brunei within the Commonwealth.

Recent developments

16. In December 1962 the "North Kalimantan National Army", under the leadership of Mr. Azahari, attempted to overthrow the Government of Brunei with the intent of establishing a unitary state of Brunei, Sarawak and North Borneo (see A/AC.109/PET.121). As a result of this action, the Sultan banned the Party Ra'ayat and on 19 December 1962 suspended certain provisions of the 1959 Constitution

and dissolve the Legislative Council and the four District Councils. He reconstituted the Executive Council into an Emergency Council consisting of himself as President, four *ex officio* members, including the High Commissioner, and ten other members appointed by him, with the powers of the previous Executive and Legislative Councils.

17. It has been reported that, on 22 July 1963, the Sultan abolished the Emergency Council and re-established the Executive and Legislative Councils. The new Executive Council (presided over by the Sultan) consists of six *ex officio* members, the High Commissioner and four unofficial members appointed by the Sultan from the Legislative Council. The new Legislative Council consists of six *ex officio* members, ten official members and nineteen unofficial members nominated by the Sultan. It has also been reported that it is the intention of the Brunei Government that direct elections should be held as soon as possible.

18. During 1963, negotiations were held between the Sultan of Brunei and Malaya concerning Brunei's entry into the Federation of Malaysia. In June 1963, it was announced that Brunei and Malaya were unable to agree on terms for Brunei's entry into the Federation and that negotiations had been discontinued.

Economic conditions

19. The mainstay of Brunei's economy is the oil industry, based on the oilfield at Seria. Since 1929, when oil was first struck, exports have risen to more than 4 million tons in recent years, valued at more than \$M200 million.¹ In 1962, production totalled 3,705,767 tons and exports of crude petroleum were valued at \$M190,060,709. Oil mining is in the hands of the Brunei Shell Petroleum Company (formerly the British Malayan Petroleum Company). Mining rents and royalties paid by the oil company form a large part of the total revenue and have enabled the State to undertake large development programmes. Surplus revenues from oil have been invested, and accumulated funds now total about \$M769 million. Although oil production is falling, the reduction in oil revenue will be partly offset by the increased yield of these invested surpluses. Meanwhile the oil company is prospecting for oil both on land and off-shore.

20. Apart from oil, the economy is based on rubber, subsistence agriculture, fishing and the collection of forest produce. Industries operating on a small scale are sawmilling, woodworking, furniture-making, silver-smithing and handweaving.

21. The chief export is mineral fuels, which amounted to approximately 99 per cent of all exports in 1962. The chief imports are food, manufactured goods and machinery and transportation equipment. Approximately 97 per cent of all exports, including re-exports, went to Sarawak. Thirty-three per cent of all imports came from the United Kingdom; 13 per cent came from Singapore; 28 per cent from Hong Kong, Japan, Thailand, the United States and Australia; and the remaining imports came from numerous other countries. The value of all exports, including re-exports valued at \$M4,603,632, totalled \$M199,261,384. Imports, including re-imports valued at \$M197,286, were valued at \$M49,104,827.

22. Although Brunei's main source of revenue has decreased with the decline of oil production, its total

revenue is still far above total expenditure, and there is no public debt. Revenue and expenditure for the years 1960-1962 were as follows:

	Revenue (Malayan dollars)	Expenditure
1960	127,379,253	31,628,073
1961	117,974,642	36,566,158
1962	115,286,146	37,291,986

23. A new development plan has been prepared for the period 1962-1967 which aims to raise the gross national product by 6 per cent and *per capita* income by 4 per cent *per annum*. The aim is to diversify the economy by developing agricultural and forest resources and introducing secondary industries.

Social conditions

24. *Labour.* The labour force totalled 6,690 in 1962. The chief employers were the Government and the Brunei Shell Petroleum Company, which had 2,666 and 1,511 workers respectively. The Commissioner of Labour is responsible for the implementation and supervision of labour legislation, adherence to International Labour Conventions and the handling of labour problems and disputes. No conciliation machinery exists. In practice, disputes are settled by the Commissioner or Deputy Commissioner of Labour, who are always available for consultation and advice to any organization of employers or workers. In 1962, the Commissioner of Labour became Registrar of Trade Unions, but information is not available on the number of such organizations and their membership. The Brunei Shell Petroleum Company has an Industrial Relations Department to handle disputes. Each month elected labour representatives meet management representatives to discuss working conditions, grievances and other matters of common interest.

25. *Public health.* Brunei has two government hospitals with 273 beds and one company hospital with 93 beds. The medical and health staff includes seven government and five other registered physicians, and twenty-seven government and thirteen other registered medical assistants.

26. There were 3,980 births and 628 deaths in 1962. The infant mortality rate was 50.75 per 1,000 live births. The total death-rate was 6.89 per 1,000 population.

27. Recurrent expenditures on public health in 1962 totalled \$M3,401,949 and capital expenditures totalled \$M154,090. Total expenditures amounted to \$M3,556,039 and were approximately 9.95 per cent of all expenditures.

Educational conditions

28. In 1962, Brunei had seventy public primary and kindergarten schools with 11,956 pupils and sixteen independent primary and kindergarten schools with 6,408 pupils. Seven public and seven independent secondary schools had enrolments of 1,117 and 1,203 respectively. One public teacher training school had 125 students and one independent vocational school had thirty-one students. Public schools had a staff of 581 teachers and independent schools had 249 teachers. As at the 1960 census, 25,724 persons aged 10 and over were literate and 27,969 were illiterate. At that time the number of children of school age totalled 25,527.

29. Recurrent expenditure for education amounted to \$M6,470,540 in 1962, an increase of \$M413,210

¹ A Malayan dollar equals 2s.4d. or \$U.S. 0.327.

over the previous year. Capital expenditure was \$M1,014,002, an increase of \$M418,838 over the previous year. Total educational expenditures were approximately 20 per cent of the territorial budget for 1962.

B. STATEMENTS BY MEMBERS OF THE COMMITTEE

30. At the 301st meeting of the Special Committee, on 4 November 1964, the Rapporteur of Sub-Committee II, in introducing the report on the Territories referred to the Sub-Committee by the Special Committee, stated that owing to lack of time, it had not been possible to consider Brunei and Hong Kong.

31. At the 303rd meeting, on 6 November 1964, the Chairman of the Special Committee stated that after the Committee had completed its examination of the report of Sub-Committee II, it could deal with the Territories that the Sub-Committee had been unable to discuss. Delegations wishing to speak on those Territories could do so at the appropriate time.

32. At the 310th meeting of the Special Committee, on 12 November 1964, the following statements were made concerning Brunei.

33. The representative of the Union of Soviet Socialist Republics said that, unlike the other United Kingdom dependent territories in the area, which had recently been united in the Federation of Malaysia, Brunei was a British colony of the classic type and constituted only one small thread in the bundle of threads which draw together the economic, military and political interests of the United Kingdom in South-East Asia. After Brunei had decided not to join the Federation of Malaysia it had not had to reconstruct its economy in any way, for the establishment of the Federation had entailed no reorganization of the activities of the United Kingdom companies operating in the territories of British Borneo up to the present time. All of them had long since joined in a vast economic association known as the British Association of Malaya, and the Conservative Government in the United Kingdom had acted in the interests of the monopolies which predominated in the area and which had sought to fashion, on the model and in the likeness of their own economic association, some political structure of countries vast distances apart, the more effectively to exploit the natural wealth and the population of that area. The Territory, which in the past had been an independent State and which had become a United Kingdom protectorate in 1888, was governed by a Sultan, but the British High Commissioner was responsible for foreign affairs, defence and internal security. The presence of the United Kingdom in Brunei was explained by the abundance of mineral wealth, chiefly petroleum, which represented 90 per cent of the Territory's exports, valued at \$M300 million annually.

34. The trade balance showed a surplus, but in that respect Brunei's foreign trade was symptomatic of the continuing plunder of colonial and dependent countries in cases where an excess of exports over imports was obtained at the expense of the subsistence level of the people and the profits from trading operations went into the safes of the oil and rubber companies. The rapacious exploitation of the petroleum resources was likely to exhaust the reserves within ten or fifteen years unless new deposits were discovered. The living level of the workers was kept low. The infantile mortality and sickness rates were very high in consequence

of the undernourishment of the inhabitants. Eighty per cent of them were illiterate, and the first non-denominational school in the Territory had not been opened until 1951, seventy years after the arrival of the British. The school, hospital and road construction programmes were still in their initial stages.

35. That situation was a direct result of the domination of monopolies and colonial officials: only those sectors of the economy which were profitable to the foreign companies were developed. The extraction of petroleum was concentrated in the hands of a daughter company of the Royal Dutch Shell trust: the Brunei Shell Petroleum Company, into which the British Malayan Petroleum Company had been transformed in 1961. According to a report in *The New York Times* of 20 May 1964, United States companies were included in the exploration and exploitation of Brunei petroleum. When the British monopoly of the exploration and exploitation of petroleum resources in Brunei had been lifted under an Act of 1963 concerning oil extraction, the Clark Oil and Refining Corporation of Milwaukee, a United States oil company, had—according to particulars given in the magazine *New Commonwealth* for May 1964—immediately obtained a concession to work the petroleum deposits in the eastern part of the Territory. A subsidiary of Harrison and Crosfield, a British company, had concentrated trade and rubber in its own hands, while London and Company had taken over the oil-palm plantations. Australia too was taking part in exploiting the natural resources of Brunei as of other, neighbouring areas of North Kalimantan: oil, tin and rubber. The foreign—chiefly British—companies in Brunei were assured of vast profits through the low costs of production maintained by exploiting and underpaying the workers of Brunei, and through an exceptionally liberal taxation system. Thus in 1959 the net profit of the petroleum companies had amounted to \$M147.5 million, while the budgetary allocation for public health had been only \$M2.6 million. It was astounding that Brunei, with its fruitful soil, could not feed its own population and that food-stuffs were imported at high prices from other countries. The level of living in Brunei was one of the lowest in Asia.

36. Brunei, along with the territories of North Borneo which formed part of the Federation of Malaysia, was a focal point in the military and strategic plans of the United Kingdom which, through the control of those territories, commanded the sea routes to the west of the Philippines. Mr. Amery, the United Kingdom Secretary of State for Air, had aptly stated in December 1961 that the organization of a federation in that area would enable the United Kingdom to maintain bases in the area in order to defend Malaysia and the Commonwealth and to "keep the peace" in South-East Asia. In practice, however, it was a matter of using those bases to combat the movement of national liberation. Under the agreements which the United Kingdom had concluded concerning that area, it maintained land, sea and air forces there. As a member of SEATO, the United Kingdom could send its troops there in the interests of that aggressive bloc at any time.

37. National opposition to British domination was, however, increasing in Brunei. It was manifested by the activities of the Popular Party, the nucleus of which was composed of workers in the petroleum industry. That party had been at the head of the

recent revolt which had been forcibly repressed by British troops brought from Singapore and from other British naval and air bases. Such events bore witness to the gravity of the situation and created a threat to peace and security in the whole of South-East Asia. The only event which could bring progress to Brunei in the interests of the indigenous population would be achievement of the aim which the Popular Party in Brunei had proclaimed since 1956: the granting of independence to the country.

38. In the opinion of the Soviet delegation, it was the Special Committee's duty to support the legitimate claims of the population of Brunei and to request the administering Power to take immediate measures to apply to the Territory the provisions of resolution 1514 (XV).

39. The representative of the United Kingdom said that his delegation reserved its right to reply to the statement made by the representative of the Soviet Union.

CHAPTER XXII

HONG KONG

A. INFORMATION ON THE TERRITORY

Introduction

1. The Territory of Hong Kong consists of the island of Hong Kong, numerous other islands and an adjoining area of the mainland on the south-east coast of China. It has a total area of 398.25 square miles (1,031 square kilometres). The total population as shown by the census of March 1961 was 3,129,648. At that time the number of persons claiming to originate from Commonwealth countries outside Hong Kong was 33,140, and those from non-Commonwealth countries other than China numbered 16,607. At the end of 1962, the total population was estimated to have increased to 3,526,500.

Status

2. Under the Treaty of Nanking of 1842 the island of Hong Kong was ceded to the British Crown, and in June 1843 it was declared a British Colony. Subsequently, the Convention of Peking in 1860 extended the boundaries of the Colony to include Kowloon Peninsula, and the Convention of Peking in 1898 further extended its boundaries by a ninety-nine year lease to include areas which are known as New Territories.

Political and constitutional development

Constitution

3. The formal documents which lay down the principal features of the Constitution of Hong Kong are the Letters Patent which provide for the office of the Governor, the Executive Council and the Legislative Council, and the Royal Instructions, which deal with other related matters.

4. *Governor.* The Governor, who is appointed by the United Kingdom Government, is the Queen's representative and head of the executive in the Territory.

5. *Executive Council.* The Executive Council, which is presided over by the Governor, consists of five *ex officio* and seven nominated members. Its main function is to advise the Governor, who is required to report his reasons fully to the Secretary of State if he acts in opposition to such advice. The Governor-in-Council also has powers to make subsidiary legislation by way of rules, regulations and orders, and also to consider appeals and petitions.

6. *Legislative Council.* The five *ex officio* members of the Executive Council also serve on the Legislative Council of which the Governor is also the President. In addition, there are four other official members and

eight unofficial members nominated by the Governor. Laws are enacted by the Governor with the advice and consent of the Legislative Council, which controls finance and expenditure through its Standing Finance Committee, which has an unofficial majority.

Electoral system

7. There are no elected members on the Legislative Council.

Public Service

8. The administering Power states that the policy of the Hong Kong Government is to ensure that the Public Service is staffed to the greatest extent possible by local officers, and that no overseas officer is recruited if there is a suitable local candidate equipped with the necessary qualifications. It is reported that since the Service as a whole expanded so rapidly to meet the requirements of development—from 29,033 in 1954 to almost 53,000 at the end of 1962—the total number of overseas officers continued to increase during this period, though much less rapidly than the number of local officers. At the end of 1962, the Public Service consisted of 1,654 overseas officers and 51,301 local officers. There were twenty-nine overseas officers in the highest administrative grade and one local officer. In the senior administrative grade there were forty-one overseas officers and thirteen local officers. In the two executive grades there were seventy overseas officers and 100 local officers.

9. A Government Training Unit, established in 1961 to train local officers for more responsible jobs, has been expanded and is responsible for co-ordinating and organizing local in-service training schemes. Local officers sent overseas for training totalled eighty in 1960, ninety in 1961, and 119 in 1962. In order to expedite the training of local officers to take their places in the professional grades, scholarships are now granted to local government officers to enable them to obtain the basic qualifications for certain professional posts. Provision for five such scholarships was made in the budget for 1963-1964.

Judiciary

10. The courts in Hong Kong consist of the Full Court, the Supreme Court, the District Court, the Magistrate's Court, the Tenancy Tribunal and the Marine Court. The Full Court, consisting of at least two judges, hears appeals from the Supreme Court (final appeals lie to the Judicial Committee of the Privy Council in London). The Supreme Court tries criminal cases

with a jury and also exercises an original jurisdiction in a large number of civil matters. It also hears appeals from the Magistrate's Court and from the Marine Court. The District Court has both criminal and civil jurisdiction and also hears appeals in certain matters from the Tenancy Tribunal. The Magistrate's Court exercises a criminal jurisdiction similar to that of magistrates in England. It also has a limited jurisdiction in domestic matters.

11. The Chief Justice is head of the judiciary, and he and four puisne judges deal with all business in the Full Court, and in the Supreme Court in all its various jurisdictions. In the District Court there are six district judges. Normally a total of fourteen magistrates sit in different parts of the Territory.

Local government

12. For the urban areas of Victoria and Kowloon there is an Urban Council consisting of eight members appointed by the Governor, five government officials who are concerned with urban affairs, and eight elected members. For the election of members to the Urban Council the electoral franchise consists of all men and women over the age of 21 who are on the lists of special and common jurors. The Council, which meets monthly to transact formal business, does most of its work through eighteen select committees which meet at frequent intervals. The Council's responsibilities are carried out through the Urban Services Department and the Resettlement Department.

13. In the remaining areas there are twenty-seven rural committees elected by and from village representatives. These committees have various functions of advising the district officers of the five administrative districts making up the New Territories. The rural committees, together with the unofficial justices of the peace in these areas and twenty-one elected special councillors, form the full Council of the *Heung Yee Kuk* or Rural Consultative Council. The *Heung Yee Kuk*, which was established in 1926 but was reformed in 1959, also includes an Executive Committee which meets monthly and consists of the chairman of the rural committees, the unofficial justices of the peace and fifteen ordinary members elected by the full Council.

Economic conditions

14. Before the Second World War, industry in Hong Kong was of secondary importance to the Territory's *entrepôt* trade. It has now assumed a dominant role, and over 75 per cent of all exports are manufactured or processed locally. The textile and garment industry, the Territory's dominant industry, accounted for 52 per cent by value of all exports in 1962. Heavy industries of importance include shipbuilding and repairing, ship-breaking, the manufacture of machinery and parts and aircraft engineering.

15. Industrial development and expansion are facilitated by favourable factors which include the advantages of a free port, freedom from trade restrictions, excellent shipping and commercial facilities, low taxation and a plentiful supply of labour. Unfavourable factors are the absence of raw materials, the scarcity of fresh water and the shortage of land suitable for industrial purposes. In 1962, there were 7,305 registered and recorded factories employing 297,897 persons. According to the 1961 census figures, 603,248 persons were employed in factory-type operations, building construction and mining.

16. Exports in 1962 showed an increase of 13 per cent over the previous year and were valued at \$HK3,317 million.¹ Forty-six per cent went to the British Commonwealth and 26 per cent went to the United States. Food is the principal import and amounted to 24 per cent of the value of all imports in 1962. Imports showed an increase of 12 per cent over 1961 and were valued at \$HK6,657 million. Approximately 58 per cent came from China, Japan, the United States and the United Kingdom.

17. Approximately 81 per cent of the Territory is marginal land and only about 13 per cent, or some fifty-one square miles, of the total area is arable land already exploited. Although local supplies of agricultural produce and fish are substantial, most of the Territory's foodstuffs have to be imported.

18. Hong Kong is financially self-supporting, and raises its revenue from local sources to meet the cost of all local works and services. In 1961-1962, revenue totalled \$HK1,030 million, showing an increase of approximately 9 per cent over the previous year. Expenditures totalled \$HK953 million, also showing an increase of approximately 9 per cent over the previous year.

Social conditions

Labour

19. The Department of Labour is responsible for the application of the Government's labour policy, and the Commissioner of Labour is the principal adviser to the Government on labour and industrial relations. All labour legislation is initiated in the department, which is also responsible for ensuring that Hong Kong's obligations under International Labour Conventions are observed. There are no legal restrictions on the hours of work for men, and most of those employed in industry work ten hours a day or less. Working hours, overtime, weekly rest-days and rest periods for women and young persons are regulated by legislation. Many employers provide workers with free accommodation, subsidized meals or food allowances, bonuses and paid rest-days.

20. During the 1961 census, 38 per cent of the population were workers. Nearly 51 per cent of all workers were engaged in manufacturing, construction, mining, quarrying, and utilities. Services and commerce employed 22 and 11 per cent respectively.

21. At the end of 1962, there were 315 registered trade unions, consisting of 240 workers' unions with 165,068 members; 60 employers' organizations with 7,613 members; and 15 mixed unions with 8,688 members.

Public health

22. It is reported that the policy of the Government is to provide, directly or indirectly, low cost or free medical and personal health services to a large section of the community which is unable to seek medical attention from private sources. In order to do so, the Government maintains hospitals and specialized outpatient clinics, and makes grants-in-aid from public funds to voluntary associations and missions where free or low cost treatment is given.

23. In 1962, government hospitals and dispensaries had 3,428 and 252 beds respectively. Government-assisted hospitals had 4,473 beds and private hospitals

¹ One Hong Kong dollar equals 1s.3d. or \$US. 0.175.

had 1,361 beds. Private maternity and nursing homes had an additional 503 beds. A total of 10,017 beds gave a ratio of 2.8 beds per thousand of the estimated population in 1962. A new hospital with 1,350 beds was scheduled to be opened in 1963.

24. The government public health staff included 278 medical officers and 42 dental surgeons. Non-government staff included 843 registered medical practitioners, 68 provisionally registered medical practitioners, and 368 registered dentists.

25. Tuberculosis is the major health problem. It is estimated that 2 per cent of the adult population suffers from the disease in an active form. The total number of beds available for tuberculosis patients was 1,748 in 1962. In 1951, the death-rate from all forms of tuberculosis was 208 per 100,000 population. The rate declined to 69.9 in 1960, 61.3 in 1961, and to 55.3 in 1962.

26. The actual expenditures of the Medical and Health Department increased from \$HK56,573,091 in 1960-1961 to \$HK64,064,336 in 1961-1962. Medical subventions for the same period increased from \$HK21,910,889 to \$HK25,009,269. Total actual expenditures of \$HK89,073,505 represented 9.3 per cent of Hong Kong's total expenditure. Expenditure for 1962-1963 was estimated to total \$HK99,969,800, representing 8.15 per cent of all estimated expenditure.

Educational conditions

27. Education is not compulsory. Some 10 per cent of the places in government and government-aided primary schools and between 30 and 45 per cent of the places in government and government-aided secondary schools are free. Grant schools are mainly secondary schools; the Government pays the difference between their approved recurrent expenditure and approved income, and may contribute part of the cost of capital expenditures. Subsidized schools are mainly primary schools which receive subsidies in order to enable them to keep their fees low. Private schools range from kindergarten schools to post-secondary schools. Some government assistance is now given to selected non-profit-making secondary schools and awards are given to some students.

28. In September 1962, there were 117 government schools, chiefly primary, 25 grant schools, 473 subsidized schools, 1,464 private schools and 12 special schools. In a total enrolment of 750,702 students, 539,045 were in private schools, 131,662 were in secondary schools, 35,663 were in kindergarten schools, and the remaining 44,330 were in teacher-training, post-secondary and other schools. On the basis of the medium of instruction, schools are classified as Chinese, English and Anglo-Chinese institutions. Primary education is of six years' duration; in Chinese schools it begins at the age of six and in English schools at the age of five. English is studied from the third year in the majority of Chinese primary schools. According to the 1961 census, the rate of illiteracy was 25 per cent of the total population ten years of age and over.

29. Expenditures on education, including grants and subsidies, increased from \$HK122,035,647 in 1961 to \$HK150,537,541 in 1962.

B. STATEMENTS BY MEMBERS OF THE COMMITTEE

30. At the 301st meeting of the Special Committee, on 4 November 1964, the Rapporteur of Sub-Committee II, in introducing the report on the Territories referred to the Sub-Committee by the Special Committee, stated that, owing to lack of time, it had not been possible to consider Brunei and Hong Kong.

31. At its 303rd meeting, on 6 November 1964, the Chairman of the Special Committee stated that after the Committee had completed its examination of the report of Sub-Committee II, it could deal with the Territories that the Sub-Committee had been unable to discuss. Delegations wishing to speak on those Territories could do so at the appropriate time.

32. At the 310th and 313th meetings of the Special Committee, on 12 and 16 November 1964, the following statements were made concerning Hong Kong.

33. The representative of Cambodia stated, concerning Territories not considered by Sub-Committee II because of lack of time, that the Cambodian Government considered that the Territory of Hong Kong belonged to the People's Republic of China, and should therefore be returned to it.

34. The representative of the United Kingdom of Great Britain and Northern Ireland stated that the United Kingdom Government could not accept the remarks of the representative of Cambodia about the Territory of Hong Kong and formally reserved its position on that question.

35. The representative of Poland recalled that Hong Kong could not be considered in the absence of the most interested party since it was an integral part of the People's Republic of China, now occupied, and should be restored to the Government of the People's Republic of China.

36. The representative of the Union of Soviet Socialist Republics recalled that his delegation had expressed its position on Hong Kong in its statement at the 245th meeting of the Special Committee on 20 April 1964, which *inter alia* read:

"The conditions prevailing in the various small colonial Territories are, of course, very different. There are Territories which at present are in a state of colonial occupation but which no doubt are a part of another independent State, such as, for instance, Hong Kong and Macao. Such Territories which have been torn away from the motherland should be returned to it as lands torn away from India and Dahomey were returned to them."

At the same time the USSR representative considered that before the legitimate rights of the People's Republic of China had been restored in the United Nations no body of the Organization could undertake consideration of the questions of Hong Kong and Macao.

37. The representative of Bulgaria said that he fully endorsed the statements made by representatives of Poland and the Soviet Union.

CHAPTER XXIII

FALKLAND ISLANDS (MALVINAS)

A. INFORMATION ON THE TERRITORY

Introduction

1. The Falkland Islands (Malvinas), situated in the South Atlantic, lie some 480 miles north-east of Cape Horn. The numerous islands of which they are composed cover 4,618 square miles (11,961 square kilometres). The Dependencies now consist of only South Georgia, 800 miles east-south-east of the Falklands, the South Sandwich Group, some 470 miles south-east of South Georgia and a number of smaller islands. Those territories south of latitude 60°S which were formerly part of the Falkland Islands Dependencies, namely the South Orkney Islands, the South Shetland Islands and Graham Land, together with that sector of the Antarctic Continent lying between longitudes 20°W and 80°W were constituted a separate Colony on 3 March 1962 under the name of the British Antarctic Territory. There are two large islands, East and West Falkland, and numerous smaller islands. The surface everywhere, except in the district of Lafonia on East Falkland, is hilly; the maximum height being that of Mount Usborne in East Falkland, rising to 2,312 feet.

2. At the census taken on 18 March 1962, the population, excluding Dependencies, was 2,172. With few exceptions, all were of European descent and most were of British origin. The population of the Dependencies fluctuates with the whaling season: in the summer whaling season, it is approximately 500, with less than half that number during the winter. Stanley, the capital, with a population of 1,074 at the 1962 census, is the only town. Aside from Stanley, the largest settlement in the group is at Goose Green in East Falkland with a population of about 100.

Status

3. Falkland Islands (Malvinas) is a Colony and has been under British control since 1833. The first settlement in the group was that of a French colony at Port Louis on East Falkland, established in 1764. In 1767, the French settlement was sold by the Government of France to Spain at a reported payment of £24,000. A small British garrison was established at Port Egmont on Saunders Island in 1765; five years later, however, the Spanish took over the control of the garrison. In 1771, the garrison settlement was restored by the Spanish but in 1774 the settlement was abandoned by the British. In 1833, the occupation of the Islands was resumed by the British Government and through 1841 the settlement was in the charge of a serving naval officer. In 1842, a civil Lieutenant-Governor was appointed, and in 1843 an Act of Parliament placed the civil administration on a permanent footing, changing the Lieutenant-Governor's title to Governor. In 1844, the seat of government was removed from Port Louis to Port William, which was renamed Stanley.

4. The Government of Argentina, at successive sessions of the General Assembly, has expressed its reservations with regard to the sovereignty over the Territory of the Malvinas Islands. At the eighteenth session of the General Assembly (1267th meeting), the representative of Argentina, while reiterating his Government's reservations, stated that the Territory was not a colony of any nation, but an integral part of Argentine

national territory. The representative of the United Kingdom has stated in reply to Argentina that Her Majesty's Government has no doubts as to its sovereignty over the Falkland Islands.

*Political and constitutional development**Constitution*

5. In 1949, a new Constitution was introduced which provided for a Governor, assisted by an Executive Council and a Legislative Council. Both Councils consisted of an equal number of official members (civil servants) and non-official members nominated by the Governor. Provision was also made for elections to fill four of the non-official seats in the Legislative Council. The Constitution was amended in 1951, thereby reducing the number of nominated official members in the Legislative Council from three to two and giving, for the first time, a majority to the non-official members. Elections were held in 1952 and the reconstituted Legislative Council met that year. The Executive Council now also has a majority of non-officials. The main features of the present Constitution are set out below.

6. *Governor.* The Governor, the Queen's representative, is the head of the administration of the Territory. In the exercise of his powers he is advised by the Executive Council. He normally acts in accordance with the advice he receives from the Executive Council and may only act against this advice in certain specific circumstances.

7. *Executive Council.* The Executive Council is composed of five non-official members nominated by the Governor and three *ex officio* (civil servants) members. The Council is the principal executive organ and normally takes decisions on all matters affecting the internal government of the Territory, including the budget. In 1962, all except two of the members of the Council were local inhabitants.

8. *Legislative Council.* The Legislative Council, presided over by the Governor, is composed of eleven members, of whom four are elected, four are nominated (including two non-official and three civil servants). The Council passes laws for the peace, order and good government of the Territory. It must meet at least once a year and usually has several sessions, including a budget session in June or July. The Governor has only a casting vote.

Electoral System

9. The four electoral members of the Legislative Council are chosen by universal adult suffrage.

Judiciary

10. The judiciary consists of a Supreme Court and a Court of Summary Jurisdiction. The Governor sits as Judge of the Supreme Court and the Colonial Secretary as Magistrate in the latter Court. The Court of Summary Jurisdiction can also be presided over by a bench of magistrates composed of two or more justices of the peace. The laws of the Territory are mainly based on English laws and precedents.

Public Service

11. Appointments to the Public Service are made by the Governor at his discretion, assisted, when neces-

sary, by members of the Executive Council. A total of fifty-three persons were in the Public Service in 1962. All junior posts in the Administration and the majority of the senior posts are held by local inhabitants. In 1962, among the senior posts, those of Colonial Treasurer, Superintendent of Posts and Telegraphs and the Registrar of the Supreme Court were held by local inhabitants. Most of the justices of the peace are local inhabitants.

Local government

12. There is a Town Council in Stanley, consisting of six elected members and three members nominated by the Governor. Of the six elected members, three retire every two years and elections are therefore held biennially. The activities of the Council are financed mainly from rates and from grants from the central Government. Its responsibility consists of the normal range of local government services such as the fire brigade, street cleaning and lighting, housing and town planning.

Political parties

13. There are no political parties in the Territory.

Economic conditions

14. The economy of the Islands depends on the wool industry and practically all revenue is derived indirectly from sheep-farming. The internal revenue of the Territory, derived mainly from taxation, customs duties and from sales of postage stamps, has decreased from £289,000 in 1959/1960, to £267,000 in 1960/1961 and to £269,000 in 1961/1962, while current expenditure for the respective years was £283,000, £275,000 and £301,000. These continued deficits have led to measures designed to increase the territorial revenue among which are increases in the rates of personal and company taxation which became effective on 1 January 1962 and the introduction of a new profit tax of 10 per cent, which became effective on 1 January 1963. There is no general customs tariff, import duties being confined to liquor, tobacco and matches. Export duty on wool was discontinued in 1962.

15. All land, with the exception of some 56,500 acres remaining with the Crown, is freehold and divided into sheep farms varying in size from 3,600 to 161,000 acres, carrying up to 40,000 sheep. The Falkland Islands Company, Limited, which owns a number of farms, holds freehold land amounting to some 1.23 million acres, carrying nearly 300,000 sheep. At the end of 1962, there were some 620,000 sheep, 11,000 cattle, 3,500 horses and forty pigs. In 1962 mink farming was organized by the Falkland Islands Company, and has proved to be successful. The company has combined the mink project with the construction of a modern abattoir to meet the greatly increased demand for mutton which is used to feed the mink. There is no agriculture in the Territory other than a very small acreage of oats grown for hay. The only manufactured product is a small quantity of tallow. The principal products, aside from wool, are whale meal, other whale products and seal oil. There are no minerals.

16. The figures for external trade show a continued drop in the value of exports. This can be attributed to the decrease in the value of wool exported which continues to account for over 90 per cent of the total. The value of imports remains well below that

of exports. The main imports are food, beverages, tobacco, manufactured goods and machinery, and transport equipment. External trade figures over the last few years are as follows:

Year	Domestic exports	Wool exports (value in thousand pounds)	Imports
1960	934	908	385
1961	978	958	468
1962	946	913	413

The United Kingdom and other Commonwealth countries absorb over 99 per cent of the Territory's exports and provide 76 per cent of the imports.

17. Work on the rehabilitation and improvement of the Stanley roads was commenced in 1956 and was expected to have been completed by the end of 1963. The estimated cost of the project is £219,415, of which £85,470 has been granted from Colonial Development and Welfare funds. Funds made available for development finance for the fiscal year 1960/1961 were £28,996, compared with £4,250 in 1959/1960 and £18,002 in 1958/1959. Special expenditure, including Colonial Development and Welfare schemes, amounted to £39,360 in 1960/1961, £43,271 in 1959/1960 and £53,060 in 1958/1959.

Social conditions

18. There is a general shortage of labour in the Territory owing to the steady exodus of people. In 1962, 411 persons left and 368 arrived, compared with 326 and 224 respectively in 1961 and 292 and 224 respectively in 1960. Sheep farming, the principal industry, employs approximately 500; the Government, 53 and the Falkland Islands Company, 54. Occupations in Stanley are mostly in the Public Service, trading or shipping. Local labour is organized in the Falkland Islands Labour Federation which has more than 90 per cent of eligible labour in the Territory, or over 500 in its membership.

19. A contributory old-age pension scheme was introduced in 1952. In 1961, it was extended to provide pensions on a non-contributory basis for people too old to join the contributory scheme. In 1962, the weekly rate of pension was increased and other benefits were added.

20. *Public health.* The Territory has one hospital, located in Stanley, with thirty-two beds for the treatment of medical, surgical, obstetric and tuberculosis cases. Antenatal and child welfare clinics are also held weekly at the hospital. Admissions at the hospital average 150 annually. The Government Medical Department employs one senior medical officer, and three medical officers, one of whom is in Stanley, one at Darwin and the third at Fox Bay. The nursing staff of the hospital consists of the matron, three nursing sisters and six nurses. There are three government-employed dentists. Diseases of the circulatory system, mainly associated with old age, are the main causes of death. During 1961/1962, a polio immunization campaign and an ophthalmic survey were undertaken.

21. Expenditure on medical services, including special expenditure, was £36,169 in 1961/1962, compared with £30,933 in 1960/1961 and £28,216 in 1959/1960. The recurrent medical expenditure in 1962 represented 12.68 per cent of the total recurrent expenditure of the Territory.

Educational conditions

22. In 1961/1962, there were 314 children receiving education in the Territory. There is no system of higher education and no advanced secondary education. In Stanley there are two government schools, requiring compulsory attendance for all children between the ages of 5 and 14, though a number of them stay until the age of 16, and, in some subjects, reach General Certificate of Education standard. Outside Stanley, education is carried on either in settlement schools or by itinerant teachers, attendance being compulsory for children between 5 and 14 years of age living within one mile, and for children between 7 and 14 years of age living within two miles of a settlement school.

23. A boarding school at Darwin, opened in 1956, accommodates some forty boarders and caters for as many day pupils as may wish to attend. Another boarding school at Port Howard, opened in 1957, caters for some ten boarders and the children of Port Howard as day pupils. Six itinerant teachers were employed in 1960 and four in 1961. In 1961/1962, there were thirteen certificated (completed secondary school course), five uncertificated (completed secondary school course, but not yet certified), three trained (not completing secondary school course) and six untrained teachers in the Territory.

24. An overseas scholarship examination is held each year, and successful candidates are granted a three-year course at boarding grammar schools in England. Two to three scholarships are awarded annually under this scheme. The Department of Education maintains evening classes each winter from May to October, open to the public; shorthand and book-keeping classes are attended by many adults.

25. The total expenditure on education in 1961/1962 was £41,553, representing 14.24 per cent of the total expenditure of the Territory. By comparison, it was £32,548, or 11.8 per cent of the total expenditure in 1960/1961.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

26. At its 311th meeting on 13 November 1964, the Special Committee considered the Report of Sub-Committee III on the Falkland Islands (Malvinas), which appears as an annex to the present chapter.

27. The representative of Argentina participated in the consideration of the report.

Written petitions

28. The Special Committee had before it the following written petitions concerning the Falkland Islands (Malvinas):

<i>Petitioner</i>	<i>Document No.</i>
Mr. Richard Victor Goss and three other elected members of the Legislative Council of the Falkland Islands	A/AC.109/PET.307
The Deputy Chairman of the Falkland Islands Sheep Owners Association	A/AC.109/PET.308
The General Secretary and the Executive Committee of the Falkland Islands Labour Federation	A/AC.109/PET.309
Mr. Harry E. Slade, former Chairman of the Civil Servants Association	A/AC.109/PET.310

*Petitioner**Document No.*

The Chairman of the Stanley Town Council	A/AC.109/PET.311
Twenty-seven petitions concerning the Falkland Islands	A/AC.109/PET.312
Forty-three petitions concerning the Falkland Islands	A/AC.109/PET.312/Add.1

Statements by delegations

29. The representative of the United Kingdom said that his Government's position on the question of the Falkland Islands had been set out at length in his delegation's statements to Sub-Committee III, which appeared in full in document A/AC.109/102. His Government considered that the Special Committee was not empowered by its terms of reference to consider territorial claims or disputes over sovereignty, and it would therefore not regard itself as bound by any recommendations of the Committee on those subjects. The United Kingdom had no doubts about its sovereignty over the Falkland Islands.

30. Where the future of the islands was concerned, his Government would be guided by what it regarded as the interests of the Falkland Islanders themselves, as required by Article 73 of the Charter. It was always ready to consider any proposals for constitutional change which the Islanders might advance, but it was clear from the petitions submitted to the Committee (A/AC.109/PET.307-311) that they wished to retain and strengthen their link with the United Kingdom and that any constitutional association with a foreign Power would be repugnant to them. His delegation had made it clear in Sub-Committee III that, while the United Kingdom could not agree to participate in discussions of sovereignty over the Falkland Islands, it was always willing to discuss with the Argentine Government ways in which the two Governments and the Islanders could avoid damage to the good relations between them as a result of the unfortunate dispute. He wished to make a formal reservation concerning the use of the phrase "otherwise known as the Malvinas Islands" in paragraph 121 of the Sub-Committee's report (see annex), which his Government interpreted as indicating purely the Spanish translation of the name of a Territory, and thus as having no implications with regard to the question of sovereignty over the Territory or to the correct nomenclature to be employed in United Nations documents referring to the Territory.

31. The representative of Argentina said that the term "Malvinas Islands" was not simply a Spanish translation of the name of the Territory, but was generally used in countries where Latin languages were spoken; consequently, it was recognized by Argentina as the true name of the Territory. He would prefer the Committee's documents to indicate that the Falkland Islands were also known as the Malvinas Islands.

32. The historical, geographical, juridical, political and economic background of his Government's just claim to sovereignty over the Malvinas Islands had been expounded at length in Sub-Committee III. The problem had arisen from an act of military force by the United Kingdom in 1833 against a part of the Territory of Argentina, as established upon its accession to independence in 1810, following which the Argentine authorities and inhabitants had been expelled from the islands and later replaced by settlers from the United Kingdom. The resulting colonial situation had endured until the present day, although the United Kingdom could invoke no international instrument

giving it any rights over the Malvinas Islands and although the nations of the Americas had repeatedly asserted the illegality of the occupation of territory in their hemisphere by outside Powers. Argentina had never ceased to press its claim for reparation of the injury done to it, which no lapse of time could validate.

33. One might ask why England had seized by force from a young nation, with which it had signed a treaty of friendship, a group of islands 10,000 miles from its own territory. The answer was that England in the early nineteenth century, had been in the grip of an expansionist fever which had led it to annex territories throughout the world. In search of strategic bases in the South Atlantic, the British had invaded Buenos Aires in 1806 and 1807, but had been repulsed; thus frustrated, they had sought an alternative supply base for their vessels proceeding to Australia and the South Pacific, and had therefore occupied the Malvinas Islands, which offered the additional attraction of rich fishing resources. In the twentieth century, the islands had served as an extremely important base for the Royal Navy during two world wars.

34. The question remained why, in a time of peace and in an age when colonialism was being liquidated and mutual respect among peoples was being consolidated, the United Kingdom persisted in maintaining its hold in the Malvinas Islands to the detriment of its relations with a friendly State. The only reply given by the United Kingdom was that it had no doubt about its sovereignty over the Islands, and its sole justification appeared to be its concern for the right of the people to self-determination. The countries of Latin America had been in the forefront of the struggle for self-determination, first in their own hemisphere, and later in the United Nations from its very inception. It would appear from the insistent statements made by its representative during the debate on the Malvinas Islands that the United Kingdom also supported the right of peoples to self-determination; yet the United Kingdom had abstained from voting on resolution 1514 (XV) of 14 December 1960, adopted by an overwhelming majority of the General Assembly, after expressing doubts as to whether the principle of self-determination should be set out in paragraph 2 of that resolution. Further reservations concerning the principle of self-determination had been expressed by the United Kingdom Government in its comments on General Assembly resolution 1966 (XVIII) of 16 December 1963, contained in document A/5725/Add.4, which at least had the virtue of recognizing that, in exceptional cases, the principle of self-determination might have to be considered in the light of other principles, such as that of the territorial integrity of States—an argument which applied to the Malvinas Islands.

35. The population of the Malvinas Islands had remained unchanged in numbers since the beginning of the twentieth century, and projections prepared by the United Nations showed that it was the only South American territory in which no future population increase was foreseeable. The United Kingdom representative in Sub-Committee III had painted a rosy picture of the economy of the Islands; but apart from the fact that a single company had a monopoly of commercial activities—in itself an objectionable anachronism—the stagnation of the population figures and the fact that emigration was greater than immigration were significant indicators of the state of the

economy. The truth was that no economic and social progress was possible so long as the Islands were completely cut off, not only from the present Administering Power, but from Argentina, simply because of the dispute provoked by the United Kingdom and the strict control imposed on entry to the Territory. Economic development and true social advancement would not be possible until the natural links were re-established with Argentina, which in the past had assimilated persons of many nationalities, showing respect for fundamental human rights and offering economic and social progress to all.

36. Sub-Committee III had confirmed that the provisions of the Declaration on the granting of independence to colonial countries and peoples were applicable to the Malvinas Islands, but had emphasized that there were special factors to be borne in mind. In particular, since the Islanders were not the original inhabitants, but had simply replaced those expelled by force, paragraph 5 of General Assembly resolution 1514 (XV) could not be blindly applied, and the terms of paragraph 6 must be taken into account.

37. One of the main arguments of the United Kingdom was that the Special Committee was not competent to deal with questions of sovereignty. The Committee's terms of reference had been established in resolutions 1654 (XVI) of 27 December 1961, 1810 (XVII) of 17 December 1962 and 1956 (XVIII) of 11 December 1963, under which the Committee must make recommendations for the full implementation of the Declaration on the granting of independence to colonial countries and peoples, whatever the form of colonialism involved. The basic flaw in the position of the United Kingdom delegation was that it sought to focus the attention of the Committee on one aspect of the question, instead of on the problem as a whole. The Committee had not been asked to decide upon a question of sovereignty, but to implement the provisions of General Assembly resolution 1514 (XV), and in doing so it must bear in mind all the circumstances and apply those provisions of the Declaration which it deemed most appropriate.

38. Sub-Committee III had noted the existence of a dispute between the United Kingdom and Argentina concerning sovereignty over the Islands and had recommended that the two Governments should enter into negotiations with a view to finding a peaceful solution to the problem. Argentina, a law-abiding and peace-loving country, had accepted that recommendation; the United Kingdom representative had repeated that his Government was willing to negotiate, but had rendered any negotiations meaningless by insisting on the sovereignty of the United Kingdom over the Malvinas Islands.

39. He hoped that States Members of the international community would urge the two Governments to enter into negotiations and that the United Kingdom would agree without reservations; for the strengthening of relations between the two peoples would surely be of much greater importance to the United Kingdom Government than the maintenance under its exclusive control of a remote outpost which no longer had the same strategic or economic importance as in the past.

40. The representative of Venezuela observed that when, in the absence of any international organization to which to resort, the American peoples had liberated themselves by force of arms, Venezuela had never regarded the right to independence as limited to its own territory and people; it had thought of America

as a continent of free nations, and half its population had been sacrificed for the continent's freedom. At Bolivar's death in 1930, plans had been in the making for an invasion to liberate the rest of the Caribbean; his soldiers had marched all over the continent in order to help the people to secure freedom from colonial rule. The Venezuelan people's attitude towards colonialism had not changed. For Venezuela and the other Latin American nations, the liberation started by Bolivar would not be concluded until colonialism had been eliminated from the continent and the rightful owners had regained all the American territory occupied by others. The resolutions of the Organization of American States reaffirmed that freedom, and independence for the whole of America was the constant aim of the foreign policy of all the nations of the continent. The movement to eliminate colonialism had at last become world-wide and irresistible; General Assembly resolution 1514 (XV) applied fully to the occupied colonies and territories in America.

41. The representative of Chile said that his delegation would vote in favour of the report of Sub-Committee III, which recommended that the Special Committee should invite the Governments of the United Kingdom and Argentina to enter into negotiations with a view to finding a peaceful solution to the problem of the Malvinas Islands. The Sub-Committee's recommendations were the outcome of careful study and were unanimous.

42. His delegation's position was also prompted by considerations of American solidarity. The problem of the Malvinas Islands affected the entire continent, first, because it frustrated the continent's desire for unification, and secondly, because it conflicted with the agreements reached at the First Meeting of Consultation of Ministers for Foreign Affairs and at the Ninth and Tenth International Conferences, of American States proclaiming the continent's opposition to colonialism and to the occupation of American territories by extra-continental Powers. A prompt solution of the problem was in the interest of all the American Republics. His delegation was convinced that the spirit of peace, the will to co-operate and the great ideals which now inspired America and the world would prevail at the negotiations, so that a constructive solution might be reached which would reconcile the interests of the parties with those of the international community.

43. The representative of Poland said that his delegation would vote in favour of the recommendations submitted in the Sub-Committee's report because it considered the General Assembly Declaration applicable to the Falkland Islands (Malvinas). Colonialism was a source of friction and should be eliminated; it was the Special Committee's task to seek the most suitable ways and means to that end. The negotiations between the Argentine and United Kingdom Governments must serve the purpose of decolonization.

44. The representative of the Union of Soviet Socialist Republics, in his general statement on the reports of Sub-Committee III, said that his delegation was inclined to agree with the Sub-Committee's conclusions and recommendations on the majority of the Territories it had examined, including the Falkland Islands, otherwise known as the Malvinas Islands. Although the conclusions and recommendations of the Sub-Committee, which had been examining those matters for the first time, were of a rather general nature, he could not express satisfaction that in formulating them the Sub-Committee had been guided

by the principles of the Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)), which alone laid down the terms of reference of the Committee and its Sub-Committees.

45. The representative of Syria said that his delegation was in full agreement with, and would vote in favour of, the Sub-Committee's conclusions and recommendations. Recommendation (b), to the effect that the General Assembly resolution 1514 (XV) was applicable to the Territory under discussion, should be stressed. The Special Committee's task was to ensure that there would be no more colonies; it was to be hoped that within the next few years that task would be completed. His delegation had been somewhat disappointed to learn that the United Kingdom had reservations about the Committee's competence; in view of the change of Government in that country, it was to be hoped that those reservations would not be maintained. Syria welcomed the Sub-Committee's recommendation (d) and hoped the negotiations would be successful.

46. According to the Argentine representative, the word "Malvinas" was not a Spanish translation of "Falkland Islands" but the original name of the islands; the Syrian delegation considered that both names should appear on all documents.

47. The representative of Uruguay said that his delegation fully endorsed the Sub-Committee's report. He also supported the Syrian representative's proposal that both names for the Territory should appear in all documents; as he saw it, the word "Malvinas", in brackets, should follow the words "Falkland Islands" wherever they appeared, in all the working languages.

48. The representative of Yugoslavia said that his delegation would vote in favour of the Sub-Committee's report. He agreed with the Syrian and Uruguay representatives that the name "Malvinas" should be inserted in brackets after the name "Falkland Islands" in the Committee documents.

49. The representative of the United Kingdom said it was his understanding that, in all cases where there were variations of nomenclature, the Secretariat practice was to use the name used by the administering Power unless a United Nations organ had taken a legal stand on the international status of the Territory concerned. The Special Committee had not taken, and was not competent to take, a stand on the legal status of the Falkland Islands. Accordingly, the Secretariat was bound to follow the nomenclature used by the administering Power. The Committee should consult the Secretariat before taking any decision.

50. The representatives of Chile and the USSR supported the Syrian proposal.

51. The representative of Venezuela also supported the Syrian proposal and added that the decision lay with the Special Committee and not with the Secretariat.

52. The representative of Ethiopia said that his delegation supported the recommendations and conclusions submitted by the Sub-Committee. With regard to the name of the Territory, the English text of the report used the expression "the Falkland Islands (otherwise known as the Malvinas Islands)"; that was consistent with the Syrian proposal.

53. The representative of the United Kingdom agreed with the Venezuelan representative that the Committee could decide what name to use for a Territory in its own reports. As he understood it, however, the proposal was that the Secretary-General

should be invited to use the expression "Falkland Islands (Malvinas)" in all United Nations documents; such an invitation went beyond the Committee's competence.

54. The representative of Uruguay said that, as he understood it, the Syrian proposal related only to documents of the Special Committee.

55. The Secretary of the Special Committee explained that the use of such words in United Nations documents was based on standing instructions issued by the Secretary-General. The Special Committee was free to decide what its own reports should contain, but the adoption of the same practice in other United Nations documents was a matter for the Secretary-General; any decision the Special Committee might take in the matter would be brought to his attention for such action as he might wish to take.

56. The Chairman then put to the vote the Syrian proposal that the word "Malvinas" should appear in brackets after the words "Falkland Islands" in all documents of the Committee.

The Syrian proposal was adopted by 19 votes to 1, with 2 abstentions.

57. The representative of Australia, in explanation of his vote, said that his delegation did not oppose the honest and conscientious report of the Sub-Committee, but reserved its position in relation to the adoption of that report. His delegation was conscious of the problem of small islands and small populations, which in the case of the Falkland Islands was complicated by a dispute between two friendly Powers; Australia sincerely hoped that they would resolve whatever difficulties lay between them. However, his delegation had tried to make clear, in relation to the subject of Gibraltar, its doubts regarding the Special Committee's competence in sovereignty disputes. It had expressed its diffidence regarding attempts by the Committee to find its way, with justice to all, through the mazes of history; in the course of such attempts basic principles like self-determination might become distorted.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE III

58. At the 311th meeting, on 13 November 1964, the Special Committee adopted without objection the report of Sub-Committee III (see annex) concerning the Falkland Islands (Malvinas) as amended by the addition of the word "Malvinas" in parentheses after the words "Falkland Islands", wherever these appear in the report.

59. The conclusions and recommendations as adopted by the Special Committee are as follows:

(a) The Special Committee examined the situation in the Non-Self-Governing Territory of the Falkland Islands (Malvinas) and heard the statements of the representative of the administering Power and the representative of Argentina;

(b) The Special Committee confirms that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples apply to the Territory of the Falkland Islands (Malvinas);

(c) The Special Committee notes the existence of a dispute between the Government of the United Kingdom of Great Britain and Northern Ireland and

that of Argentina concerning sovereignty over the Falkland Islands (Malvinas);

(d) The Special Committee invites the Government of the United Kingdom and Argentina to enter into negotiations with a view to finding a peaceful solution to this problem, bearing in mind the provisions and objectives of the United Nations Charter and of resolution 1514 (XV) (of 14 December 1960), the interests of the population of the islands, and the opinions expressed during the course of the general debate;

(e) The Special Committee invites the two above-mentioned Governments to inform the Special Committee or the General Assembly of the results of their negotiations.

ANNEX

Report of Sub-Committee III on the Falkland Islands (Malvinas)*

Consideration by the Sub-Committee

1. The Sub-Committee considered the Territory of the Falkland Islands (Malvinas) at its 24th to 30th meetings between 8 and 18 September 1964.

2. The Sub-Committee had before it relevant part of the working paper prepared by the Secretariat (A/AC.109/L.98/Add.2, section II incorporated in paras. 1/25 of the present chapter).

3. The representative of the United Kingdom participated in the work of the Sub-Committee. At the request of Argentina, and in accordance with procedures previously adopted, the representative of Argentina was invited to participate in the consideration of the above item.

Statements by delegations

4. The representative of the United Kingdom stated that the Falkland Islands, which lay about 400 miles north-east of Cape Horn, consisted of two large and about 200 small islands. The population, made up almost entirely of settlers or descendants of settlers from Britain, was 2,172 in 1962, of whom 1,733 were born in the Territory, 338 were born in the United Kingdom and nine in Argentina. All the inhabitants except thirty-six—including fifteen Chileans and three Argentinians—were British citizens. The only town was Stanley, the capital, with a population of about 1,000 and the next largest settlement comprised only about 100 people. The Dependencies of the Falkland Islands (South Georgia and the South Sandwich Islands) had a population that fluctuated with the whaling season; in the summer it was about 500 and in the winter about half that number.

5. The economy and prosperity of the Falkland Islands depended on wool, the world price of which had declined since the time of the Korean War, although it had risen slightly in recent years. Wool exports had risen to 5,061,000 pounds from 3,618,000 pounds in 1938. The standard of living of the inhabitants was slightly higher than in the United Kingdom; there was hardly any poverty and the number of motor vehicles per head now exceeded that of the United Kingdom. During the last fifteen years the Government of the Territory had undertaken considerable development work, to which the British Government had contributed nearly \$700,000 for the improvement of the Stanley roads, water supplies, sea communications between the islands, a power station, construction of a new town hall in Stanley and hospital improvements. A further \$140,000 which was to be spent mainly on school buildings, had recently been made available for the three years 1965-1966.

6. Under the 1951 Constitution, the Falkland Islands had a Legislative Council presided over by the Governor and consisting of three officials, four members elected by universal

* Previously issued as documents A/AC.109/L.125/Add.3 and Corr.1.

adult suffrage and four members nominated by the Government, two of them non-official members. There was thus a majority of non-official members. The Council met at least once a year and usually held several sessions, including the budget session. The non-official members played an important part in the government of the Territory, particularly in the Standing Finance Committee, which comprised only the elected and non-official members of the Council and which could make a decision on any item of proposed governmental expenditure.

7. The Governor, who was the Queen's representative and Head of the Administration, was advised by an Executive Council, which took decisions on all matters affecting the internal government of the Territory. It consisted of three officials and five other members nominated by the Governor. By a recent arrangement, the six non-official members of the Legislative Council were invited to recommend the appointment of two of the non-official members of the Executive Council. The Governor could act against the advice of the Executive Council only in certain quite exceptional circumstances, such as where the Royal prerogative was involved. There were no political parties, although there was a trade union (The Falkland Islands Labour Federation) and a Sheepowners' Federation.

8. The Town Council of Stanley consisted of six elected members and three members nominated by the Governor. Elections were held biennially, three of the six elected members retiring every two years. Appointments to the public service were made by the Governor, assisted, where necessary, by members of the Executive Council. Of 158 government posts now filled, 108 were occupied by Falkland Islanders. The entire staff of the key departments of the Secretariat and the Treasury, with the exception of the Colonial Secretary, were Falkland Islanders. There were no differences between the conditions of service of expatriates and those of Falkland Islanders; they enjoyed the same rates of pay and similar leave conditions.

9. After the recent General Elections, the members of the Executive and Legislative Councils had discussed constitutional changes with the Governor and had agreed on proposals for changes in the composition of both Councils. The non-elected membership of the Legislative Council was to be reduced by omitting one of the three *ex officio* members and the two nominated members. The Legislative Council would then consist of the Governor, the Colonial Secretary and the Colonial Treasurer, two nominated independent members and four elected members. In the Executive Council, one of the three official members would be omitted and the non-official members would consist of two appointed members and two elected members of the Legislative Council chosen by a ballot of the elected and independent members of that Council. Thus, there would be equal numbers of elected and non-elected members in the Legislative Council and the principle of election would be established for members of the Executive Council. The proposals had been accepted by the United Kingdom Government and would be brought into effect as soon as the necessary constitutional instruments were prepared.

10. It was for the Islanders to determine what their ultimate constitutional status should be and the United Kingdom Government was always ready to consider any proposals for constitutional change that the Islanders might advance. For the present, the Islanders had made it clear that they did not want independence. The representative of the United Kingdom quoted a message which the elected members of the Legislative Council had addressed to the Chairman of the Special Committee on 3 August 1964 in order to inform the Committee of the wishes of the people of the Islands. They had stated that they were proud to be citizens of a British Colony and had expressed their desire to retain and strengthen their links with the United Kingdom. They had asserted in the strongest possible terms that any constitutional association with a foreign Power would be repugnant to them. They had added that the unofficial nominated members of both the Executive and the Legislative Councils wished

to be associated to the fullest possible degree with their statement. The elected members had adopted a similar declaration on 2 April 1964, which had been transmitted to the British Government. Thus, there could be no doubt about the aspirations of the people of the Falkland Islands.

11. Consequently, the United Kingdom Government's position with regard to the Falkland Islands was fully consistent with the principle of self-determination. He wished to reaffirm the statement made by his delegation in its letter to the Chairman of the Special Committee and to the Chairman of the Sub-Committee (A/AC.109/81) to the effect that the United Kingdom had no doubt as to its sovereignty over the Territory of the Falkland Islands. In the opinion of the United Kingdom delegation, the request by the Argentine representative to participate in the work of the Sub-Committee constituted an intervention in the affairs of the Territory, in which Argentina was not properly concerned. The claim advanced by the Argentine Government to sovereignty over the Falkland Islands was in effect a bid to annex those islands in defiance of the clearly expressed wishes and interests of the people of the Territory. According to the United Nations Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples, those wishes and interests should be paramount. In the view of his Government, the Special Committee and therefore the Sub-Committee were not competent to discuss territorial claims. In any case, the Committee would be ill-advised to deal with the difficult and inevitably time-consuming question of sovereignty, which did not arise out of the resolutions establishing the Special Committee or out of the Declaration. It might be suggested, as it had been suggested in the past, that paragraph 6 of the Declaration in resolution 1514 (XV) constituted a mandate for the Committee to consider questions of sovereignty. But, in his delegation's view, that interpretation was not borne out either by the wording of the paragraph itself, which clearly referred to possible attempts at disruption in the future and not to issues of sovereignty dating back to distant history, or by the remainder of the Declaration, which stated specifically that "all peoples have the right to self-determination". No fair-minded observer could therefore construe paragraph 6 as imposing a limitation on the universal application of the principle of self-determination, which was guaranteed under the Charter itself.

12. While, therefore, the United Kingdom Government could not agree to participate in discussions of sovereignty over the Falkland Islands, either in the Sub-Committee or the Special Committee, or indeed in bilateral talks with the Argentine Government, it had always been willing to discuss with the Government of Argentina ways in which the United Kingdom, Argentina and the Falkland Islanders could avoid damage to the good relations existing between them from the dispute which unhappily existed and it had so informed the Government of Argentina.

13. At the 25th meeting of the Sub-Committee the representative of the United Kingdom informed the Sub-Committee that on 8 September 1964 the Buenos Aires radio station *Radio el Mundo* had broadcast messages telling the Falkland Islanders to keep calm during an imminent occupation by the Argentine Navy. At 1.10 p.m. local time, an Argentine aircraft had landed on Stanley race-course in the Falkland Islands. The pilot had planted the Argentine flag and handed a letter to the only bystander. The aircraft had taken off before the pilot and co-pilot could be apprehended.

14. Unfortunate instances of that kind, particularly the violation of sovereignty by an aircraft, were bound to exacerbate the dispute and prejudice good relations between the United Kingdom and Argentina. His Government hoped that the Argentine representative would dissociate his Government from such actions and that the Argentine Government would take steps to ensure that they were not repeated.

15. The representative of Argentina replied that the acts described by the United Kingdom representative were the work of individuals. While they accurately reflected the feelings of the Argentine people, they were quite alien to

the Argentine Government, which desired a peaceful solution of the dispute.

16. He further stated that history showed that the Malvinas Islands, which were an integral part of Argentine territory, had been illegally seized by the United Kingdom in 1833 and had been maintained since then under United Kingdom authority in spite of repeated protests by Argentina. The Islands had been originally discovered by the Spaniards in the early sixteenth century and were plainly marked on early Spanish maps. Up to the middle of the eighteenth century the Malvinas had been scarcely heard of in England. It was only in 1748 that a plan had been made to "discover" the Islands; but after consultation with Spain, Great Britain had agreed that it had no right to interfere in the islands and coasts of South America, a position which reflected the Treaty of Peace of 1604 between Spain and England, the Treaties of Madrid of 1670 and 1713, and the Treaty of Utrecht of 1713.

17. In 1764, the French seaman, de Bougainville, had founded Puerto Luis in Malvina Oriental in the name of the King of France; but in response to a complaint by Spain, King Louis XV had ordered the return of the port, this act constituting recognition of the inherent right of dominion of Spain. The Spaniards had occupied Puerto Luis and changed the name to Puerto Soledad. Then, in 1766, England had sent a secret expedition which founded Puerto Egmont on Saunders Island. When Puerto Luis was transferred from the French to the Spaniards, the British had made no objection to the transfer, and the English garrison had continued to occupy Puerto Egmont.

18. In 1770, the British garrison had been dislodged by Spanish forces under the command of the Governor of Buenos Aires. But after lengthy diplomatic negotiations, Puerto Egmont had been handed back to the British although it was clear from the documents concerned that England had accepted the sovereignty of Spain over the Islands as a whole.

19. In 1774, the English had voluntarily abandoned Saunders Island. Fifty-nine years had then passed during which the Islands had remained, without any protest from Great Britain, in the power first of the Spaniards and then of the Argentines. Right up to the revolution of 1810, marking the beginning of Argentine independence, Spain had exercised dominion over the Malvinas in all kinds of ways without any objection from Great Britain. Thus, Britain's silence from 1774 to 1829 confirmed its recognition of Spanish rights and its intention not to return to the archipelago. Under the Treaty of Peace of Versailles of 1783 and the Convention of San Lorenzo of 1790, the rights of Spain to the lands and seas of South America had been recognized, and British ships had been forbidden to traffic in those areas. The rights then held by Spain had been succeeded to by the Argentine Republic in 1810. Despite the difficulties attending the process of Argentine emancipation, the Argentine Government had sent the frigate *Heroína* to the Malvinas Islands in 1820 in order to take formal possession of the archipelago. In 1823, the Buenos Aires Government had appointed Pablo Areguati as Governor of the Islands and made grants of land and of grazing and fishing rights. In 1825, a Treaty of Friendship, Commerce and Navigation had been concluded between England and Argentina, and no reservation whatever concerning the Malvinas had been made on that occasion by England. In 1926, groups of families had gone to the Islands to settle there. In 1829, the Buenos Aires Government had established the Malvinas Islands Political and Military Command with headquarters at Puerto Soledad, and had appointed Luis Vernet as Commander.

20. The strategic and commercial interests of England had culminated in the attempts to invade Buenos Aires in 1806 and 1807, which had been repulsed, and in the occupation of other territories in the South Atlantic. These same interests had impelled Great Britain to lodge a protest in the latter part of 1829 against the establishment of the Malvinas Command by Argentina.

21. In 1831, the United States corvette *Lexington* had attacked Puerto Soledad and destroyed its port installations when the Argentine Government had refused to release a United States vessel which had violated the Argentine fishing regulations. The action by the *Lexington* led to a diplomatic incident which in turn had resulted in a virtual breaking-off of relations between the two countries.

22. Great Britain had sent a new expedition to the Islands in 1833 and had seized Puerto Soledad by force, a settlement which it had never previously occupied. By the following year, Great Britain had taken over the whole archipelago. From that time onwards force had been the only basis for the British presence on the Malvinas.

23. Such an arbitrary and unilateral act of force, which would never be recognized by the Argentine Republic, could in no way create any rights for Great Britain. Since 1833, Argentina had continually protested against the illegal occupation. The case of the Malvinas was a typical example of colonialism in which a newly independent country was taken advantage of by a great Power. For 131 years Argentina had sought in vain to change the British position. Now, times had changed, and the colonial era was drawing to a close. The British presence on the Islands was an anachronism which must be eliminated. Argentina had always shown a willingness to settle its international disputes, and in facing territorial problems it had always had recourse to peaceful means for achieving a settlement, rather than to violence.

24. In 1945 Argentina had signed the United Nations Charter, not only as an instrument for maintaining international peace and security but as a system for finding just solutions to international problems, especially those deriving from the existence of the colonial system. At the San Francisco Conference, the Argentine delegation had expressly reserved the rights of Argentina in respect of the Malvinas Islands.

25. From the first days of the Organization, Argentina had realized the importance of Article 73 e of the Charter and as soon as Great Britain had begun to transmit information on the Malvinas Islands, the Argentine Republic had drawn the attention of the United Nations, as it had done on many occasions in the past, to its reservation of sovereignty in respect of that Territory. Thus Argentina had specified each year, at the sessions of the General Assembly, that the information transmitted by the United Kingdom regarding the Malvinas Islands in no way affected Argentine sovereignty over that Territory. The United Kingdom was in occupation of the Islands by virtue of an act of force, which had never been accepted by the Argentine Government.

26. The representative also cited the decisions adopted by the Seventh and Tenth Inter-American Conferences which had respectively condemned the acquisition of territories by force and had affirmed the need to eliminate colonialism in America.

27. The adoption in 1960 of the Declaration on the granting of independence to colonial countries and peoples had speeded up the process of decolonization throughout the world. Argentina, which had attained its independence through a similar process, had supported and would continue to support that Declaration and the complementary General Assembly resolutions 1654 (XVI), 1810 (XVII) and 1956 (XVIII).

28. The case of the Malvinas differed from the classical colonial model. In 1833 they had belonged *de facto* and *de jure* to the Argentine Republic, had been governed by Argentine authorities and had been occupied by Argentine settlers. Those authorities and settlers had been forcibly evicted and had been replaced by a colonial administration and a population of British origin. Today there were 2,172 inhabitants on the Islands, and the population was to a substantial extent periodically renewed; in 1962, for instance, 411 persons had departed and 368 had arrived. In 1961, the corresponding figures were 326 and 224; in 1960 they were 292 and 224.

The colonial Power could not rely on this situation for the purposes of the principle of self-determination.

29. The Argentine Government had stated at the most recent sessions of the General Assembly that this principle of self-determination of peoples, recognized in Article 1, paragraph 2 of the Charter, should in such exceptional cases be viewed in the light of circumstances. Indiscriminate application of the principle of self-determination to Territories so thinly inhabited by nationals of the colonial Power would place the destiny of such a Territory in the hands of the Power which had installed itself there by force, in violation of the most elementary rules of international law. The fundamental principle of self-determination must not be utilized in order to convert illegal possession into full sovereignty under a mantle of protection to be provided by the United Nations.

30. This correct interpretation of the principle of self-determination was based precisely on resolution 1514 (XV), whose purpose was to put an end to colonialism in all its forms. In the preamble to this resolution it was recognized that the peoples of the world ardently desired the end of colonialism in all its manifestations and that all peoples had an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory. In operative paragraph 6 of the Declaration it was stated that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the Purposes and Principles of the Charter of the United Nations.

31. Any future for the Islands in separation from Argentina was inconceivable in terms of logic and realities. They were rooted right on the Argentine continental shelf and were situated near to the coast of Patagonia. Their economic development on a stable basis was bound up with their country, with which, at present, they had no direct communication or trade.

32. Ownership of the land was for all practical purposes in the hands of the Falkland Islands Company, which controlled the entire export and import trade and held a monopoly for wool. The successor to the Company, as owner of the land, was the British Crown.

33. British rule in the Malvinas Islands was not only contrary to the United Nations Charter, but also created a sterile situation in a Territory that could enjoy greater economic prosperity. The Islands' population had declined from 2,295 inhabitants in 1912 to 2,172 in 1962. It was the only American community which, instead of growing, was shrinking.

34. In conclusion, he stated that the attitude of the Argentine Government could be summed up as follows: (1) the Argentine Republic claimed the restoration of its territorial integrity through the restitution to it of the Malvinas, the South Georgia and the South Sandwich Islands, which had been taken by Great Britain by force—such restitution being the sole solution dictated by justice. Argentina would take especial account of the welfare and material interests of the present settlers. (2) The Argentine Republic would not agree to the principle of self-determination being distorted and applied to consolidate situations arising from a colonial anachronism, to the detriment of its lawful rights of sovereignty over the Islands.

35. The Chairman speaking as the representative of Uruguay stated that the competence of the Sub-Committee and the Special Committee was defined in General Assembly resolutions 1654 (XVI), 1810 (XVII) and 1956 (XVIII), which not only empowered the Committee to formulate recommendations for the complete application of the Declaration on the granting of independence to colonial countries and peoples but also expressly instructed it to do so.

36. The fact that the Malvinas Islands were the subject of a long-standing claim by the Argentine Republic did not lessen the colonial character of the problem. Furthermore, the Malvinas had been voluntarily included by the Administering Power in the list of Non-Self-Governing Territories,

and that amounted to automatic recognition of the Committee's jurisdiction in the matter.

37. At the same time, while none of the resolutions cited above seemed to empower the Committee to pronounce on the substance of the question of sovereignty or rights over the Malvinas, that possibility should not be ruled out *a priori* since a recommendation connected in one way or another with the substance of the matter would be necessary to permit complete application of the Declaration on the granting of independence to colonial countries and peoples.

38. Quite apart from the Committee's mandate in that regard, at the very basis of American public law there were two principles to which the countries of Latin America had always devoted special attention.

39. The first had been proclaimed by the newly independent States of Spanish America and was known as the *uti possidetis* principle of 1810 which had been explicitly formulated for the first time in the fundamental law of Colombia, adopted by the Congress of Angostura in 1819.

40. That principle, the scope of which had been defined by an arbitral award of the Swiss Federal Council on 24 March 1922 concerning the borders between Colombia and Venezuela, affirmed that the frontiers of the Republics recently established in Latin America would be those of the Spanish provinces which they replaced. It laid down the absolute rule that, in the eyes of the law, there had been no ownerless territory in former Spanish America and that land which was not occupied *de facto* would be regarded by common consent as occupied *de jure* by the Republic which had succeeded the province to which the land had been assigned by decision of the King of Spain. It therefore excluded any attempts that might be made by European colonizers to claim territories which otherwise might have been considered *res nullius*. Furthermore, it had later been generally consecrated under the name of the Monroe Doctrine.

41. Hence, any colonization of American territories subsequent to the proclamation of that principle clearly constituted a violation of a principle that was at the very basis of South American public law. In that connexion, it was interesting to note that the Charter of the Organization of African Unity had recently endorsed the same principle.

42. The American countries, for their part, considered that their emancipation was not complete so long as there remained on their continent any peoples or areas subject to colonial rule or territories occupied by non-American countries (resolution XXXIII of the Ninth International Conference of American States, Bogota, 1948).

43. The second principle was that the American States did not recognize territorial acquisitions or special advantages obtained either by force or by other means of coercion (article 17 of the Charter of the Organization of American States). That principle and the absolute condemnation of aggressive war was one of the features of Latin American political and legal thinking. The American countries had all successively adopted the ancient maxim *ex injuria jus non oritur*, which had received universal consecration in the Covenant of the League of Nations, the Briand-Kellogg Pact and the Charter of the United Nations. That principle had been one of the constants of the history of the independent American countries, as was proved by the First International Conference of American States of 1890, which had eliminated the right of conquest from American public law and reaffirmed the *uti possidetis* doctrine of 1810, the Sixth International Conference of American States at Havana in 1928, which had declared aggressive war to be illegal, and the Declaration of 1932 addressed to Bolivia and Paraguay, the rival claimants to the Gran Chaco, by nineteen American States which made it known that they would not accept any territorial settlement not obtained by peaceful means or any acquisition resulting from occupation or conquest by force of arms.

44. The American countries' attachment to that principle was further illustrated by the Saavedra-Lamas Treaty, signed in 1933 at Rio de Janeiro, and the Convention on the Rights and

Duties of States, signed at Montevideo the same year following the Seventh International Conference of American States. In that connexion, he quoted article 11 of the Convention.

45. Finally, the principle was embodied in article 17 of the Charter of the Organization of American States, which had been signed and ratified by all the American States except Canada.

46. The principle of the renunciation of war had been embodied in the General Treaty of Paris and the Covenant of the League of Nations and in Article 2, paragraph 4 of the Charter.

47. States interested in maintaining the *status quo* claimed, of course, that the principle of the non-recognition of the right of conquest was valid only from the time of its incorporation into written international law, and that would limit its application to a few years of the century. The maintenance of the *status quo* was obviously a fundamental policy objective of the colonial Powers, as had been shown in the 1949 debates of the International Law Commission of the United Nations on the draft declaration on the rights and duties of States. The text which had served as a basis for discussion was a draft submitted by Panama containing, *inter alia*, an article on the obligation not to recognize territorial acquisitions obtained by force. That article had been retained thanks to the vigorous support of the Latin American representatives on the Commission, but it had been understood that the principle in question would not be retroactive.

48. As early as the eighteenth century, a very clear distinction had been drawn in the theory of law between occupation by force, which involved no transfer of sovereignty, and annexation, which could result only from a peace treaty or the complete disappearance of one of the States as an entity in international law. Such had been the doctrine generally accepted at the time when the Malvinas Islands had been occupied, and all those precedents had been cited in a decision by the Belgian Court of Cassation of 16 June 1957, which considered that the annexation by one State of the territory of another State that continued to be an entity in international law could not have the legal effects of annexation unless it had taken place with the participation or consent of the State whose territory had been dismembered. A similar opinion had already been expressed by the Permanent Court of International Justice on 5 April 1933 in connexion with the legal status of Eastern Greenland. Those examples showed that the American doctrine of the non-validity of territorial acquisitions obtained by force was a principle which had been embodied in international law for at least three centuries; consequently, irrespective of the value of the other titles which might be invoked, nothing, neither prescription nor history, could legalize a fact which from the outset had been completely null and void.

49. Long before the adoption of the Charter of the Organization of American States, decisions taken with respect to the colonial possessions which still existed in America drew a clear distinction between "colonies" or "possessions belonging to extra-continental countries", on the one hand, and "occupied territories", on the other. That distinction also emerged from the text of resolutions adopted at the first two Meetings of Consultation of Ministers of Foreign Affairs of the American Republics in 1939 and 1940. It had been upheld by the last two conferences of American States, held at Bogota, in 1948 and at Caracas in 1954.

50. Resolution XXXIII of Bogota, after distinguishing between "peoples and regions subject to a colonial régime" and "territories occupied by non-American countries", and after recognizing the existence of controversies between American Republics and European countries, declared that it was the aspiration of the American Republics that colonialism and the occupation of American territories by extra-continental countries should be brought to an end, and it had decided to set up for that purpose an "American Committee on Dependent Territories". In its report, that Committee had classified Belize, the Malvinas, the South Sandwich Islands, South Georgia and the American zone of Antarctica as "occupied territories". In another resolution, the Committee had noted claims between American States and Great Britain which

"should be settled peacefully in the interests of the Continent and of the whole international community", and had declared that "every legitimate and just claim presented by any American nation should count upon the solidarity of the other Republics of the Continent".

51. The Tenth Inter-American Conference, held at Caracas in 1954, had endorsed the Committee's recommendations, and had also declared its support for the just claims of the American countries by reiterating its faith in "the methods of pacific settlement set forth in treaties in effect" (resolution XCVI).

52. However, as far as the question before the Committee was concerned, the most important resolution of that Conference was resolution XCVII, which stated, perhaps for the first time, that the principle of the absolute and unconditional exercise of self-determination might in certain cases yield to another not less important principle, the principle of territorial integrity; thus it opened the way for a solution which had been confirmed in General Assembly resolution 1514 (XV) and in United Nations practice.

53. When the Committee had considered Gibraltar, the Uruguayan delegation had had occasion to analyse in detail at the 209th meeting the operative part of General Assembly resolution 1514 (XV), especially paragraph 6. To his delegation, that paragraph seemed to contain great political wisdom, particularly where small or weak countries which had been despoiled, almost invariably by force, of part of their national territory, were concerned; the strict application of the principle of self-determination, which would place the fate of the territories in question in the hands of a small group of settlers brought in by the conquering Power, would in the case of those countries be tantamount to recognizing that might was right, a principle which had been condemned for centuries by international law. Those considerations were particularly true in the case of the Malvinas, which had been originally uninhabited and where the present population came almost entirely from the mother country and fluctuated with the seasons.

54. Paragraph 6 of resolution 1514 (XV) had made the American doctrine of "occupied territories" universal by drawing the same distinction as did the doctrine between colonies or possessions, to which the principle of self-determination applied, and *de facto* occupied territories, whose situation should be governed by the procedures of pacific settlement provided for by the Charter and other international instruments. Moreover, the question of West Irian (New Guinea), for example, had been settled in that manner, namely through direct negotiation between the parties, of which the General Assembly had taken note in resolution 1752 (XVII). It should be remembered that the Indonesian position was based on the fact that the maintenance of Netherlands colonialism in West Irian constituted a partial encroachment on the national unity and territorial integrity of Indonesia.

55. The Uruguayan delegation did not believe that the Special Committee's task was particularly difficult or complicated. The Committee was not a tribunal for settling a dispute concerning questions of territorial sovereignty, because such a decision would go far beyond its terms of reference and would obviously give rise to justifiable objections. But the Committee should secure full implementation of resolution 1514 (XV) by applying the relevant paragraph of that resolution in every case. In the case under discussion, the guarantees which paragraph 6 gave to small States with respect to their national unity and territorial integrity should clearly be invoked.

56. Lastly, Argentina was not alone in the matter, for the American nations without exception had subscribed to resolution XCVI of the Tenth Conference of American States, had proclaimed their support of the just claims of the peoples of America with respect to territories occupied by extra-continental countries, and had reiterated their faith in the methods of pacific settlement set forth in the treaties in effect.

57. The Uruguayan delegation felt sure that the United Kingdom, which in the past had been one of the first to recognize emancipation movements and which had always shown political wisdom as well as justice, would respond to the appeal made to it.

58. The representative of Italy said that certain features of the debate on the Falkland Islands merited special attention. First, the Falkland or Malvinas Islands constituted a typical example of a "small territory", characterized by a limited area and a sparse or scattered population, for which it would be difficult to envisage complete economic and political independence. Furthermore, it was generally admitted by Committee members that in the implementation of resolution 1514 (XV) it might be necessary to apply special criteria to "small territories". At the same time, the archipelago was a Non-Self-Governing Territory within the meaning of Chapter XI of the United Nations Charter and was therefore subject *ipso jure* to the resolution on the granting of independence to colonial countries and peoples.

59. Secondly, sovereignty over the Non-Self-Governing Territory of the Falkland or Malvinas Islands had been and was still claimed by a Member State other than the Administering Power. As the Chairman had pointed out when speaking on 10 September 1964 as representative of Uruguay, the Committee was not a tribunal appointed to settle a dispute over questions of territorial sovereignty. While stressing that point, his delegation considered that account should be taken of the fact that a Member State—Argentina—had constantly expressed reservations concerning sovereignty over the islands. Another relevant factor was the geographical location of the islands which were obviously a part of the American continent.

60. Thirdly, the question of the Falkland or Malvinas Islands seemed to involve two apparently conflicting concepts: the principle of self-determination and the principle of the preservation of national unity and territorial integrity. Both principles were set forth in the United Nations Charter and General Assembly resolution 1514 (XV). Furthermore, his delegation felt that the national origin of the islanders and the annual or seasonal fluctuations in the population gave rise to serious doubts as to whether the principle of self-determination could be strictly applied.

61. Although it was as yet too soon to formulate final conclusions about the principles at stake or the practical aspects of the question, his delegation wished to make certain points clear. The Committee could not settle the question of the Falkland Islands solely on the basis of legal considerations. Its task was to apply the spirit and the letter of the General Assembly resolutions or, as was stated in paragraph 8 (a) of resolution 1810 (XVII), "To continue to seek the most suitable ways and means for the speedy and total application of the Declaration to all territories which have not yet attained independence". Consequently, if the Sub-Committee wished to expedite the solution of the problems involved, it must rely on practical and rational methods rather than on legal arguments; instead of delving deep into past history, it should consider the Territory's future. From that point of view and taking into account the new facts of international life and the growing necessity for good relations among the States, it should not be difficult for the parties concerned to examine together in a spirit of understanding what might lie ahead for the islands.

62. His delegation would therefore appeal to the Governments of the United Kingdom and Argentina to decide to enter into negotiations, bearing in mind the future and not the present or even less the past. If the two countries agreed to such a step the Special Committee and the Sub-Committee would take note of that fact with satisfaction and an easy conscience. Since the debate concerned a colonial territory rather than a colonial people, there was a less immediate need for the United Nations to play its sacred role as protector of the interests of indigenous populations under colonial administration than in all the other conventional cases of decolonization considered by the Special Committee. Undoubtedly, Argentina would take fully into account the legitimate interests and particular circumstances of the communities which had adopted the islands as their new homeland.

63. He realized that acceptance of his proposal by the parties concerned might seem to involve a bigger sacrifice for the United Kingdom than for Argentina. Actually, if reason was to prevail over sentiment and narrow self-interest—as was to be expected from two countries of such a high cultural and

political level—neither side would be the loser. Both countries had given the world an example of fruitful and peaceful co-operation on a modern basis. After all, the world situation had completely changed since the distant day in January 1833 when the British warship *Cleo* had dropped anchor in Puerto Soledad. The British presence in the Falkland Islands no longer had the same economic and strategic importance today as it had in the nineteenth century or the first decades of the twentieth. His delegation wished to believe that the peace of the American continent, the honourable liquidation of colonialism in that hemisphere and the strengthening of relations between the British and Argentine peoples would be of far greater importance to the British Government than the maintenance of its exclusive control over a distant outpost in the Atlantic Ocean.

64. The representative of the Ivory Coast observed that the most striking feature of the Falkland Islands was their situation as a colonial territory. The United Kingdom had always maintained that the islands belonged to it and had never doubted its sovereignty over the territory. It was in that setting that the problem should be tackled by the Committee. As a colony, the Falkland Islands were subject to the Declaration on the granting of independence to colonial countries and peoples; and as the administering Power, the United Kingdom must take the necessary steps to enable the territory to embark upon the path of decolonization.

65. An examination of the islands' political and administrative set-up revealed, however, that the Legislative Council and the Executive Council with which they were endowed enjoyed no greater powers than those of a municipality. Everything about the Falkland Islands—their size, population and resources—suggested the dimensions of a borough held in trust by the Governor representing the Crown. It was tempting, in view of all the colonialist abuses that had been observed, to seek to apply the Declaration on the granting of independence to colonial countries and peoples strictly to the letter. But, in the case of the Falkland Islands, the territory was almost empty of permanent settlers, and the United Kingdom representative had only been talking common sense when he declared that the population rejected any idea of independence.

66. Experience had shown that the institutional history of countries resembled the ebb and flow of the tides, ever oscillating between conflicting trends without being able, in times of revolution or necessary transformation, to strike a happy balance. In the great task of decolonization started by the United Nations, striking such a balance should be the aim. A distinction should be drawn between the spirit of laws and the chances of applying them, between the general and the particular.

67. Argentina, a peaceful country whose inhabitants included an appreciable number of foreign communities enjoying all civic rights, claimed the Falkland Islands, not out of a spirit of domination but because their history and their geographical and geological features designated them as Argentine lands. It was normal to render unto Caesar the things that were Caesar's.

68. However, the character of the population was also a factor which must of necessity be taken into account in the search for a solution. Undoubtedly, the home ties and origin of the Falkland Islanders would make a satisfactory solution difficult unless an agreement between the United Kingdom and Argentina gave the emigrants the necessary guarantees for their self-preservation.

69. The problem of the Falkland Islands concerned the United Nations in so far as they were a colony. But in view of their special situation the United Kingdom, Argentina and the local population should consult each other in a spirit of understanding and friendship before any decision was taken on their future status.

70. The representative of Madagascar said that the terms of reference given to the Special Committee under resolution 1654 (XVI) contained two separate points which, however, formed an indissoluble whole: the examination of the situation in the Non-Self-Governing Territories, and the recommendation of measures designed to achieve the aims set forth in the

Declaration on the granting of independence to colonial countries and peoples.

71. The colonial status of the Falkland Islands seemed to be unanimously recognized by the members of the Sub-Committee. In addition, the United Kingdom had confirmed that general opinion by requesting that those islands be included in the list of Non-Self-Governing Territories. Seeing that the existence of colonial status had been established, the Sub-Committee's task was to study and recommend the measures to be taken to implement the Declaration contained in General Assembly resolution 1514 (XV).

72. Since its creation, the Special Committee had always advocated application of the principle of self-determination, which had been formally accepted by the Members of the Organization. However, in the case of the Falkland Islands the Sub-Committee had, as it were, been cautioned against applying that principle, which—according to considerations expounded at length before the Sub-Committee—might prove injurious to the interests of a Member of the United Nations. Those considerations were in essence based upon the delicate question of "sovereignty", examination of which would—it was said—be far beyond the province of the Special Committee and its subsidiary bodies, since it was a matter involving a confrontation between history and law.

73. Thus the Committee, having been obliged to eliminate from its discussions a number of subjects which did not come directly within its terms of reference, was paralysed in the continuation of its work. The Sub-Committee was torn between two moral obligations: on the one hand, the duty of complying with its terms of reference *vis-à-vis* the General Assembly; on the other, concern to safeguard the interests of a Member State. It was in a position where it could make no choice, since no recommendation favouring one side could be made without harming the interests of the other. Nevertheless, the Sub-Committee could not evade its responsibilities by leaving the matter as it stood; it must at all costs find a solution to the problem.

74. In that connexion he supported the statement of the representative of Italy, who had emphasized the need to settle the problem of the Falkland Islands by resorting to practical action rather than to legal theory, by facing the future rather than by resuscitating the past. It was true that history could not be totally disregarded, but it must be admitted that certain facts had become deeply embodied in present realities and that to ignore the existence of those facts would be to act blindly.

75. It was not for the Sub-Committee, and still less was it for the Malagasy delegation, to make any recommendations to two sovereign nations such as Argentina and the United Kingdom. The Malagasy delegation nevertheless wished to express its conviction that the question of the Falkland Islands could be settled only by taking into account both the interests of the inhabitants and the harmony which should reign in the international community. The good relations existing between the two countries involved would surely enable them to settle the problem of the Falkland Islands in the way most consonant with their respective interests.

76. The Rapporteur, speaking as the representative of Iran drew attention to certain features of the position of the Falkland Islands. First, the colonial nature of the problem seemed clear. No one disputed the fact that the Falkland Islands were a colony and that the provisions of the Declaration on the granting of independence to colonial countries and peoples were accordingly applicable to them. There could consequently be no doubt that the Special Committee on decolonization and, therefore, the Sub-Committee were competent to examine the problem with a view to the speedy and complete implementation of the Declaration.

77. Another feature was that Argentina claimed those islands as an integral part of its territory—a claim which created a dispute, of an essentially juridical nature, between two Members of the United Nations. Admittedly the terms of reference of the Special Committee and the Sub-Committee, as defined in resolutions 1654 (XVI), 1810 (XVII) and 1956 (XVIII), were essentially political and not juridical. On the other hand, the Committee was bound to examine the situation

in each of the territories to which resolution 1514 (XV) applied. Each case required individual study, for although the objective was the same for all colonial territories the means to be employed could not be the same in every case. The Sub-Committee could not ignore the existence of a dispute which was poisoning the relations between two States Members of the United Nations.

78. A third feature was that the islands, with 2,000 inhabitants, constituted a typical example of a small territory. They could have no possible future except in association with another independent State. It so happened that geographically they were close to the country which claimed them.

79. Like the other members of the Sub-Committee, Iran considered that the United Kingdom and Argentina should proceed to direct negotiations with a view to reaching a peaceful settlement of their dispute, in accordance with the provisions of Chapter VI of the Charter and with due regard to the interests and aspirations of the islands' population.

80. The representative of Bulgaria, like the previous speakers, considered that the Sub-Committee, as an organ of the Special Committee, was entirely qualified to discuss any question and any aspect of a problem which came within the framework of the implementation of the Declaration on the granting of independence to colonial countries and peoples.

81. However, the Bulgarian delegation could not subscribe to certain interpretations of the Sub-Committee's task which had been put forward. It was apparent, from the documents supplied to the Sub-Committee and from the statements it had heard, that the United Kingdom's occupation of the Malvinas Islands—better known as the Falkland Islands—had all the characteristic features of colonization as practised by the great Powers in the era of imperialism. That situation, which had lasted for 133 years, could, according to certain statements, be prolonged for an indefinite period; at all events, even today the islands were still under colonial rule. If that had been the only aspect of the question, the Sub-Committee's task would have been easier. But the case of the Malvinas Islands was more complicated: colonialism had placed a heavy burden upon that small territory, which had played an important strategic and economic role for the British Empire. There was a dispute, of 133 years' standing, between Argentina and the United Kingdom: the former had always maintained that the Malvinas Islands were an integral part of Argentine territory, and had year after year recalled, in the General Assembly, its rights in respect of those islands. Because of that burden, the Bulgarian delegation associated itself with the suggestion, made by several representatives, that consultations or negotiations between Argentina and the United Kingdom seemed advisable.

82. The representative of Argentina had stated that his Government sought a peaceful solution of its dispute with the United Kingdom. That was a very important statement, since it would enable recourse to be had, in accordance with the United Nations Charter, to all the possibilities today existing for the peaceful settlement of international disputes.

83. As the representative of Uruguay had said, the Special Committee—and it was even more true of the Sub-Committee—was not a tribunal for settling a legal dispute. Nevertheless, its task was to seek all possible ways and means of ensuring the complete implementation of the Declaration in which the United Nations had solemnly proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations.

84. The representative of Venezuela said that his delegation found it difficult to accept the argument that the Sub-Committee and by extension, the Special Committee were not competent to discuss questions of sovereignty in Territories subject to colonial rule. Whenever the Special Committee recommended or requested, in accordance with General Assembly resolution 1514 (XV), that a given Territory should receive its independence and that the people of that Territory should be allowed to exercise freely their right of self-determination, it was merely requesting that sovereignty should be returned to the people from whom it had been usurped. There was no need to stress the well-known principle of constitutional law that sovereignty was vested in the first instance in the people. From the legal point of view, sovereignty over a colonized

Territory belonged to the people, and it was for them to determine the destiny of the Territory that they occupied and not the administering Power. In the case of an uninhabited territory or one in which the original population had been expelled, sovereignty should be restored to the State which had exercised it and from which it had been taken away by force. From the legal point of view, usurped sovereignty could not be restored to a minority of settlers or to an imported population.

85. Therefore, it could not be denied that the Special Committee, and Sub-Committee III, was fully competent to consider the colonial case of the Malvinas Islands. In fact, the administering Power itself had classified the islands as colonies and had consequently transmitted to the Secretary-General the information required under Article 73 e of the Charter. There was therefore no doubt that General Assembly resolution 1514 (XV) applied to that Territory.

86. His delegation wished to make a few comments concerning some of the political, legal and moral principles on which international law in the Western Hemisphere was based. It was difficult for Americans to accept the principle of occupation as giving rise to rights which had no justification other than the will of the strongest. In any case, such a principle could not and never would be applied in America. It was known that classical law provided that occupation permitted the acquisition of territorial sovereignty if that occupation was carried out on ownerless territory or *res nullius*. From the standpoint of international law, it could not be claimed that warlike occupation or even peaceful military occupation had ever given the occupier a valid title to a territory. With regard to the rule of *res nullius*, there had been no such territory in America since the discovery and conquest of America. In accordance with the law of nations the practice of that day, all territories discovered or to be discovered were to be shared between the Spanish and Portuguese Crowns. The Papal Bulls *Inter caetera* and *Dudum si quidem*, which had been followed by a series of treaties between the two Crowns, had established the borders of the two empires. Sovereignty over the lands of America had therefore been held by one of those two Crowns. Upon their separation from Spain and Portugal, the new American republics had inherited that sovereignty by virtue of and through the proclamation of the principle of *uti possidetis juris* of 1810.

87. Proclaimed by Bolivar, it was established for the first time in the international sphere of America upon the signature of the Pact of Bogotá of 28 May 1811 between Venezuela and Nueva Granada (today the Republic of Colombia). As applied to the American territories, that principle had had the double aim of maintaining and safeguarding the harmony between the various peoples of the continent by making it possible for them to solve through peaceful means disputes which might arise with respect to the demarcation of their frontiers and of preventing the conquest or usurpation of territories by extra-continental Powers. It originated in Roman law, where it meant a prohibition to retain possession. The Romans said "*uti possidetis, ita possidetis*" i.e., "as you possess, so may you possess". Translated into American law, that was not understood in the sense of a principle of possession but rather as the right to possess in conformity with the territorial demarcation made by the Spanish sovereign, according to the titles obtaining at the beginning of the emancipation. The treaty of "Union, League and Confederation", drawn up by Bolivar and signed in 1822, between Gran Colombia, Peru, Chile, and the United Provinces of Buenos Aires had contained a clause in which it was stated that both parties guaranteed the integrity of their territories and would respect the Spanish colonial boundaries that had existed before the war.

88. Bolivar himself had consecrated that principle in practice by establishing the Republic of Bolivia and fixing as its frontiers those which the colonial entity called Audiencia de Charcas had held in 1810. The specific legal formulation of the principle was contained in article 7 of the Treaty of Confederation, subscribed to by the first American Congress held at Lima in 1847-1848. The principle of *uti possidetis* had received international recognition in the majority opinion of the Permanent Commission of the Council of State of Spain

on 18 January 1909 in the Spanish Crown's arbitration of the border dispute between Peru and Ecuador. There had been several subsequent arbitral awards defining the scope of the principle, for example, the arbitral award of the Swiss Federal Council on 24 March 1922 regarding the border dispute between Colombia and Venezuela. That award had stated clearly that from the legal point of view, there had been no ownerless territory in former Spanish America. The principle had not only been accepted and applied by the Latin American States but also by the United States of America, which had invoked it on several occasions, for example, upon signing the Treaty of Ghent in 1814 to demarcate its frontiers with the British dominions, and to establish its titles of territorial dominion in Louisiana and the two Floridas. That same idea had served as a basis for the resolution on non-transference adopted by the United States Congress on 15 January 1811. That resolution had constituted one of the principles enunciated in the message which President Monroe had sent to Congress in 1823, and which had subsequently been misnamed the "Monroe Doctrine". More recently, the same principle had been accepted and invoked by the new States of Africa and Asia. Undoubtedly, therefore, from 1810 onwards there has been no such thing in Latin America as *res nullius*.

89. However, it would not suffice merely to proclaim the principle of *uti possidetis*. It had logically to be followed by a condemnation of any attempt at conquest and by the drawing up of legal instruments designed to ensure the territorial integrity of the American States. From its birth, America had been the continent of law and its first international acts had condemned aggressive war and rejected all advantages obtained through the use of force. The First International Conference of American States held in Washington in 1890 had condemned the right of conquest. From that time onward, Inter-American Conferences had proclaimed the illegality of aggressive war. An example of that had been the statement made at the Sixth International Conference of American States held at Havana in 1928 that aggressive war constituted a crime of aggression against the human race and that any aggression was illegal and therefore prohibited. Subsequently, the principle had been set forth categorically in a series of instruments in which it had been established as a norm of Inter-American public law such as the declaration of 1932 on the Chaco dispute and the declaration of the Council of the League of Nations on the Leticia dispute in 1933. Such instruments included the Saavedra-Lamas Treaty signed at Rio de Janeiro on 10 October 1933, the Pan-American Convention of Montevideo of the same year and the Preamble of the Havana Convention of 30 July 1940 regarding the temporary administration of European possessions in America.

90. Finally, the Charter of the Organization of American States, signed at Bogotá in 1948 at the Ninth Inter-American Conference had consecrated the inviolability of the territory of the American States, categorically condemned aggressive war, and stated that victory in war did not confer any rights.

91. American institutional life was based on the desire to replace the law of force by the force of the law. Efforts aimed at establishing that doctrine outside of America were well known to the members of the Sub-Committee. In the days of the League of Nations, attempts had been made to establish the principle of legality in relations between States so that no recognition would be granted to *de facto* situations brought about by means contrary to international law, especially in violation of existing treaties. Mr. Henry Stimson, the United States Secretary of State, had set forth that view in a note which he had sent on 7 January 1932 to two Asian Powers affirming that the United States had no intention of recognizing a situation, treaty or agreement obtained by methods contrary to the terms and obligations of the Pact of Paris of 27 August 1928, the Briand-Kellogg Pact. In March 1932, the Assembly of the League of Nations had adopted a resolution in which it had proclaimed that it was incumbent upon the Members of the League of Nations not to recognize any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris. During World War II, that principle had been applied systematically in Asia, Africa and Europe by the Allies, who

had refused to recognize any situation resulting from aggression or the use of force.

92. The principle of the defence of territorial integrity was so deeply rooted in American legal thought that the representatives of Latin American States at the San Francisco Conference had stressed the need for the Charter of the future Organization to guarantee expressly the territorial integrity of States and to condemn categorically aggression and territorial annexations resulting from such aggression.

93. That feeling had been shared by almost all the Latin American representatives, and not by them alone—the representative of Australia, Mr. Forde, speaking at the second plenary meeting, had also advocated inclusion in the Charter of a provision to secure the political independence and territorial integrity of individual nations. The delegation of Uruguay had also given concrete expression to that feeling by introducing, during the debate in Committee I of Commission I on the principles on which the Organization should be based, an amendment to the Dumbarton Oaks draft that included the maintenance of the political independence and territorial integrity of Members. That amendment had been approved, and, in a changed form, had served as a basis for Article 2, paragraph 4, of the Charter of the United Nations. No other position would have been possible for the American countries, for to pass over that question in silence would have been tantamount to tacit acceptance of the continuation of the rule of force.

94. He went on to examine the way in which the colonial problem was envisaged in America. Resolution XXXIII of the Ninth International Conference of American States, held at Bogotá in March 1948, had clearly established that the historic process of the emancipation of America would not be complete so long as there were on the American continent peoples and areas subject to the colonial system or territories occupied by non-American countries. That resolution merely ratified those previously adopted at the Meetings of Consultation of Ministers of Foreign Affairs of the American Republics held at Panama, Havana and Rio de Janeiro in 1939, 1940 and 1942, condemning the colonial system in America and setting forth the right of the peoples of the continent to decide their own destinies, before the United Nations Charter did so and twenty years before the General Assembly adopted the historic Declaration on the granting of independence to colonial countries and peoples. Later, the Tenth Inter-American Conference had in 1954 adopted resolution XCVI against colonialism. After reading out the text of that resolution, he pointed out that it had been adopted by a vote of nineteen of the twenty participating States, with only the United States abstaining. The representative of that country had taken the position that colonial questions were better discussed in the United Nations, whose membership included both the American States and the colonial Powers.

95. It might be observed that both the resolution approved at the Ninth, and that adopted at the Tenth Inter-American Conference had drawn a clear distinction between "colonies" and "occupied territories". There was a very good reason for that, as could be seen from his statement.

96. During the General Assembly's discussion of the draft Declaration on the granting of independence to colonial countries and peoples, all the countries of America, in accordance with their clearly established anti-colonial tradition, had given firm support to the draft resolution submitted by forty-three States. But there again they had insisted that the distinction set forth in American instruments should be drawn. The principle of self-determination must not be perverted for the purpose of maintaining *de facto* situations. That would have meant seeking to maintain the law of force and conferring an appearance of lawfulness on acts carried out by violence and contrary to the law.

97. With that in mind, the delegation of Guatemala had submitted an amendment to the original draft Declaration, proposing the addition of a new paragraph expressly stating that the principle of the self-determination of peoples might in no case impair the right of territorial integrity of any State or its right to the recovery of territory. In the course of the

original draft of the Declaration, however, it had been made clear that the sponsors had intended paragraph 6 of the Declaration to cover the points raised in the Guatemalan amendment; the amendment had then been withdrawn. The content and scope of the existing paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples had thus been clearly and unmistakably established. It fully protected the inalienable interests of small States or weaker countries which had in the course of their history been deprived of their lawful rights and of part of their territories with no justification other than the law of force.

98. The Malvinas Islands, had, as was clear from the Argentine representative's statement, belonged to Spain until the emancipation of the Spanish American colonies. In accordance with the principle of *uti possidetis* they should have become an integral part of the territory of the Argentine Republic as the heir to the rights of Spain. The unlawful occupation of those Islands by the United Kingdom had disrupted that orderly process and had created the existing situation. The Argentine Republic had never recognized the *de facto* situation and had continually protested against it while entering the strongest reservations in support of its lawful rights over the territory under discussion. The case of the Malvinas Islands was a colonial case. It was therefore within the competence of the Special Committee, and hence within the competence of Sub-Committee III. In the words of General Assembly resolution 1810 (XVII), paragraph 8 (a), it was a matter of continuing to seek "the most suitable ways and means for the speedy and total application of the Declaration" to the Malvinas Islands.

99. In the opinion of his delegation, every case required the most appropriate and effective handling and the special case of the Malvinas Islands called for a special approach. The representative of Italy had said at the 27th meeting, that the debate concerned a colonial territory rather than a colonial people, and that made it different from other similar cases which had been cited during the debate. But that was precisely why the American States attributed such supreme importance to the distinction between colonies and occupied territories. Paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples established that "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the Purposes and Principles of the Charter of the United Nations". As he himself had already said in the Special Committee on 17 September 1963, failure to apply paragraph 6 would be tantamount to accepting the rule of force in international relations. It was a principle established in American law that victory conferred no rights but that justice was the same before and after victory. Sub-Committee III would be required to produce a report on the territorial colonies in America, and, at the present stage of the debate on the Malvinas Islands, he would suggest that the report and recommendations of Sub-Committee III to the Special Committee should be based upon the following principles:

(1) The Malvinas Islands were a colony and therefore the Special Committee was competent to deal with the case. They were by definition one of the Territories to which resolution 1514 (XV) applied.

(2) The Islands presented a special case. They were a severed and occupied part of the territory of another State, with a small population consisting almost entirely of nationals of the administering Power. The population was for the most part transient and changed continually. It was a case covered by paragraph 6 of the Declaration in resolution 1514 (XV), and it should be studied in the light of that paragraph.

(3) In view of the diplomatic and political aspects of the question, in addition to the colonial problem, since there was a dispute between the administering Power and the State from whose territory the Islands had been severed, the Committee should recommend methods and procedures in keeping with General Assembly resolution 1810 (XVII) which would make it possible to find a satisfactory and just solution to the problem. Such methods, of course, were specified in the Charter of the United Nations. At the current stage of the problem the Special Committee might request the two parties concerned

to enter into direct negotiations with the purpose of seeking a solution in the interests of both parties, within the framework of General Assembly resolution 1514 (XV) and the United Nations Charter.

100. He had no doubt that the United Kingdom, true to its traditional political vision, would take note of such recommendations and willingly co-operate in seeking a just and equitable solution to put an end to an anachronistic situation out of keeping with the international order of modern times.

101. The representative of Argentina thanked the Sub-Committee for having given his country its first opportunity to expound at length its legitimate claim to the Malvinas Islands and to exchange arguments with the United Kingdom on the problem.

102. The case of the Malvinas Islands being a typical example of practices engaged in by the great Powers in a bygone age, his delegation had particularly welcomed the recognition by a number of speakers that the Islands were Argentine territory under British occupation and that they should be returned to their rightful owner, as demanded by Argentina for more than a century. In their statements, members of the Sub-Committee had rightly considered, not only the historical and juridical factors, but also the geographical truth that the islands were part and parcel of the American continent. He fully shared the interpretation which several delegations, and in particular that of Uruguay, had placed on the principle of self-determination, as set forth in General Assembly resolution 1514 (XV), and which regarded that principle as being subject to others recognized elsewhere in that resolution and in the Charter, such as the principle of territorial integrity.

103. Argentina was a peace-loving country, which traditionally settled its disputes by peaceful means. It was prepared to negotiate with the United Kingdom a solution to the problem under discussion, on the understanding that it resolutely demanded the restoration of its territorial integrity through the return of the Malvinas, and the South Georgia and South Sandwich Islands, which had been taken by force by the United Kingdom, and that it would not agree to a perversion of the principle of self-determination in order to perpetuate a colonial anachronism to the detriment of its legitimate sovereign rights. The future of the local population would be fully safeguarded by Argentine law, under which all communities in Argentina had been integrated into the life of the nation and had found ample opportunities for advancement.

104. The representative of the United Kingdom in reply, said that while his delegation, for reasons explained very fully in his opening statement, could not recognize the competence of the Sub-Committee to consider the question of sovereignty over the Falkland Islands, to which the greater part of the Argentine representative's statement at the 25th meeting had been devoted, he wished to correct a number of misconceptions about conditions in the Islands expressed on that occasion.

105. The Argentine representative had suggested that the status of the Falkland Islands as a British colony was an anachronism; the Sub-Committee might consider whether it was the United Kingdom Government's clearly stated policy of allowing the Falkland Islanders to choose their constitutional future or the Argentine Government's desire to annex a small Territory against the wishes of its inhabitants that was more in keeping with modern thought. The population of the Islands had increased from 2,043 in 1901 to 2,171 in 1962, and the stability of the population figures should not be equated with stagnation, as suggested by the Argentine representative, for the Falkland Islanders were full of energy and had a thriving economy. The small population decline in recent years had been due mainly to the attraction of more varied employment opportunities elsewhere, and the resulting emigration had partially offset the natural population increase. It was most misleading to draw a picture of the Islanders as the only shrinking American community; the birth-rate in Argentina itself had been declining ever since 1956. He was not aware of any evidence that the Islands would enjoy greater prosperity as part of Argentina; a comparison of such social indicators as the infant mortality rate and the average size of dwellings, as shown in United Nations statistical publications, suggested that the standard of living and of social well-being in the

Falkland Islands was already substantially higher than in Argentina.

106. The people of the Islands were not temporary settlers; 80 per cent of the resident population in 1962 had been born in the Islands, and many of them could trace their roots there for more than a century. The Islands were the only home they knew, and his delegation found nothing in the Charter or in the Declaration on the granting of independence to colonial countries and peoples to suggest that the principle of self-determination should not be applied to communities of British descent.

107. It was true that the Falkland Islands Company played a most important role in the Islands and, indeed, had done much originally to develop them; but the Islands derived great benefit from taxes, wages and other payments by the Company, and it was quite unrealistic to expect so small a community to support a complex competitive economy. The scale and efficiency of the Company enabled it to contribute more to the territory's economy than many small farms could do. The reason for the lack of direct communications with Argentina was that ships wishing to enter Argentina ports could not do so if their last port of call had been in the Falkland Islands, where there were no Argentine authorities to clear papers. Falkland Islanders could not visit Argentina, because if they did so they were treated as Argentine nationals liable to Argentine taxes and military service. Thus the barriers to closer relations between the Falkland Islands and Argentina were due to Argentine Government policy.

108. The Argentine representative had referred to the Convention on the Continental Shelf of 1958. It appeared from his remarks that the Argentine Government recognized the Convention as definitive in International Law, but it had not yet been ratified by the Argentine Government which failed to follow its principles in almost every respect in drafting a law relating to the continental shelf. Far from justifying any claim to sovereignty over islands on the continental shelf by coastal States, the Convention made special mention of the fact that islands had their own continental shelf and indicated that coastal States had sovereign rights over the shelf only for the limited purpose of exploring it or exploiting its natural resources. The United Kingdom Government fully reserved its rights over the continental shelf adjacent to the Falkland Islands, and it would, of course, be willing to determine appropriate boundaries on the shelf between Argentina and the Islands, in accordance with the provisions of the Convention.

109. His delegation could not agree with the interpretation placed upon paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples by the representative of Uruguay, in his statement at the 26th meeting. That paragraph was clearly an injunction to all countries to take no action in the future which would result in splitting existing territories or States or would infringe their sovereignty in a manner inconsistent with the Charter, especially Article 2. There was no justification for regarding the paragraph as a limitation on the principle of self-determination set out in paragraph 2 of the Declaration, which in that case would surely have been worded quite differently. If the principle of self-determination had been so limited by the wording of the paragraph, it might well not have been approved by a majority of the Members of the General Assembly in 1960 or at any other time.

110. He did not wish to discuss in detail events of the distant past, but his Government firmly believed that British activities in earlier days had been sufficient to give it a good title to the Falkland Islands by occupation; moreover, the establishment of British sovereignty by open, continuous, effective and peaceful occupation for nearly a century and a half, gave Britain a clear prescriptive title. Argentina had not continually protested since 1833, as stated by its representative, but had remained silent for periods of up to thirty-five years. The Islanders had no connexions with Argentina and desired none but the normal friendly relations between neighbouring countries. This had been made very clear in the messages of the elected members and other Falkland Islanders to the Committee and their wishes could not be set aside. His delegation appreciated the spirit underlying the suggestion by several

speakers that the Sub-Committee should appeal to the United Kingdom and Argentina to hold discussions on the problem and to find a peaceful solution, but his Government was responsible for the security and interests of the Falkland Islands community and for the protection of its rights, and it could not disregard its obligations to the people of the Territory simply in order to respond to well-intentioned appeals to negotiate. That did not mean that there was no room for fruitful discussions between the two Governments, perhaps with the participation of representatives of the Falkland Islanders themselves. He had said in his earlier statement that the United Kingdom Government was always willing to discuss with Argentina ways of avoiding damage to their good relations arising from the dispute, and the British Government had so informed the Argentine Government. It was for the Islanders to determine their own ultimate status, and he reaffirmed that the United Kingdom Government, which had no doubts as to its sovereignty, stood by the principle of self-determination.

111. In his reply the representative of Argentina stated that, as far as the use of the word "annex" in reference to assumed Argentine intentions towards the Islands, he protested its use because the Argentine Republic, within the framework of a political continuity that had never been deviated from, had never annexed a foreign territory. Argentina's territorial conflicts had always been solved by arbitration or through negotiations between the parties concerned; what Argentina requested from the United Kingdom was the restitution of an integral part of its territory, the Malvinas Islands, of which it had been deprived by an act of force, and by which the United Kingdom had also expelled the Argentine population established in the Islands.

112. He reiterated the qualification of stagnant to the population of the Malvinas Islands. The statement that the figures of arrivals and departures from the Islands did not represent emigration and immigration figures was indeed difficult to accept. All figures quoted in his earlier statement had been taken from the Secretariat working paper (see section A above). Nevertheless, it was interesting to refer to the paragraph in which it was stated that there was a shortage of skilled workers due to the continuous "exodus" of inhabitants. The figures showed that there were more departures than arrivals every year. The word "exodus" in any language retained its meaning, from its Greek and Latin roots: departure, emigration, never a holiday or a business trip.

113. He noted that the United Kingdom delegate had maintained that British activities in those early days had been sufficient to give them a good title by occupation. In the eighteenth century, the British had been limited to the possession of Port Egmont—which lasted only eight years—with a protest from and with even an armed expulsion by Spain; at the same time Spain had been established in Puerto Soledad with no protest forthcoming from Great Britain. In the nineteenth century, the British had not protested the Spanish occupation, nor the subsequent one established by Argentina. It was only in 1829 that the British had protested. The truth of the matter was that on 3 January 1833, Argentina was occupying the Territory effectively when a British warship had performed the act of force that ended in the expulsion of the Argentine population. The Argentine delegation did not understand what title the delegate of the United Kingdom claimed for his Government before 1833.

114. He made reference to the prescriptive title mentioned by the delegate of Great Britain, and held that even according to British authors the British prescription could not be of use as a title over the Islands because it had been interrupted by the Argentine Republic with its protests made in every possible occasion.

115. He further stated that if one were to use the British contention that periods had elapsed without any formal protest, the only beneficiary of this theory would be the Argentine Republic, simply because the British had left Port Egmont in 1774 and had been silent for fifty-five years, accepting in that fashion the legitimate titles of Argentina over the archipelago.

116. He concluded by stating that he wished to reiterate once again, in spite of the statement of the representative of

the United Kingdom, the willingness of the Argentine Republic to find, together with the British Government—and bearing in mind the purposes and principles of resolution 1514 (XV)—through direct negotiation, the solution of the core of the problem of the Malvinas Islands, thus consolidating the friendly relations that should exist between their two countries.

117. The representative of the United Kingdom reaffirmed that it did not consider the Sub-Committee and the Special Committee competent to discuss questions of sovereignty. He further added that his delegation wished to make two comments on the draft conclusions and recommendations submitted to the Sub-Committee.

118. First, the United Kingdom delegation was surprised and sorry that the draft made no reference to the principle of self-determination, or even to the wishes and aspirations of the people of the Falkland Islands. In accordance with all the precedents of the Sub-Committee and of the other organs of the Special Committee, the recommendations should indicate clearly that the future of the Territory must be determined in accordance with the wishes of its inhabitants. If that glaring omission were allowed to stand, it would be a break with the Committee's tradition and a precedent would be created which the Committee might have reason to regret.

119. Secondly, regarding the proposal that the Special Committee should invite the Governments of the United Kingdom and Argentina to enter into negotiations together, he referred to the reservation expressed in his delegation's statements of 8 and 16 September 1964—that the United Kingdom Government could not contemplate discussions with the Government of Argentina on the question of sovereignty over the Falkland Islands. The reasons for this reservation had been fully set out in the United Kingdom delegation's statement of 16 September 1964. The essential point was that self-determination for the people of the Falkland Islands was not negotiable.

120. The United Kingdom Government was as anxious as anyone to maintain and develop peaceful and harmonious relations with the Falkland Islands on the one hand and with Argentina on the other. As he had repeatedly said, the United Kingdom Government was always willing to hold talks with the Government of Argentina to that end.

Conclusions and recommendations concerning the Falkland Islands

121. At the 30th meeting, on 18 September 1964, the Sub-Committee unanimously adopted the following conclusions and recommendations:

(a) The Sub-Committee examined the situation in the Non-Self-Governing Territory of the Falkland Islands (otherwise known as the Malvinas Islands) and heard the statements of the representative of the administering Power and the representative of Argentina;

(b) The Sub-Committee confirms that the provisions of the Declaration on the granting of independence to colonial countries and peoples apply to the Territory of the Falkland Islands (otherwise known as the Malvinas Islands);

(c) The Sub-Committee notes the existence of a dispute between the Government of the United Kingdom and that of Argentina concerning sovereignty over the Falkland Islands (otherwise known as the Malvinas Islands);

(d) The Sub-Committee recommends that the Special Committee should invite the Governments of the United Kingdom and Argentina to enter into negotiations with a view to finding a peaceful solution to this problem, bearing in mind the provisions and objectives of the United Nations Charter and of resolution 1514 (XV), the interests of the population of the islands, and the opinions expressed during the course of the general debate;

(e) The Sub-Committee recommends that the Special Committee should invite the two above-mentioned Governments to inform the Special Committee or the General Assembly of the results of their negotiations.

CHAPTER XXIV

BERMUDA, BAHAMAS, TURK AND CAICOS ISLANDS AND CAYMAN ISLANDS

A. INFORMATION ON THE TERRITORIES

1. *Bermuda**Introduction*

1. The Bermudas or Somers Islands are a group of small islands in the Western Atlantic Ocean, about 570 miles (917 kilometres) east of the North Carolina coast of the United States and about 733 miles (1,180 kilometres) north east of the Turks and Caicos Islands. They consist of about 300 islands and islets. The ten principal islands are connected by bridges or causeways and are about 22 miles (35.4 kilometres) long with an average width of between one-half and one mile. They have a total land area of about 20.59 square miles (53.33 square kilometres) of which 1.25 square miles (3.23 square kilometres) is land reclaimed from the sea by the United States authorities. An area of 2.3 square miles (5.95 square kilometres) is leased to the United States Government for naval and military bases. The islands are generally hilly with a maximum elevation of 259.4 feet (87 metres) above sea-level. At 31 December 1961, the estimated population of Bermuda was 45,491, of whom 28,925 were of African or mixed descent and 16,566 were Europeans. The capital, Hamilton, had an estimated population of 2,814 in December 1960.

Status

2. Bermuda is a colony. British contact with the islands dates from 1609 when a party of colonists bound for Virginia was shipwrecked there. In 1612 the islands came under the administration of a chartered company and this form of government continued until 1684 when the Crown assumed direct control. A local legislature in the form of an Assembly was introduced in 1619 and, in 1888, an upper chamber (Legislative Council) was added.

Constitution

3. The main features of the present Constitution are set out below.

4. *Governor.* The Executive Government is in the hands of the Governor who is advised in the exercise of his functions by an Executive Council. He is not bound to accept the Council's advice.

5. *Executive Council.* The Executive Council, under the chairmanship of the Governor, consists of three official and six unofficial members nominated by the Governor. At present the three officials are the Colonial Secretary, the Attorney-General and the Colonial Treasurer, the latter being a Bermudan. The six unofficial members are members of the House of Assembly.

6. *Legislature.* The Legislature is bicameral and consists of a Legislative Council and a House of Assembly.

7. The Legislative Council (Upper House) has eleven members appointed by the Governor, three of whom are official members, while the remaining eight are prominent citizens of Bermuda, the majority of whom have previously served in the House of Assembly. The Legislative Council reviews legislation passed by the House of Assembly and may itself introduce

any bill other than a money bill. At the present time all except two of the Council members are local inhabitants.

8. The House of Assembly (Lower House) consists of thirty-six elected members, all of whom are local inhabitants. The presiding officer is the Speaker.

Electoral system

9. The thirty-six members of the House of Assembly are elected from nine constituencies, each of which returns four members. Until 1963, the franchise was limited to persons owning freehold property worth £60 or more. The House of Assembly is elected for a maximum of five years.

10. The last elections were held in 1958. Under the then existing electoral qualifications, the number of registered voters was 5,675. The Parliamentary Election Act, 1963, abolished the property qualification for voting. All Bermudans and all British subjects of 25 years of age and above who have resided for three years or more in the Colony are now eligible to vote. Further, a person who is qualified to vote may have an additional vote if he owns land of an area of 2,000 square feet or more. By the same Act, the Colony was divided into eighteen electoral districts, each of which will return two members. It is estimated that the widening of the franchise will result in about 21,000 persons having the right to vote, of whom about 5,700 will have an additional vote on account of their property qualification.

Judiciary

11. The judiciary consists of the Supreme Court, over which the Chief Justice or the Assistant Justice presides, and two Courts of Summary Jurisdiction, each presided over by a magistrate. The Supreme Court has jurisdiction in all serious criminal matters and has unlimited civil jurisdiction. Appeal to the Privy Council exists of right where the matter in dispute exceeds £500, and otherwise at the discretion of the Court if the question is considered to be of general or public importance. The Courts of Summary Jurisdiction have jurisdiction over less serious criminal offences and have a limited civil jurisdiction. One of these courts is held in Hamilton while the other is held at the eastern and western ends of Bermuda as necessary.

Public Service

12. All junior posts, and many of the senior posts in the Administration, including the posts of Colonial Treasurer, Colonial Auditor and Collector of Customs, are filled by local inhabitants.

Local government

13. The city of Hamilton and the town of St. George are each governed by a corporation, consisting of elected mayors, aldermen and councils. The main sources of revenue are charges for water and dock facilities and municipal taxes. Elsewhere in Bermuda, the main unit of local government is the parish, of which there are nine in all. The parish vestries raise revenue by means of levies on land and personal property and are responsible for such functions as street lighting, road cleaning and certain welfare services.

Political parties

14. There are two recently-formed political parties in the Territory.

Economic conditions

15. The economy of Bermuda depends primarily on the tourist industry, and most of the local inhabitants participate directly or indirectly in some aspect of it. There are some light industries such as the manufacture of cosmetics, concentrated essences, and drugs and medicines. The increase in population and the corresponding increase in housing to accommodate it has encroached on the area available for agriculture and livestock which, in 1962, amounted to only 1,062 acres. Agriculture is confined to the growing of bananas, citrus fruits, potatoes and vegetables for domestic consumption. Milk, eggs and meat are also produced for local consumption. Bermuda has neither forests nor mines. There is a small fishing industry.

16. In 1962, imports into the Territory were valued at £20,305,055. Domestic exports were valued at only £588,683, although re-exports amounted to £8,796,686. The principal items of export were concentrated essences, pharmaceutical products and cosmetics. Imports were made up mainly of food, clothing, fuels, electrical supplies and automobiles. The adverse trade balance is offset by a substantial revenue from invisible items, including the tourist business and the supply of goods and services to the United States bases. In 1962, the estimated amount spent by tourists was £11,505,000. In 1962, 47 per cent of the total imports came from the United States, 21 per cent from the United Kingdom and 7 per cent from Canada.

17. Revenue and expenditure for the years 1960, 1961 and 1962 were as follows:

	1960	1961	1962
	(value in thousand pounds)		
Revenue	4,697	5,148	5,602
Expenditure	4,828	5,115	5,691

Social conditions

18. The number of those employed at the census in 1960 was 19,498 (12,737 men and 6,761 women) which represented 45.73 per cent of the population. The number of those declaring themselves unemployed was 463. As of December 1962, there were eight trade unions with a total membership of about 1,000. In 1962, the Government agreed to apply in full the International Labour Convention concerning freedom of association and the right to bargain collectively.

19. At the end of 1962, a report recommending the introduction of a contributory old-age pension scheme was adopted by both houses of the Legislature with a view to its introduction at the beginning of 1964.

20. *Public health.* There are four hospitals: King Edward VII Memorial Hospital, the Mental Hospital and Leprosarium, Prospect Hospital and Lefroy House. The Department of Medical and Health Services supports baby clinics and women's clinics, the former with financial assistance from the Bermuda Welfare Society and the vestries of the nine parishes. In 1962, the death-rate was 7.2 per thousand. The infant mortality rate for the same year was 26.16 per thousand live births.

21. Expenditure on public health amounted to £383,511, or approximately 6.7 per cent of the total expenditure in 1962.

Educational conditions

22. Education is free and compulsory for all children over 7 and under 13 years of age. In 1962, 8,967 children attended primary school. Of these 6,406 attended government schools, another 1,084 attended government-aided schools and 1,477 attended private schools. At the secondary level, 1,812 children attended government-aided secondary schools, 325 attended government-aided technical and vocational schools and 30 attended private technical and vocational schools.

23. There is no university in Bermuda. One Rhodes Scholarship is allotted to the colony each year. In addition, a maximum of six scholarships tenable for three years at universities abroad may be awarded annually. There are no teacher-training colleges but scholarships are offered each year by the Board of Education to enable prospective teachers to take training courses abroad. In 1962, fifteen such scholarships were awarded, eight tenable in the United Kingdom and seven in Canada.

24. The total expenditure on education in 1962 was £647,197, or approximately 12.9 per cent of the total budget.

*2. Bahamas**Introduction*

25. The Bahamas are an archipelago comprising fourteen large islands and some 3,000 small cays and rocks, extending from the Florida coast of the United States for over 500 miles (800 kilometres) to the south-east. The Grand Bahama, to the north of the group, lies 60 miles (96 kilometres) off the Florida coast. The total land area is 4,404 square miles (11,406 square kilometres). Andros is the largest island, but New Providence is the most important, with Nassau the capital city. The islands are of coralline limestone and are quite flat, the highest point being Cat Island, 400 feet above sea-level. The population of the Bahamas was estimated at nearly 110,000 at the end of 1961. At the last census, which was taken in 1953, 72.6 per cent of the population was of African descent, 12.7 per cent of European descent and 14.1 per cent of mixed origin. The population of Nassau is now estimated at 54,600.

Status

26. British influence in the Bahama Islands dates back to 1629, although the islands were subsequently attacked and occupied by Spaniards several times. In 1718, the British Crown assumed direct control of the settlement and appointed a Governor. In 1782, Spanish forces occupied Nassau, but the Treaty of Versailles in 1783 confirmed British possession. The Bahamas are a Colony. From 1729 until very recently (January 1964) the Constitution of the Territory was similar to that of a North American colony prior to the War of Independence. The Governor represented the Sovereign, and there was a nominated Legislative Council and an elected House of Assembly. Executive government was in the hands of the Governor, who was advised by a nominated Executive Council of nine members. He had the power of veto, and the power to disallow legislation. Various executive powers and the right to enact certain subsidiary legislation were vested by law in the Governor in Council. The Legislative Council which was created in 1841, consisted of eleven members nominated by the Crown. The House of Assembly, which was first established by the settlers in the seven-

teenth century, consisted of thirty-three members elected from fifteen districts for five years.

Constitution

27. The present Constitution of the Bahamas is set out in the Bahama Islands (Constitution) Order in Council, 1963, which came into force on 7 January 1964. The new Constitution resulted from the Bahamas Constitutional Conference held in London from 1 to 20 May 1963 under the Chairmanship of the Under-Secretary of State for the Colonies. Among those participating in the Conference were representatives of three political parties, the United Bahamian Party, the Progressive Liberal Party and the Labour Party. The report of the Conference containing the constitutional proposals was accepted by all the political parties, although the Progressive Liberal Party and the Labour Party expressed disagreement with regard to the provisions concerning the appointment of certain Senators and the redistribution of constituencies, and the absence of express provision for the creation of single-member constituencies. The main provisions of the new Constitution are set out below.

28. *Governor.* The Governor is appointed by the Queen and exercises executive authority on behalf of the Queen. Generally, the Governor is required "to obtain and act in accordance with the advice of the Cabinet or of a Minister Acting under the general authority of the Cabinet". However, the Constitution has reserved certain powers, i.e., external affairs, defence, internal security and control of the police, to be exercised by the Governor in his discretion, provided that he "keep the Cabinet informed of any matters relating to external affairs or defence which may involve the economic or financial interests of the Bahama Islands or the enactment of laws by the Legislature of the Bahama Islands". The Governor's assent is required to all bills, except in the relatively few cases where assent has to be given by the Queen. The Governor may prorogue both chambers of the Legislature and may dissolve the House of Assembly at any time.

29. *Cabinet.* The Premier and not less than eight other ministers constitute the Cabinet and are appointed by the Governor, the former being the member of the House of Assembly who, in the Governor's judgement, is best able to command the confidence of a majority of its members. At least one and not more than three of the ministers are from the Senate, the remaining being members of the House of Assembly, including the Minister for Finance. The ministers are appointed on the Premier's advice. The present Cabinet is headed by the leader of the United Bahamian Party, Sir Roland Symonette.

30. The Cabinet has general direction and control of the government of the Territory, and is collectively responsible to the Legislature. However, the Cabinet has no responsibility with regard to courts and criminal proceedings, the audit of the Territory's accounts or the Public Service. The institution of criminal proceedings is the responsibility of the Attorney-General who is a member of the Public Service and is directly appointed by the Governor.

31. *Legislature.* The Legislature is bicameral and consists of a Senate (formerly the Legislative Council) and a House of Assembly. Under the Constitution, the Legislature may make "laws for the peace, order and good government of the Bahama Islands", subject to the assent of the Governor. Power to enact legislation

involving taxation or expenditure of public money is restricted and usually such legislation can be made only on the recommendation or with the consent of the Governor.

32. The Senate is to be composed of fifteen members appointed by the Governor. Of the fifteen Senators, eight are to be appointed "after consultation" with the Premier, five "in accordance with the advice" of the Premier and two in accordance with the advice of the Leader of the Opposition. The Senate elects both its President and Vice-President from its own members. It has limited powers of delaying legislation passed by the House of Assembly. Those members of the former Legislative Council who had originally been appointed to hold office during Her Majesty's pleasure will have a term of ten years; the others will complete the terms for which they had been appointed.

33. The new House of Assembly is to consist of thirty-eight members elected by universal suffrage (an increase of five members over the previous House of Assembly); the Speaker and Deputy Speaker are elected from among its own members. The existing House of Assembly, which was elected in 1962, will continue until 1967, unless dissolved earlier.

Fundamental rights and freedoms

34. The new Constitution contains provisions for "the protection of fundamental rights and freedoms of the individual".

Electoral system

35. Subject to the provisions of paragraph 33 above, the new Constitution provides for not less than sixteen nor more than twenty House of Assembly seats for New Providence, and not less than eighteen nor more than twenty two for the Out Islands. A Constituencies Commission is charged with reviewing, at least once every five years, the boundaries and number of constituencies and the number of seats within each constituency.

36. The General Assembly Elections Act of 1959 had provided for adult male suffrage and a limited second vote in respect of ownership and/or rental of real property in a constituency other than that in which the elector resided. In 1962, the franchise as well as the right to be elected was extended to women. The second vote, based on a property qualification, has been abolished under the new Constitution.

37. The results of the most recent general election for the House of Assembly, which was held on 26 November 1962 were as follows:

	<i>Seats</i>
United Bahamian Party	19
Progressive Liberal Party	8
Independents	5
Labour Party	1

Judiciary

38. The new Constitution provides for a Court of Appeal to be created within a year of the coming into force of the Constitution. It will be composed of a President and two other judges. The Constitution also provides for a Judicial Service Commission to advise the Governor on appointments, removals and disciplinary control of magistrates and other officers connected with the courts. The Supreme Court of the Territory sits in Nassau and consists of a Chief Justice and one Puisne Judge. There are two stipendiary and circuit

magistrates in Nassau; magisterial powers are exercised by district commissioners in the Out Islands, or by justices of the peace empowered to try cases singly.

Public Service

39. Power to appoint, remove or exercise disciplinary control over public servants is vested in the Governor, acting in accordance with the recommendation of the Public Service Commission. The Public Service Commission consists of five members, of whom three are appointed by the Governor after consultation with the Premier. The remaining two are part-time members selected by the Chairman of the Commission from a panel of four persons appointed by the Governor after consultation with the Premier. At the end of 1962, there were 41 pensionable and 101 non-pensionable overseas officers in the Public Service. The total number of local civil servants in all departments was 2,418.

Local government

40. There are no local or municipal authorities in the Bahamas.

Political parties

41. The United Bahamian Party, which has a majority in the House of Assembly, is led by Sir Roland Symonette. The Party is generally described as representing the islands' commercial and industrial interests. The Progressive Liberal Party and the Labour Party constitute the Opposition.

Economic conditions

42. The economic prosperity of the Territory depends almost entirely on the development and expansion of the tourist trade. Intensive promotion of tourism—especially in the United States and Canada—resulted in almost doubling the number of tourist visitors in the three years 1960-1962. This increase in the number of tourists implies a corresponding increase in the demand for services, which generally contributes as an employment factor. Wages in the Territory are comparatively high, but prices of commodities, including food and rent, generally tend to be high also.

43. The total arable land under cultivation in 1962 was estimated at 34,500 acres. The area of improved pasture land was approximately 2,800 acres and the area of forest land about 800,000 acres. Agricultural production is mainly in the hands of individual farmers, but there are several holdings on a plantation scale. The principal crops are pigeon peas, beans, onions, okra, tomatoes, cucumbers and other vegetables, pineapples, citrus fruits, bananas and sisal. Livestock includes poultry, sheep, goats, pigs, horses and cattle.

44. There are a few minor industries, including canneries, fish processing, boat building and the production of mineral waters. Surveys have been conducted by companies holding oil exploration concessions. The Bahamas Legislature has approved plans for the development of a free port in the Grand Bahama, along with various industrial and commercial projects. The scheme is to be undertaken by private firms in the United States, United Kingdom and Canada.

45. The main exports of the Bahamas are pulp-wood, crawfish, salt, tomatoes and cucumbers. All pulp-wood is exported to the United States; the value of exported pulp-wood in 1962 was approximately £1.25 million. The Territory also exports some lumber and hardwood,

okra, sponges, shells, marine curios and straw-work. In 1961, 93.2 per cent of exports went to the United States, 4.8 per cent to the United Kingdom and 1.5 per cent to other Commonwealth countries. The value of exports increased from £2,955,169 in 1961 to £3,222,613 in 1962. Imports dropped from £30,409,491 to £24,524,492. The adverse balance of visible trade is offset mainly by the tourist industry and capital investment from overseas, chiefly from the United Kingdom and the United States.

46. The total revenue of the Territory increased from £8.56 million in 1961 to £8.69 million in 1962. Expenditure was just over £9 million. Apart from a real property tax and a probate duty of 4 per cent, there is no direct taxation. The main source of revenue is custom duties.

Social conditions

47. *Labour.* Almost half the population constituted the labour force in 1962, women comprising more than half of the workers. The total labour force was estimated at 54,100. The chief source of employment is the tourist industry. During 1962, some 1,755 labourers from the Bahamas were working in agriculture in the United States. In 1961, there were fifteen trade unions and three employers' associations in the Territory. Total trade union membership was approximately 5,000. Collective bargaining agreements for wages and conditions of service are negotiated under the provisions of the Trade Unions and Industrial Conciliation Act of 1958.

48. The Labour Board and the Labour Department were set up in 1958. The Department, which is headed by the Chief Industrial Officer, assists the Board in dealing with labour disputes, industrial relations, employment exchange, etc. The total number of unemployed workers registered with the Labour Office in 1962 was 3,100, of whom 267 were placed by the Office.

49. *Public health.* Medical and health services in the Bahamas are the responsibility of the Board of Health, with the Chief Medical Officer as Adviser. There are three main government hospitals: Princess Margaret General Hospital (450 beds), Prospect Hospital, and the Sandilands Mental Hospital (200 beds). There are also clinics on every major island, cottage hospitals at Eleuthera and Inagua and a small leprosarium on New Providence. Medical and health staff in 1961 were as follows:

	<i>Government</i>	<i>Private</i>
Registered physicians	40	29
Sub-assistant surgeons	—	4
Senior nurses	31	—
Certified nurses	117	95
Partially-trained nurses	71	—
Senior midwives	23	—
Certified midwives	90	95
Partially-trained midwives	11	63
Sanitary inspectors	4	—
Laboratory and X-ray technicians.....	15	—
Pharmacists	7	80

50. The Territory's death rate is 9.5 per 1,000; infant mortality is 50.9 per 1,000 live births. The main diseases in the Territory are tuberculosis, typhoid, dysentery, influenza, measles, leprosy, poliomyelitis, tetanus and venereal diseases. The World Health Organization (WHO) has provided assistance in the fight against these diseases.

51. Capital and recurrent expenditure by the Government on health services amounted to £972,066 in 1962, or approximately 11.2 per cent of the total budget.

Educational conditions

52. Education is administered under the Education Act, 1962, which placed all government effort in the field of education under one authority and provided the machinery for the development of a modern system of education. Under the Act, the Board of Education has "the superintendence, direction and control of all primary, secondary and further education in the Territory which is wholly maintained from Government funds"; it has "the superintendence and general oversight of all other primary, secondary and further education in the Colony"; and it has the power to assist any school which is maintained by the Board. Education is compulsory between the ages of 5 and 14, but "no pupil who has attained the age of 14 years shall be required to leave any maintained school unless he is incapable of benefiting from the types of education and instruction available".

53. The figures on the number of schools and school enrolment for 1962 are set out below:

	Primary		Secondary	
	Schools	Enrolment	Schools	Enrolment
Government	144	14,400	5	5,362
Others	50	6,700	11	2,150
	194	21,000	16	7,512

54. In 1962, a Technical Institute offering courses in engineering, building construction and commerce was established. There is also a Teachers Training College. No provision is made for higher education in the Territory. The Bahamas Government provides for scholarships at universities and colleges abroad. In 1961, there were thirty-one students holding government scholarships, as follows: medicine, 3; domestic science, 1; engineering, 4; teacher training, 19; and nursing, 4. The total number of students studying abroad in 1962-1963 was 285, of whom 103 were in the United Kingdom, 9 in Canada and 160 in the United States.

55. Government expenditure on education in 1962 was £770,962, or 8.8 per cent of the total budget.

3. *Turks and Caicos Islands*

Introduction

56. The Turks and Caicos Islands are geographically part of the Bahamas Islands, located 450 miles to the north east of Jamaica. The group extends for a distance of 75 miles from east to west and 50 miles north to south. The land area is estimated at 169 square miles (430 square kilometres). The six inhabited islands are: Grand Turk, approximately 1½ square miles (4 square kilometres); South Caicos approximately 8 square miles (21 square kilometres); Middle Caicos, approximately 300 square miles (777 square kilometres); North Caicos, approximately 130 square miles (328 square kilometres); Providenciales or Blue Hills, approximately 200 square miles (518 square kilometres). In addition to East and West Caicos, which are uninhabited, there are several other small islands, islets and rocks. At the census held in March 1960, the total population was 5,668, of whom 3,468 lived in the salt-producing centres of Grand Turk, and 2,200 in the Caicos Islands. Over 92 per cent of the population is of

African descent and 5 per cent is of mixed descent. The estimated population at 31 December 1961 was 6,100.

Status

57. The Caicos Islands were settled by loyalist planters from the United States after the War of Independence. Following the abolition of slavery in 1838, the planters left the islands, their former slaves remaining in possession. In 1799, the islands were annexed by the Bahamas Government, but in 1848 this arrangement was brought to an end and the islands were constituted as a separate colony. In 1873 the colony was annexed to Jamaica as a dependency. At that time, provision was made for a Legislative Board for the dependency with an elected majority which had full legislative and budgetary powers, subject to the assent of the Governor of Jamaica. Laws passed by the Jamaican Legislature did not apply to the islands unless such application was expressly stated.

58. In 1959, a new Constitution was introduced under which the Islands ceased to be a dependency of Jamaica or to have any formal link with Jamaica, except that the Governor of Jamaica was also Governor of the Turks and Caicos Islands. The Legislative Board was replaced by an Executive Council and a Legislative Assembly, and a general election on the basis of universal adult franchise was held the same year. The day-to-day administration was in the hands of an Administrator. On 6 August 1962, when Jamaica became independent, the Turks and Caicos Islands became a direct Crown Colony under a new Constitution.

Constitution

59. The present Constitution is contained in the Turks and Caicos Islands (Constitution) Order-in-Council, 1962, which came into effect on 6 August 1962. The main provisions are set out below.

60. *Administrator.* The Administrator is appointed by the Queen and is the head of the administration. He is empowered to make laws, with the consent of the Legislative Assembly; legislation may be disallowed by the Queen. The Administrator is required to consult the Executive Council on all important matters within his functions; he may, however, act contrary to its advice, and when he does so, he must report to the Queen through the Secretary of State for the Colonies.

61. *Executive Council.* The Executive Council consists of six members: two elected members, chosen by the Legislative Assembly from among its own elected members, two official members, one nominated member and the Administrator who presides. The Executive Council is the main executive authority in the Islands. As a first step towards ministerial government, the two elected members have been appointed members concerned respectively with public works and social services, and with trade and production.

62. *Legislative Assembly.* The Legislative Assembly consists of nine elected members, two or three official members, and two or three nominated members appointed by the Administrator. The Administrator presides. The Legislative Assembly can legislate on all aspects of the Islands' affairs, subject to the assent of the Administrator. Legislation may be disallowed by the Queen.

Electoral system

63. Those who may vote are persons who are British subjects, over 21 years of age, and who have resided

in the Islands for at least twelve months before the date of registration, or who are domiciled in the islands and are resident at that date. Elections are held every five years. The last elections to the Legislative Assembly were held in September 1962.

Public Service

64. In 1962, the Public Service comprised seventeen overseas officers, of whom one was pensionable; and 152 were local and other officers. There are no local training facilities; in 1960 eight officers were following training courses in Jamaica.

Judiciary

65. There are three courts in the Islands: the Grand Court, the Quarterly Petty Court and the Petty Sessions Court. In the absence of the appointment of a judge on the Islands, the Stipendiary Magistrate has jurisdiction as judge of the Grand Court except in cases of capital offences. Appeal from the Grand Court lies to the Court of Appeal for Jamaica and thence to the Privy Council in London.

Local government

66. The administration of local government is in the hands of the justices of the peace and vestrymen. The Administering Power reports that owing to the small population and its dispersion over at least three islands, there is no demand for an elected system of local government but that efforts are being made in that direction.

Economic conditions

67. The Territory has limited resources and is subject to hurricanes. Heavy damage was caused by a hurricane in 1960. Salt is produced on three of the islands (Grand Turk, Salt Cay and South Caicos) by a government-controlled and government-subsidized company. On the other Caicos islands, sisal is the main cash crop and some food crops are also grown. The main problems are the saline condition of the soil and uncertain rainfall. The Bahamas California Oil Company, Ltd. held an oil exploration licence over the islands and territorial waters.

68. Imports normally exceed exports by almost 300 per cent in terms of value. In 1962, imports were valued at £250,000 and exports at £65,000. The principal items imported are food, drink, tobacco and manufactured goods. The principal exports are salt, valued at £30,000 in 1962; crawfish, £25,000; sisal, £3,400; conchs and conch shells. Most of the salt is exported to the United States, Jamaica and Canada.

69. Sources of local revenue are limited mainly to customs duties and the sale of stamps; there are no direct taxes on the Islands. Local revenue falls short of annual expenditure; ordinary revenue in 1961 was £64,102 and estimated revenue for 1962 was £64,308; ordinary expenditure was £109,164 in 1961 and estimated expenditure for 1962 was £129,493. Since 1955, the Territory has received an annual grant-in-aid to help cover its budgetary deficit. The United Kingdom made available a grant-in-aid of £107,073 for administration in 1961 and £106,635 in 1962.

70. Various grants have been made to the Territory from Colonial Development and Welfare funds to increase salt production, and for repairing hurricane damage. Under the Commonwealth Development Act,

1963, a further allocation of £75,000 was made available for development. This amount, together with the balance available from previous allocations, provides a total of £114,000 for development purposes for the period of three years beginning 1 April 1963.

Social conditions

71. *Labour.* The principal employer of labour is the Turks Island Salt Company, with an average employment of 180 persons. There is also a fisheries company which pays out over £23,000 in wages each year. Because of recruitment of Islanders for employment elsewhere, there is a reported shortage of labour locally. Remittances from abroad which passed through the Treasury totalled £32,500 in 1961 and £36,000 in 1962.

72. *Public health.* The average death-rate in the Islands was 10.1 per 1,000 in 1962. Gastro-intestinal diseases are common owing to the difficulty of obtaining an adequate water supply and to garbage disposal and environmental sanitation problems. There are two medical officers, one stationed on Grand Turk where there is a twenty-bed hospital, the other stationed on the South Caicos Island where there is a clinic with four beds. Government recurrent expenditure on public health amounted to £15,721 in 1961 (6.1 per cent of total expenditure) and £20,727 in 1962 (8.0 per cent of total expenditure).

Educational conditions

73. Education is under the control of the Board of Education appointed by the Administrator under the Education Ordinance. Education is free and compulsory between the ages of 7 and 14. Comprehensive new regulations were published in 1962 to enforce compulsory attendance.

74. In 1962 there were thirteen elementary schools. The school at Grand Turk is divided into junior and senior sections. The senior section provides the only secondary education in the Islands and prepares pupils for the Cambridge Joint School Certificate and the General Certificate of Education examination. In 1962 the average enrolment was 1,300 pupils. There were two government-assisted scholars studying in the United Kingdom.

75. Recurrent expenditure on education was £14,831, or about 6.2 per cent of the total budget in 1961, and £20,905, or 8 per cent of total government expenditure in 1962.

4. Cayman Islands

Introduction

76. The Islands consist of Grand Cayman, Cayman Brac and Little Cayman (the latter two are also known as Lesser Caymans). The total area is about 100 square miles (259 square kilometres). Grand Cayman, which is approximately seventy-six square miles (197 square kilometres), is located about 150 miles south of the westernmost point of Jamaica; Cayman Brac which is approximately fourteen square miles in area (36.2 square kilometres) lies eighty-nine miles east-north-east of Grand Cayman and Little Cayman, which is about ten square miles (25.9 square kilometres) lies five miles west of Cayman Brac. The population at the 1960 census was 8,803, distributed as follows: Grand Cayman, 7,271; Cayman Brac, 1,508; Little Cayman, 24. Approximately one half of the population is of

mixed origin, one third of European descent and one sixth of African descent.

Status

77. Although the Islands were inhabited from time to time by groups of sailors and others, serious settlement only began around the beginning of the eighteenth century. In the early days, public affairs were administered by justices of peace appointed by the Governor of Jamaica. The justices and locally elected vestrymen also legislated for the Islands and one of the justices acted as "governor".

78. Under an Act of the United Kingdom Parliament of 1863, administrative relation was established between the Cayman Islands and Jamaica. The Act provided for the ratification of all the prior local acts receiving the assent of the Governor of Jamaica; for the continued exercise of legislative powers by the justices of peace and elected vestrymen subject to the assent of the Governor; and it gave the Legislature of Jamaica the power to legislate for the Cayman Islands, and to repeal any laws passed locally. In 1898 a Commissioner was appointed with the powers previously exercised by the local "governor".

79. In 1959, a new Constitution was introduced and the first elections were held under universal adult suffrage. Most of the constitutional links with Jamaica were severed, but the Governor of Jamaica remained the Governor of the Cayman Islands. The Jamaican Legislature could make laws for the Islands, but only by express proclamation of the Governor. The day-to-day administration was in the hands of an Administrator. When Jamaica became independent on 6 August 1962, the Cayman Islands severed their constitutional link with Jamaica. Under the new Constitution, which came into effect on the same date, the Cayman Islands are a colony of the United Kingdom.

Constitution

80. The present Constitution is contained in the Cayman Islands Order-in-Council of 30 July 1962. The main provisions are set out below.

81. *Administrator.* The Administrator is appointed by the Queen and is the head of the administration. He is empowered to make laws with the advice and consent of the Legislative Assembly; legislation may be disallowed by the Queen. Most of the powers previously exercised by the Governor are vested in the Administrator. In the exercise of his functions, the Administrator is required to consult the Executive Council on all important matters. He may, however, act contrary to its advice, and when he does so, he must report to the Queen through the Secretary of State for the Colonies.

82. *Executive Council.* The Executive Council is presided over by the Administrator and consists of two elected members, chosen by the Legislative Assembly from among its elected members, two official members, and one nominated member appointed by the Administrator. The Executive Council is the main executive authority in the Islands. As a first step towards ministerial government, the two elected members and the nominated member of the Executive Council have been appointed as members responsible for finance and development, social services, and works and communications.

83. *Legislative Assembly.* The Legislative Assembly is presided over by the Administrator and consists of twelve elected members, two or three official members,

and two or three nominated members appointed by the Administrator. The Legislative Assembly may legislate on all aspects of the Islands' affairs, subject to the assent of the Administrator; legislation may be disallowed by the Queen.

Electoral system

84. Persons qualified to vote are those who are British subjects, over 21 years of age and who have resided in the Islands for at least twelve months before the date of registration or those who are domiciled in the Islands and are resident at that date. Elections are held every three years. At the last general election, held in November 1962, the Cayman National Democratic Party gained seven seats and the Christian Democratic Party five seats.

Judiciary

85. There are three courts: the Grand Court, the Quarterly Petty Court and the Petty Sessions Court. A stipendiary magistrate deals with cases in the two petty courts, and in the absence of an appointed judge he also has jurisdiction as judge of the Grand Court in all cases except in cases of capital felony. Appeal from the Grand Court lies to the Court of Appeal for Jamaica, and from there to the Privy Council.

Public service

86. At the end of 1961, there were 129 public service employees. Of this number, 122 were local officers and seven were overseas officers. There are no local training facilities for the public service.

Local government

87. The administration of local government continues to be in the hands of the Justices of the Peace and vestrymen. The administering Power reports that owing to the small population and its dispersion, there has been no demand for an elected system of local government, but steps are being taken to encourage such a development.

Political parties

88. The two political parties known to be active in the Territory are the Cayman National Democratic Party, which has seven seats in the Legislative Assembly, and the Christian Democratic Party, which has five.

Economic conditions

89. The economy of the Territory depends mainly on wages earned by Cayman Islands seamen employed on United States ships. Usually there are over 1,000 seamen so employed, and most of them regularly send home remittances. Other economic activities in order of their importance are the tourist industry, which is expanding, rope making, turtle and shark fishing, and production of coconuts and copra. The Territory has tax relief measures to encourage pioneer industries and hotel building.

90. Partly because of the poor soils, there is very little agricultural activity. Some livestock is grown locally but demand for meat exceeds the supply. Turtle and shark fishing are carried out off the coast of Honduras and Nicaragua under a treaty with Nicaragua. The last treaty expired in 1959, and in 1960, pending the negotiation of a new treaty, a temporary license was granted. The fisheries resources around the Islands have not been explored.

91. The Territory is dependent on imports for its major needs of food and fuel. In 1959, 1960 and 1961, the value of imports has been more than twenty times that of exports. In 1961, imports were £796,845 and exports £32,974. Almost two thirds of the trade is with the United States but some goods, for instance, sugar, coffee and cement, are imported exclusively from Jamaica.

92. Receipts from the sale of postage stamps and import duties account for most of the Territory's ordinary revenue as there is no income tax, estate duty or excise duty. In 1960, for instance, the total revenue was £160,469 (£16,000 from the sale of stamps and £116,000 from import duties). In 1961, revenue was £231,042 and expenditure £219,561.

93. A four-year development plan was approved in 1960. The plan provides for an expenditure of £280,000 and a recurrent expenditure of £10,000 in the first year, rising to £28,000 in the last year. Projects include a police station, a new airport building, a new warehouse and wharf buildings, road construction, mosquito control and improvement in health and education services. Under the Commonwealth Development Act, 1963, a further Colonial Development and Welfare allocation of £75,000 was made to the Territory. This allocation, together with £45,000 remaining from previous allocations, provides an amount of £120,000 for development during the three-year period commencing 1 April 1963.

Social conditions

94. *Labour.* A high proportion of men between 18 and 50 years of age are seafarers. The number of seafarers may be gauged from the fact that at the time of the 1960 census, 1,187 males out of a total of 4,314 were absent. The popularity of seafaring may be attributed to the generally high wages paid to seamen, which in 1961 varied from £35 to £225 monthly, according to skill. In the same year, the daily wage rate for unskilled workers on shore was from 18 to 30 shillings. There is one trade union registered in the Cayman Islands which has a total membership of 5,000, of whom about one third are Cayman Islanders.

95. *Public health.* In 1961, government medical services comprised one medical officer, one dental officer, one sanitary inspector, four senior nurses, four midwives of senior training, one certified midwife, two X-ray laboratory technicians and other personnel, almost all of whom were resident in Grand Cayman. In 1961, there were also two government-subsidized private medical practitioners. In 1959 and 1960, there were no outbreaks of infectious or contagious diseases. In 1960, the birth-rate was 30 per 1,000 and the death-rate was 6.14 per 1,000. Expenditure on public health amounted to £32,543, in 1961, representing 14.8 per cent of total government expenditure.

Educational conditions

96. Primary education is free and compulsory for all children between 7 and 14 years of age. Government policy is to provide free schooling to all children up to the standard required to enter a British university. In 1961 there were ten government primary schools, three in Cayman Brac and seven in Grand Cayman, and six private primary schools. One secondary school, operated by a religious organization and subsidized by the Government, prepared students for the Cambridge School Certificate Examination. Another church-sponsored secondary school follows the educational system

used in the United States. In 1961, there were 946 children enrolled in government primary schools, and 354 in private primary schools. There were 138 pupils in the secondary schools. Many of the teachers are recruited from Jamaica. At the end of 1960 there were thirty-three teachers in government schools. There are no teacher-training facilities in the islands, but scholarships are given for such training to islanders who undertake to return to teach. Recurrent expenditure on education in 1961 was £29,077, representing 13.2 per cent of the total recurrent expenditure.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

97. At its 312th meeting, on 13 November 1964, the Special Committee considered the Report of Sub-Committee III on Bermuda, Bahamas, the Turks and Caicos Islands and the Cayman Islands (A/AC.109/L.125/Add.4) which appears as an annex to this chapter.

Written petitions and hearings

98. The Special Committee had before it the following written petitions concerning Bermuda:

<i>Petitioner</i>	<i>Document No.</i>
Two petitions from Mr. W. G. Brown, General Secretary of the Bermuda Constitutional Conference	A/AC.109/PET.223
Two petitions from Mr. W. G. Brown, Chairman of the Bermuda Labour Party	A/AC.109/PET.223/Add.1
Letter dated 26 August 1964 from Dr. B. B. Ball, Secretary General of the Bermuda Industrial Union	A/AC.109/PET.286

99. The Special Committee heard the following petitioners concerning Bermuda:

Mr. W. G. Brown, General Secretary of the Bermuda Constitutional Conference	(258th and 260th meetings)
Dr. B. B. Ball, Secretary General of the Bermuda Industrial Union	(286th meeting)

100. Mr. Brown said that in Bermuda the United Kingdom Government was ignoring the provisions of the Universal Declaration of Human Rights and completely disregarding the views of the non-white population. On 31 October 1957, the then Under-Secretary of State for the Colonies, Mr. John Profumo, had been asked in the House of Commons whether constitutional reforms had been advocated for Bermuda and whether he thought the time had come for democratic institutions to be established there. Mr. Profumo had replied that no such proposals had been submitted by any representative body and that, as far as he knew, there seemed to be no political parties in Bermuda. That statement was unfounded; there was no law regulating the registration of political parties in Bermuda. In fact, the Bermuda Labour Party had submitted proposals for reforms and other people had urged that the Universal Declaration of Human Rights should be observed.

101. The basic problem in Bermuda was the franchise. There was no universal adult suffrage. The inhabitants over the age of 25—who numbered 8,000—each had one vote. Landowners over the age of 25—

who numbered 6,000—each had two votes. Thus 15 per cent of the adult population was denied the right to vote and the landowners' influence predominated in elections to the House of Assembly. Native Bermudians under the age of 25 could not vote, but white inhabitants who were not Bermudans could vote if they had lived in the country for as little as three years. The Legislative Council was appointed by the Queen and there was no official labour representative on the Council. The Governor acted entirely on his own initiative and was not bound to take the advice of his Executive Council. The present constitutional arrangements therefore did not permit the people to express their views and aspirations and it was essential to hold constitutional talks. A system of proportional representation should be introduced, based on the official population census. There was no truth in the allegations that such changes would disrupt the country's economy.

102. The unsatisfactory educational system was one example of the racial segregation practised in Bermuda. Schools managed by the government-appointed Board of Education, where the Government paid for the premises and teachers' salaries, were attended only by negro children. Negro children were told which schools they should attend but white children could go to the school of their choice. The workers composed the majority of the population and, under the system of *ad valorem* taxation, paid for the entire cost of government but they were not entitled to the same standard of education as that enjoyed by the white community. In the Anglican Church in Bermuda, which had 22,000 members, only white pastors and a white Bishop were appointed, despite the representations made to the Archbishop of Canterbury. All key posts in the Civil Service were held by whites. The coloured intelligentsia resented such discrimination and all kinds of difficulties stemmed from it. In the police force, things were no better. With one exception, all police inspectors, more than half of whom were immigrants, were white. That was a potentially dangerous situation, for the local population could not be expected to co-operate willingly with a police force which included only a token negro administration and the majority of whose members were not Bermuda-born.

103. His party was advocating full independence for Bermuda; the island met the United Kingdom Government's yardsticks of economic and financial viability and capacity to conduct its own affairs, while in the sphere of defence there was no reason why Bermuda should not, for instance, become a partner in NATO. The United Kingdom Government should allow Bermuda to exercise its right to succession and autonomy, which was an inherent right among members of the British Commonwealth.

104. In so far as the franchise was concerned, it should be possible in due course to introduce the system of "one man, one vote", which would be manifestly fairer than the present arrangement under which the white inhabitants, although they accounted for only 35 per cent of the island's population, were awarded twenty of the thirty-six seats in the Legislature. However, that would require a change in the Constitution.

105. In the economic field, the United Kingdom Government was deliberately exploiting Bermuda's ability to earn dollars. The island's annual income amounted to about \$150 million, whereas its dollar imports totalled only about 60 per cent of that figure; however, Bermudans were obliged by law to hand over their dollars to authorized banks and could not dis-

pose of them freely. The welfare of the people who provided such a welcome revenue in foreign currency was sadly neglected; they had no unemployment insurance, public health benefits or other kinds of social security, and despite government subsidies, hospital rooms were scarce and costlier than luxury hotel accommodation. All the expenses of government were being met out of the workers' pockets, for one pound sterling earned by labour paid 15 per cent in taxes, whereas a pound earned by business paid none at all. Such a situation was flagrantly unjust.

106. What Bermuda required was an effective bill of rights, and he requested the members of the Committee, as impartial outsiders, to advise the Bermudan community on that score. At present many basic human rights were being denied to a large section of the population. Negroes and whites did not receive equal treatment in the Courts; for example, a negro who had stolen government funds had been sentenced to two years' imprisonment, while a white woman who had stolen a much larger sum, had been granted a conditional discharge. Again, probation was granted far more easily to whites than to negroes. The right of appeal did not exist; thus, in a recent case concerning citizenship rights, an application for delivery of the verbatim record, made following the discovery of a procedural flaw, had been refused. Convicts in penal institutions frequently saw their property confiscated for good. The right of freedom of association was being denied to the workers, who were not permitted to form trade unions. Racial segregation was particularly rampant in the field of public accommodation. Under the Hotel-Keepers' Act, a hotel or restaurant owner could have negroes ejected by the police. Coloured visitors from the United States were constantly under the shadow of such humiliations. For its part, the United States Consulate on the island set no good example but slavishly followed the prevailing discriminatory pattern, maintaining an all-white staff, aside from persons assigned to menial duties. He himself had made representations in Washington about that situation but the State Department had merely shelved the matter.

107. He hoped that his statement would prompt the Committee to suggest the introduction of constitutional measures in Bermuda guaranteeing to the population the full enjoyment of their human rights in keeping with the principles enshrined in the United Nations Charter and the Universal Declaration of Human Rights.

108. Mrs. Ball said that she represented a free trade union which had been formed in 1946 and was affiliated with the Caribbean Congress of Labour, the International Confederation of Free Trade Unions (ICFTU), and several other trade union organizations. Its growth had been retarded and its very existence threatened on several occasions by those who wished to destroy free trade unionism in Bermuda. For more than 300 years the United Kingdom had allowed considerable latitude and independence of action to a minority group of vested interests which formed an oligarchy in the Territory. That oligarchy was aided by official and unofficial measures in perpetuating its power and dividing any opposition.

109. The present franchise system in Bermuda was unique. Six thousand persons had been disfranchised by the raising of the voting age from 21 to 25 years, and another 6,000 had been neutralized by the use of property qualifications. Thus 42 per cent of the popu-

lation controlled 60 per cent of the votes. Furthermore, electoral districts had been drawn along racial lines, giving the oligarchy twenty-eight of the thirty-six seats in the House of Assembly.

110. The principles of the Universal Declaration of Human Rights were not observed in the Territory. An unofficial policy of racial discrimination prevented coloured persons from obtaining certain types of employment.

111. There was no court of appeal in Bermuda. Coloured persons were barred from certain residential areas; many properties could only be bought by "approved persons". The majority of Bermudans of both races hesitated to express their political opinions openly for fear of losing their livelihood, and many workers were afraid to join trade unions. The people of Bermuda were deprived of social security benefits. The principle of equal pay for equal work was not respected; very few persons could earn a living wage working forty-five hours a week. Many workers were not given paid holidays. Elementary education was free, but the standard was so poor that few pupils were able at the age of eleven or twelve years to pass the examination for scholarships for secondary education. Segregation of schools did not promote understanding and tolerance among the different elements of the population.

112. Since no real progress could be made until Bermuda had a democratic form of government, the Bermuda Industrial Union submitted the following recommendations: (a) universal and equal adult suffrage at 21 years of age should be put into effect immediately; (b) Bermuda should have a written constitution including the principles embodied in the Universal Declaration of Human Rights; (c) the Territory should have a responsible form of government based upon a two-party system; (d) the Governments of the United Kingdom and Bermuda should enlighten the people about their rights, the principles of the Universal Declaration of Human Rights and what independence would mean to Bermuda.

113. Enlarging upon the grievances which she had outlined, she said that schools in Bermuda were segregated, although that was not official policy. It was believed by many that an integrated system would be more economical in every way. Furthermore, no system of government-sponsored apprenticeship existed in the building and mechanical trades. The government-sponsored hotel school did not attract educated local persons, for it did not secure permanent employment for them, since the hotels kept only their foreign staff during the off season. It was felt by many that the situation was due to a deliberate policy of the oligarchy, which sought to undermine the self-confidence and independence of local workers so as to keep them under the thumb of a paternalist régime and to convince them that independence was absurd. Many children leaving school at the age of 13 had to look for employment in order to help out the family budget; what ambition they had was soon destroyed by their environment and the effort to survive.

114. With regard to social security, none of the ILO conventions could be applied to Bermuda. There was a great danger that in the future private companies would monopolize sickness insurance. Sickness insurance was optional in theory, but compulsory in most cases. The present system was neither supervised by the authorities nor administered jointly by employers and workers.

115. Similarly, ILO conventions on workmen's compensation were not adhered to in Bermuda. The Workmen's Compensation Act passed in 1948 had never been implemented. Consequently, the union which she represented advocated the introduction of a comprehensive social security scheme administered by a non-profit-making organization or even the Government itself, in accordance with ILO prescribed standards. Private companies, which belonged to the oligarchy, should not be allowed to take over the most lucrative schemes and leave the Government the responsibility for the unemployed, widows, orphans and elderly persons.

116. With regard to housing, nothing had been done to implement the recommendations of the Davidge report of 1945. Nor had the recommendations of Command Paper No. 7093 of 1948 and of a 1951 report been implemented. Not until just before the 1963 election had a fund of £100,000 been set aside for the construction of low-cost housing. The existence of slums and the inadequacy of the sewerage presented serious problems which should be dealt with urgently.

117. Bermuda could not meet the requirements of ILO Convention No. 63, for it had no government statistical department. The absence of reliable statistics made any constructive planning impossible. It was impossible to plan a rational educational programme and to decide whether foreign workers were really needed unless the skills and trades of the local population were known. Furthermore, the provisions of ILO Convention Nos. 2 and 88 could not be implemented, for since 1 April 1964 there had been no government employment service. The Bermuda Industrial Union was trying to fill the gap in that respect.

118. The Territory's immigration policy was designed to protect the business world rather than the population of Bermuda in general. Foreign workers were allowed into Bermuda, to the detriment of the local worker, and were paid well above local rates. Local wages were, on the average, below the requirements of a living wage. Another anomaly was that expatriates acquired voting rights after working in Bermuda for three years, while a Bermudan, even if he had a family, could not vote until he had reached the age of 25. The cost of living was rising but wages remained the same, so that the average worker could not make ends meet unless he worked overtime, found a second job or made his wife and children work.

119. With regard to the fiscal system of Bermuda, she quoted an official dispatch of 20 March 1947 in which the Secretary of State for the Colonies had advocated the abolition of the system based on import duties and the introduction of a system of direct taxation. The local oligarchy in Bermuda had, however, ignored his advice, since it did not want any form of income tax. The Bermuda Industrial Union, on the contrary, considered that in order to raise the necessary funds for a satisfactory social security system and to ensure that the people contributed to public expenditure according to their means, a system of income tax must be introduced.

120. Although satisfactory in many respects, the Trade Union and Trade Disputes Act of 1946 had grave omissions and needed to be amended as soon as possible. The Secretary of State for the Colonies had recognized that as far back as 1947, but nothing had been done. The trade union legislation still contained restrictive clauses relating to strikes and lock-outs. The activities of trade unions were restricted to the purposes defined in their statutes. The definition of the

word "workmen" placed doubt on the right of government employees to form and join trade unions, although that right was recognized in ILO Convention No. 87. It would also be desirable to extend to Bermuda the provisions of section 4 of the United Kingdom Trade Union Act of 1871, which made collective agreements unenforceable in a court of law, since industrial relations should rest on the good will of the parties concerned. The definition of "intimidation" in the 1946 Act tended to limit the exercise of the right to picket. Amendments to the trade union legislation were now under consideration. Her trade union sought assurances that the right to carry on a sympathy strike would be maintained and the right to include a "closed shop" clause in collective agreements recognized. Although ILO Conventions Nos. 65, 82, 84, 87 and 98 had been declared applicable to Bermuda without modification, they were not in fact generally applied and legislative action was essential in order to correct that situation.

121. The Joint Select Committee of the House of Assembly and the Legislative Council were now studying some of the pressing problems confronting Bermuda, such as constitutional changes, education, race relations, housing and social insurance. The future would be bright for Bermuda if the Committees adopted progressive recommendations and the Government implemented them. Unfortunately, similar moves made since 1946 had led to nothing and the situation remained substantially unchanged. Hence, although she welcomed the present activity and the apparently more liberal attitude being taken towards trade unionism, she feared that it might be nothing more than an attempt to throw dust in the eyes of the United Kingdom Government and to delude the United Nations and international opinion.

122. With regard to independence, the average Bermudan was essentially an independent and individualistic person who did not like to be told what to do by outsiders. The oligarchy had taken control for the supposed "good of the country" and had taught the Bermudans to believe that everything would fall to pieces without it. Bermudans resented the fact that the oligarchy was allowing outsiders to enter the country and take away their employment opportunities. The Bermudan was the last to be engaged and the first to be dismissed and he was not given an equal voice in managing the affairs of his country. The Bermuda Industrial Union therefore advocated the establishment of a democratic system of government that would ensure internal self-government for the islands, so that the people could choose independence if they wished. There was little public outcry at the moment because, through the fault of the Government, most of the people were badly informed and did not fully understand what independence meant.

123. She had brought some documents which she could make available to the members of the Committee for a short period, if they wished.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE III

124. The representative of the United Kingdom thought that the conclusions and recommendations of Sub-Committee III did not fully reflect the fact that Bermuda, the Bahamas, the Turks and Caicos Islands and the Cayman Islands possessed real political autonomy and free, representative political institutions. He recalled the statement made by his delegation to

the Sub-Committee on 25 September 1964 (A/AC.109/102). The Committee knew that a Constitutional Conference had met in the Bahamas in 1963 and that the 1964 Constitution, drawn up as a result of that conference, provided for full internal self-government and universal adult suffrage in that Territory. In Bermuda, where universal adult suffrage was already in force, a Select Committee of both Houses of the Legislature was considering possible amendments to the Constitution with a view to its being brought up to date. As for the Turks and Caicos Islands, the possibility of a loose association between those Islands and the Bahamas was being studied by the Governments of those Territories and the United Kingdom. With regard to the Cayman Islands, the people, through their elected representatives, had expressed a wish to continue the association with the United Kingdom, with which negotiations regarding internal self-government would be undertaken at the opportune moment. The United Kingdom Government had agreed to discuss any constitutional proposals put forward by the Legislative Assembly of the Cayman Islands. It was therefore clear that the peoples of all those Territories could at any time freely express their wishes about their future constitutional status, in accordance with resolution 1514 (XV).

125. He reserved his Government's position with regard to the recommendations addressed to it in the Sub-Committee's report and requested that that reservation be included in the Special Committee's report to the General Assembly.

126. The representative of the Soviet Union said that his delegation was inclined to agree with the Sub-Committee's conclusions and recommendations. As the Sub-Committee had been examining the questions at issue for the first time, its conclusions and recommendations were somewhat general; however, his delegation could not but express satisfaction that, in formulating them, the Sub-Committee had been guided by the principles of the Declaration on the granting of independence to colonial countries and peoples, which alone laid down the terms of reference to the Committee and its Sub-Committees.

127. The representative of Ethiopia suggested the deletion from paragraph 72 (a) of the conclusions and recommendations of the words "in accordance with the freely expressed will of the people". In his opinion the text as it stood gave the impression that resolution 1514 (XV) was applicable only if the people so desired.

128. The representative of Venezuela feared that the amendment proposed by the Ethiopian representative would lessen the import of sub-paragraph (a).

129. The Rapporteur of Sub-Committee III, speaking as the representative of Iran, explained that the Sub-Committee had not been content merely to say that resolution 1514 (XV) was applicable to the Territories in question. Instead it wished to request the Administering Power to apply the resolution in accordance with the will of the people, who obviously would not oppose it.

130. The representative of the United Kingdom said that the question was not merely when but how the Declaration on the granting of independence to colonial countries and peoples should be applied, and the inhabitants of the Territory should obviously be consulted on the matter. In his opinion both the administering Power and the people should be mentioned in the sub-paragraph.

131. The representative of Ethiopia did not press his amendment, but desired his reservations to be recorded.

132. At the 312th meeting, on 13 November 1964, the Special Committee adopted without objection the report of Sub-Committee III (see annex) on Bermuda, Bahamas, the Turks and Caicos Islands and the Cayman Islands.

Conclusions and recommendations of the Special Committee

133. The conclusions and recommendations adopted by the Special Committee are as follows:

134. With regard to the Non-Self-Governing Territories of Bermuda, the Bahamas, the Turks and Caicos Islands and the Cayman Islands, the Special Committee examined the situation in the Territories, took note of the statements of the representative of the Administering Power and those made by petitioners from Bermuda, and agreed on the following conclusions and recommendations:

(a) The Special Committee confirms that the provisions of the Declaration on the granting of independence to colonial countries and peoples are fully applicable and should be applied by the administering Power in accordance with the freely expressed will of the people in the above-mentioned Territories;

(b) The Special Committee notes that in his statements the representative of the administering Power did not mention any concrete measures which his Government has taken or intends to take with a view to the implementation of the Declaration embodied in resolution 1514 (XV) in these Territories;

(c) The Special Committee invites the administering Power to take concrete measures without delay to enable the people of these Islands to express their views on their political future quite freely, in accordance with the provisions of the Declaration embodied in resolution 1514 (XV), and more particularly to accelerate the process of self-determination in the Turks and Caicos Islands and the Cayman Islands by setting up representative bodies there;

(d) With a view to obtaining additional information on the situation prevailing in these Territories, the Special Committee considers the possibility of sending a visiting mission to the Territories.

ANNEX

Report of Sub-Committee III on Bermuda, Bahamas, Turks and Caicos Islands and Cayman Islands

Consideration by the Sub-Committee

1. The Sub-Committee considered the Territories of Bermuda, Bahamas, the Turks and Caicos Islands, and the Cayman Islands, at its 31st and 32nd meetings on 25 and 30 September and at its 38th and 39th meetings on 16 and 20 October 1964.

2. The Sub-Committee had before it the relevant parts of the working paper prepared by the Secretariat (A/AC.109/L.98/Add.2 incorporated in paras. 1 to 96 of this chapter).

3. The Sub-Committee also had before it the statements of the two petitioners, Mr. W. G. Brown, General Secretary of the Bermuda Constitutional Conference made at the 258th and 260th meetings of the Special Committee on 15 and 19 May 1964, and of Dr. B. B. Ball, Secretary-General of the Bermuda Industrial Union, made at the 286th meeting of Special Committee on 5 October 1964.

4. The representative of the United Kingdom participated in the work of the Sub-Committee.

Statements by delegations

5. The representative of the United Kingdom stated that the Bahamas consisted of an archipelago of fourteen large islands and 3,000 small cays and rocks, mostly uninhabited, with a total land area of about 4,400 square miles, extending for over 500 miles off Florida. The soil of the Islands was on the whole unsuitable for large-scale farming, and only some pine forests remained of the wooded areas.

6. New Providence, on which Nassau, the capital and chief port, was situated, was the most important of the Islands.

7. The scenic beauty and mild climate of the colony had made the tourist industry the basis of its prosperity. There were 110,000 inhabitants, 80 per cent of whom were of African descent, 10 per cent of European and the rest of mixed descent.

8. One of the Islands was the first land discovered by Columbus in 1492. In the seventeenth century the Bahamas had been colonized by British settlers and since 1717 the British Crown had been continuously represented in the Islands by Governors. In 1782, the Islands had been taken by the Spaniards but British possession of the colony had been confirmed by the Treaty of Versailles in 1783.

9. Bermuda consisted of a group of about 300 small islands in the Western Atlantic, about 675 miles from New York, with an area of about 21 square miles.

10. Bermuda had probably been discovered in 1503 by a Spanish mariner, Juan de Bermudez. The first British contact with the Islands had been made in 1609, when the English Virginia Company's expedition had been shipwrecked there. Soon afterwards colonists had been sent there by the Bermuda Company, and in 1684 the archipelago had become a possession of the British Crown.

11. Bermuda was now a thriving tourist resort, with a population of some 45,000, a high national income, full employment and a high standard of living for all. The number of visitors had risen from 71,000 in 1950 to 193,000 in 1962. Other sources of income and employment included banking and financial institutions, many international companies registered in Bermuda, which had no income tax, the operation of the free port and some minor industrial and agricultural activities. Despite its highly unfavourable balance of trade, the colony was able to maintain a substantial level of imports owing to its earnings from invisibles and to a net inflow of capital on private account. Bermuda's balance of payments was favourable and its overseas reserves were substantial.

12. Bermuda was fiscally self-supporting. In 1962, revenue and expenditure had each amounted to about \$15.4 million. In recent years school and hospital accommodation had been considerably increased: there had been universal compulsory education since 1949 and there was a high level of health services. Over one fifth of governmental expenditure in 1962 had been devoted to those two social services. For a number of years Bermuda had been financing its very considerable development expenditure entirely from revenue. The development of the hotel industry, which was fundamental to the whole economic structure, was in private hands.

13. In the Bahamas, too, the tourist industry was the basis of prosperity and the chief source of revenue. The building of new hotels, both in New Providence and in the Out Islands, was encouraged by tax and other concessions. The number of visitors had passed the half-million mark in 1963 and was expected to double by 1970.

14. The chief crops of the Bahamas were vegetables and fruit for sale in the local markets. The Islands exported pulp wood, crawfish, salt, sponges, and canned tomatoes and pineapples.

15. In addition to Nassau International Airport, there were twenty-three landing strips in the various Islands. There were no railways but New Providence had good roads for motoring and other roads were under construction on a number of Islands.

16. The tourist industry was the chief source of employment, but there was a growing number of firms in the fields of banking investment, commercial services, construction and

the distributive trades. Workers had to be brought to the Islands from elsewhere in the West Indies, particularly the Turks and Caicos Islands. Moreover, an average of 1,300 unskilled labourers were employed in agricultural work in the United States of America. Unemployment in the colony was negligible. There were fifteen trade unions, with a membership of about 5,000.

17. Industrialists and investors in the Bahamas enjoyed almost complete freedom from direct taxation and a liberal company law. There was considerable building and construction activity and a continuous inward flow of capital, chiefly from the United Kingdom and the United States.

18. The development of a free port on Grand Bahama through United Kingdom and United States capital offered excellent prospects for diversification of the economy and for employment in the future. The Port Authority was developing 50,000 acres of land for industrial, commercial and residential purposes; in addition, it provided educational, medical and other services. Licences to operate in the area had been issued to over eighty firms, the largest of which was a cement works. Most of the skilled workers would come initially from abroad, but they would help to train local labour.

19. Education in the Bahamas was compulsory for children between the ages of six and fourteen. Government primary schools had been free since 1885. Secondary education was provided by one government school and three grant-aided church schools. There was no higher education but the Government offered scholarships for study abroad. The Territory had recently become affiliated with the University of the West Indies, which was likely to lead to increased opportunities for advanced education in the Territory.

20. There were three government hospitals, government cottage hospitals and government clinics in the Out Islands, as also a schools medical service. Hospital charges were very low and services were provided free to the needy.

21. There was no income tax and no excise duty. The main sources of revenue were customs duties and receipts from fees and public utilities. The Bahamas were entirely self-supporting financially, including public development.

22. Financially and economically independent, Bermuda had long enjoyed a very substantial measure of political autonomy. Its Constitution was now the only example surviving outside the British Isles of the "old representative system". The Governor was appointed by the Queen and advised by an Executive Council. The Legislature consisted of the Governor and two Houses: a nominated Legislative Council (the Upper House) and an elected House of Assembly (the Lower House). The Legislative Council consisted of three official members and eight nominated unofficial members. Although its powers were theoretically extensive, real power rested with the House of Assembly, which had full control over finance and normally initiated legislation. The thirty-six members of the House of Assembly were elected by universal adult suffrage.

23. The Governor had power to dissolve the House of Assembly, although in practice he would consult the Executive Council before doing so. The British Crown had power to disallow acts of the Colonial Parliament, but that power had not been used in recent years. The constituent power was shared between the Crown and the Bermuda Parliament, the powers of the Crown being confined to matters which were covered by the Constitution or had not been the subject of Bermudan legislation. A number of government departments, including those of education and health, were controlled by executive boards whose members were not official and were not nominated by the Governor; the chairmen of the boards were members of the House of Assembly.

24. With the steady growth of Bermuda's prosperity and of the population in recent years, there had come demands for constitutional change. They had resulted in franchise reforms in 1963 and in the formation in that year of the Progressive Labour Party, Bermuda's first political party. The latter had supported proposals for further changes, including a move towards "responsible government" based on an orthodox ministerial system and the reduction of the voting age from twenty-five to twenty-one. Those proposals had been referred to a

Joint Select Committee of both Houses, which was expected to report by the end of 1964.

25. It had been announced in August 1964 that a second political party, the United Bermuda Party, was to be set up and that most of the members of the House of Assembly would belong to it; the new party also favoured reducing the voting age to twenty-one.

26. In short, Bermuda had long enjoyed extensive autonomy and it was prosperous, economically independent and developing rapidly. Its time-honoured Constitution had recently been amended to provide for universal suffrage and further changes were under discussion. So far as the Territory's international status was concerned, Bermudans were virtually unanimous in their desire to retain their connexion with the United Kingdom, of which they were proud. Whether that connexion would be continued if further constitutional changes were made and, if so, what form it would take were questions which would be settled between the United Kingdom Government and the people of Bermuda through the normal processes of consultation.

27. Turning to the Bahamas, he said that from 1729 to the beginning of 1964 the Territory had had a Constitution similar to those of the North American colonies before the American War of Independence—one which provided, broadly speaking, for a system of representative but not responsible government.

28. At the 1962 general election, the two main political parties, the United Bahamian Party and the Progressive Liberal Party, had announced their intention of seeking constitutional advance towards internal self-government; the United Kingdom Government had therefore convened a constitutional conference in London in May 1963, which had ended in general agreement on the form of the new Constitution.

29. The new Constitution had come into force at the beginning of 1964. It provided for a ministerial system of internal self-government, with a bicameral legislature. The Cabinet was composed of a Premier and at least eight Ministers. The Governor acted on advice from Ministers, except in matters where he had a special constitutional responsibility, i.e., foreign affairs, defence, and internal security, including police matters. There was a Senate of fifteen members, of whom eight were appointed by the Governor, five on the advice of the Premier and two on the advice of the Leader of the Opposition. The Senate had limited power to delay legislation passed by the Lower House. The present House of Assembly, which had thirty-three members, would continue until the next general election; it would, in the normal course, be dissolved within five years from December 1962. The next House of Assembly would have thirty-eight members, with twenty-one seats reserved for the Out Islands and seventeen for New Providence. In subsequent elections, there would be not less than eighteen or more than twenty-two seats for the Out Islands and not less than sixteen or more than twenty for New Providence. A Constituency Commission would be responsible for reviewing, at least once every five years, the boundaries of constituencies and the number of seats within each one. Elections would be held on the basis of universal adult suffrage.

30. The new Constitution, which gave the Bahamas internal self-government, had met with general approval in the colony. Further constitutional progress would be worked out between the United Kingdom Government and the people of the Bahamas through the normal processes of consultation so as to reflect the wishes of the inhabitants of the colony.

31. The situation in the Turks and Caicos Islands and the Cayman Islands was markedly different from that in the Territories he had just considered.

32. The Turks and Caicos Islands were situated to the south-east of the Bahamas. The Turks Islands consisted of two inhabited islands, Grand Turk and Salt Cay, and a number of islets and rocks. The Caicos group consisted of six main islands: South Caicos, East Caicos, Grand Caicos, North Caicos, Providenciales and West Caicos. The Turks Islands were separated from the Caicos by a twenty-two-mile stretch of deep water. The Islands had a total land area of about 166 square miles and a population of about 6,000, mainly of African and mixed descent. They were generally flat, stony and arid and were situated in the hurricane area; the Caicos had been heavily

damaged in 1960 by hurricane "Donna" and an accompanying tidal wave. The Territory had no rivers or streams, and rainfall was uncertain.

33. The Islands had been discovered by the Spaniards in 1512 and had been first occupied about 1678 by European settlers who had come from Bermuda for salt. A resident British agent had been appointed in 1766, and soon after the American War of Independence, the Caicos had been settled by loyalist planters from the southern United States. After the abolition of slavery in 1834, the planters had left the Islands to their former slaves. In 1799, the Islands had been annexed by the Bahamas Government, but in 1848 they had been granted a charter of their own separating them from the Bahamas. In 1873, the Legislative Council had petitioned the British Crown for annexation of the Islands to the colony of Jamaica, and from 1874 to July 1959 they had been administered as a dependency of Jamaica.

34. The Cayman Islands, consisting of Grand Cayman, Cayman Brac and Little Cayman, were situated to the northwest of Jamaica. Low-lying and protected by coral reefs, the Islands had a total land area of about 100 square miles. They were in the hurricane area but had not been seriously affected by hurricanes for the past twenty years; there was an Anglo-American weather station in the Territory specifically for hurricane research. The Islands had a population of about 8,000 of whom more than half were of mixed descent.

35. The Caymans had been discovered by Christopher Columbus in 1503. No early settlement had been made, but from earliest time the prodigious number of turtles found in the area had attracted ships of all nations.

36. Under the Treaty of Madrid of 1670, Spain had ceded the Cayman Islands to Britain together with Jamaica. The earliest record of a grant of land was dated 1734, but their inaccessibility had long made the Islands a refuge for fugitives from justice. By the beginning of the nineteenth century they had had about 1,000 inhabitants, of whom half had been slaves, and the population had steadily increased since then. In 1863, the British Parliament had ratified the Caymans' internal administrative arrangements and had given the Legislature of Jamaica the power to legislate for the Islands.

37. The main source of employment in the Turks and Caicos Islands was the salt industry. It was carried on principally at Cockburn Harbour (South Caicos) and at Salt Cay by a government concern with headquarters at Grand Turk. That small industry, which could not expand for lack of land and was experiencing difficulty in competing on the world market, had had to be heavily subsidized in recent years. It employed 150 persons. Crawfishing (in South Caicos) provided the second most important export, which went to the United States. Small independent fishermen also engaged in conch fishing, and the dried conch meat was exported to Haiti.

38. Owing to the nature of the soil and the climate, no food crops could be grown in the Grand Turks, South Caicos Islands and Salt Cay. There was small-scale subsistence farming in the Caicos Islands and a few sisal plantations, the raw sisal being exported to Jamaica. Many young people went to work in the Bahamas, and the remittances they sent home were an important source of additional income for many families in the Territory.

39. There might be prospects of developing tourism in the Territory, since it had many good beaches, stretches of sheltered waters and reefs offering excellent fishing. The current development plan provided for improvement of the infrastructure with the object of attracting the private investment required for that purpose.

40. There were thirteen government elementary schools, and the school at Grand Turk also had a secondary section. In 1962, nearly 1,400 children had been attending school. Education was free, and nine scholarships were awarded to young people from the Out Islands enabling them to attend the secondary school at Grand Turk. Most of the population could read and write.

41. Public health facilities in the Territory were adequate; they included a modern twenty-bed hospital at Grand Turk, together with a dental clinic, and a clinic at South Caicos.

42. Over 60 per cent of the annual recurrent expenditure was covered by grants from the United Kingdom. In 1964, they amounted to \$412,000, as against \$163,000 in local revenue. In addition to those grants, Her Majesty's Government had made an allocation under the Commonwealth Development Act of approximately \$750,000 for the period of 1958-1966. Of that allocation, \$402,556 had so far been spent. A rather large proportion of those funds had been committed in recent years for the re-equipment and operation of the salt industry. There had also been expenditure on water-storage schemes, hospital improvement, purchase of a government launch, training programmes and assistance for development in the Caicos. The development plan for the period 1964-1966 placed the emphasis on improvement of communications, provision of water-storage facilities, supply of electricity at Grand Turk, training (including technical education) and the development of fisheries.

43. The economic viability of the Cayman Islands resulted from the fact that the islanders were first-class seamen and readily found employment on foreign cargo ships. The tourist industry had expanded with the development of air communications, and the number of hotels was increasing as a consequence of favourable legislation. Grand Cayman had the advantage of a regular air service with Jamaica, Miami, Costa Rica and Panama. Motor vessels operated between Jamaica, Florida and the three Cayman Islands, and sailing and motor vessels maintained more or less regular communication with Central American ports. Motorable tracks linked all the districts of Grand Cayman and Cayman Brac, and there was a motorable track in Little Cayman.

44. Next to tourism, fishing was the main industry, particularly turtle fishing, and turtles were exported from Grand Cayman. Relatively few people were engaged in agriculture, and the Islands were not self-supporting in foodstuffs since the raising of crops and cattle was restricted by the limestone soil. Apart from some boat building, the only manufacturing industry consisted of two concrete-block-making factories, a small bakery and a small tile-making plant.

45. Education was free and compulsory for children between the ages of seven and fourteen and was provided in ten government primary schools and a number of church-sponsored schools. Scholarships for secondary education and higher education enabled students to continue their education abroad. There was a twenty-eight-bed government hospital in Grand Cayman staffed by doctors seconded from the United Kingdom or Jamaica. There was a clinic on Cayman Brac with a resident medical officer.

46. The government revenues of the Cayman Islands, derived mainly from the sale of postage stamps and from customs receipts, were sufficient to balance the budget each year. Under the Commonwealth Development Act and earlier legislation, the United Kingdom Government had allocated a total of \$580,000 for development in the Islands for the period 1958-1966. Of that amount, \$298,600 had been spent thus far, 46 per cent on social services (education and public health) and the remainder to finance economic projects (roads, electricity, etc.).

47. With regard to the constitutional status of the Turks and Caicos Islands, a proposal to transfer sovereignty over the Islands from the United Kingdom to Jamaica when the latter became independent had been introduced in the Legislative Assembly in April 1962. If it had been adopted, the Islands would have become an overseas Territory freely associated with the independent State of Jamaica. However, it had been defeated in the Legislative Assembly. Consequently, the present Constitution had come into effect in August 1962, when Jamaica had attained its independence, and the Turks and Caicos Islands had thus become a Crown Colony directly administered by the United Kingdom.

48. Legislative powers in the Turks and Caicos Islands were vested in the Legislative Assembly, which was presided over by the Administrator or, in his absence, by the Deputy President elected by the members. The Assembly consisted of the Administrator, the official members (not less than two or more than

three), the nominated members (not less than two or more than three) and nine members elected by secret ballot on the basis of universal adult suffrage and representing the nine constituencies. Elections for the Legislative Assembly had most recently been held in September 1962, when the new Constitution had come into force.

49. There was also an Executive Council, over which the Administrator presided, and which he was obliged to consult on all important matters. It consisted of two official members and one nominated member, all three of whom were appointed by the Administrator with the approval of the Secretary of State for the Colonies, and of two members elected by the Legislative Assembly from among its members. The two elected members were responsible for public works and social services and for trade and production, respectively. There were no political parties. For administrative purposes, the Caicos Islands were divided into four districts which were also electoral constituencies. The district boards normally had eight members, who were appointed by the Administrator on the basis of unofficial elections.

50. At the end of 1963, the Government of the Turks and Caicos Islands had expressed an interest in joining the Bahamas, and the Bahamas Government had agreed to discuss the matter. It had been considered in June 1964, by a Working Party composed of representatives of the three Governments concerned, to which that group had submitted its recommendations. At the meeting held on that occasion, it had been decided that the Bahamas Government, while it sympathized with the desire of the Turks and Caicos Islands to join a larger grouping, could not, for the time being, offer a merger of the three Territories. A proposal had been made for a looser form of association patterned after the former association of the Turks and Caicos with Jamaica, and it was now being studied by the three Governments.

51. A new constitution had been introduced in the Cayman Islands in 1959, under which elections had been held on the basis of universal adult suffrage. Most of the constitutional links with Jamaica had been severed, but the Governor of Jamaica had remained the Governor of the Cayman Islands. When Jamaica had achieved independence in August 1962, the Islands had been offered the opportunity of maintaining their ties with Jamaica, but, after discussion, they had chosen to sever their constitutional links with Jamaica and remain under United Kingdom administration. Under the provisions of the new Constitution, the Cayman Islands were a colony of the United Kingdom.

52. The Territory was administered by the Administrator, who had assumed most of the powers formerly exercised by the Governor of Jamaica. In the exercise of those powers he was required to consult the Executive Council on all important matters.

53. The Executive Council was presided over by the Administrator and consisted of two official and three unofficial members. Since 1962 the three unofficial members of the Council had assumed a special interest in certain subjects on which they advised the Government.

54. The Legislative Assembly was presided over by the Administrator and consisted of two or three official members appointed by him, two or three non-official members nominated by him and twelve members elected on a constituency basis according to the principle of universal adult suffrage. The Assistant Administrator and other senior civil servants were all Caymanians.

55. Elections for the Legislative Assembly had last been held in November 1962 and, for the first time, there had been two opposing parties: the Cayman National Democratic Party and the Christian Democratic Party. The former had won seven seats and the latter five seats. The objects of the two parties were very similar; both advocated measures to promote the development and well-being of the Cayman Islands through the encouragement of new industries and implementation of the educational programme.

56. The Cayman Islands were not interested in joining a federation of the East Caribbean Territories. When negotiations had been held in 1961 for independence for the former

Federation of the West Indies, the Cayman Islands had agreed to be part of it. When, however, Jamaica had decided to secede from the federation, the Cayman Islands had reconsidered the position. The Legislative Assembly had adopted a resolution in which the Cayman Islands had expressed their wish to continue their association with the United Kingdom and to negotiate with Her Majesty's Government for internal self-government, taking into account the wishes of the people as to timing. The Legislative Assembly had further decided that the negotiations would not take place until after the general election which was to be held later in the year. The new Legislature would then be able to put forward proposals for the introduction of a constitution providing for internal self-government for the Islands. The Government of the United Kingdom had agreed that the Cayman Islands should continue their association with the United Kingdom; on the question of constitutional change, it had agreed to receive a deputation to discuss any proposals put forward by the Islands. So far, however, no such request had been made, and no proposals for constitutional change had been put forward by the Legislative Assembly.

57. The representative of Italy said that he agreed with the United Kingdom representative's statement that the Bahamas and Bermuda had certain historical, political and economic features in common and that the three other groups of islands—the Turks, Caicos and Cayman Islands—had characteristics of their own.

58. There was no doubt that the Bahamas and Bermuda enjoyed extremely satisfactory conditions from an economic, social and educational point of view and that tourism had made them prosperous communities. Nevertheless, the constitutional situation in the two colonies called for some remarks in so far as it affected the implementation of the General Assembly resolutions and decolonization. While Bermuda, as the United Kingdom representative had stated, had long enjoyed a very substantial measure of political autonomy, the fact remained that the situation could be improved. To cite several examples, one of the Houses of the Legislative Council was still made up of nominated members; the British Crown still had power to disallow acts of the colonial Parliament; and the minimum voting age was twenty-five years. Furthermore, the population desired constitutional reform which would give it a responsible government along modern lines. His delegation recommended therefore that the administering Power should take note of the wishes of the population and do all in its power to speed the granting of a full measure of internal self-government to the Territory in order that its inhabitants might be able to express themselves on the form which association with the United Kingdom might take, if they so desired.

59. The same recommendation applied to a certain extent to the Bahamas. True, the new Constitution adopted after the London Conference of May 1963 had made provision for a ministerial system of internal self-government, but it seemed desirable that new general elections should be held before the contemplated date, namely, December 1967. In that way a redistribution of the constituencies which elected the Lower House would be possible, and the population would be enabled to express its views as to its political future, including association with the United Kingdom.

60. The situation in the Turks, Caicos and Cayman Islands was entirely different. The less favourable natural and climatic conditions, scarce resources and the impossibility of developing tourism on a large scale explained the limited settlement of people on the Islands, their economic inadequacy and their somewhat limited constitutional progress. Without wishing to suggest constitutional reforms for those Islands, his delegation recommended that the administering Power bear always in mind the necessity of granting full internal self-government to the people in order to enable them to play a more active role in the talks on association.

61. As to the chances of the Turks, Caicos and Cayman Islands obtaining independence, his delegation believed that the problem was closely related to their ability to agree on the terms of some form of political and economic association with adjacent countries that were already independent or on their way to independence.

62. His delegation did not consider it advisable at that stage to formulate more detailed recommendations as to the implementation of resolutions 1514 (XV) and 1541 (XV) in those Islands. It would be enough to mention those Territories in the Sub-Committee's report in rather general terms while stressing that there was no doubt whatsoever that the principle of self-determination fully applied to their population.

63. The Chairman, speaking as the representative of Uruguay, stated that in its report the Sub-Committee should perhaps distinguish between Bermuda and the Bahamas, where some constitutional progress had been made, and the other islands, where there was an urgent need for representative organs to accelerate the constitutional process and enable the people to express their wishes and participate in any negotiations between the administering Power and the Territories.

64. The representative of Bulgaria said that his delegation regretted that, with the exception of two petitioners from Bermuda, the administering Power had been the only source of information on the four Territories under consideration.

65. He doubted whether the United Kingdom's administration had indeed been for the benefit of the population. The administering Power had not disseminated information on the aims of the United Nations Charter and General Assembly resolution 1514 (XV) and, as a result, according to one of the petitioners from Bermuda, the majority of the population was ill-informed. Nor had the administering Power mentioned any steps which it intended to take in accordance with resolution 1514 (XV). Some progress had been made in social questions, but not as much as the economic development of the Territory warranted. The petitioners had stated that racial discrimination was practised in the fields of education, labour, justice and religion.

66. One of the petitioners from Bermuda had emphasized at the 286th meeting that the United Kingdom allowed a minority group, representing invested capital, to enjoy great freedom of action. The United Kingdom representative had probably had that group in mind when he had stated that Bermudans were virtually unanimous in their desire to retain their connexion with the United Kingdom. The statements of the petitioners and the failure of the administering Power to take any practical steps in accordance with resolution 1514 (XV) led his delegation to believe that the legislative and executive bodies mentioned by the representative of the United Kingdom were not truly representative of the population.

67. The situation in the Turks and Caicos Islands and in the Cayman Islands was more complicated, but that should be no excuse for failure to apply the principles of resolution 1514 (XV).

68. It was the duty of the administering Power to fulfil all its obligations under the Charter and the Declaration on the granting of independence and to afford the population of the Islands the opportunity freely to express their wishes regarding their future.

69. The representative of the United Kingdom, commenting on the criticism that had been made of the educational system in Bermuda, said that of a total government expenditure of nearly \$16 million, \$2.5 million was to be spent on education, which represented an increase of more than 50 per cent in the past two years. Integration in the schools was under active

consideration. An Education Adviser from the Department of Technical Co-operation in London had recently recommended a planned programme of integration as part of a general review of the educational structure. The Bermuda Board of Education, in a report earlier in the year, had made a number of recommendations, including extension of the school age from five to fifteen years. They had also recommended that all government-assisted schools be integrated by September 1965 or forfeit that assistance. The Board's recommendations had been forwarded to a special joint committee of the Legislature. While no final decision had yet been taken regarding the extent to which integration should be obligatory or regarding the time-limit for the completion of integration in schools, the clear trend in recent years had been towards voluntary integration and that trend would continue.

70. The whole question of the Constitution, the structure of government and the electoral system in Bermuda was under active consideration by a Select Committee of both Houses of the Legislature. Both parties were in favour of reducing the minimum voting age from twenty-five to twenty-one. The property vote could not be said to perpetuate an oligarchy, since nearly half the voters possessed the required qualification for that additional vote, which was no more than the possession of land the size of an average building plot.

71. The representative of the United Kingdom also reserved his Government's position concerning the possibility of sending a visiting mission to the Territories.

Conclusions and recommendations of the Sub-Committee

72. With regard to the Non-Self-Governing Territories of Bermuda, the Bahamas, the Turks and Caicos Islands and the Cayman Islands, the Sub-Committee examined the situation in the Territories, took note of the statements of the representative of the administering Power and those made before the Special Committee by petitioners from Bermuda, and agreed on the following conclusions and recommendations:

(a) The Sub-Committee confirms that the provisions of the Declaration on the granting of independence to colonial countries and peoples are fully applicable and should be applied by the administering Power in accordance with the freely expressed will of the people in the above-mentioned Territories;

(b) The Sub-Committee notes that in his statements the representative of the administering Power did not mention any concrete measures which his Government has taken or intends to take with a view to the implementation of the Declaration embodied in resolution 1514 (XV) in these Territories;

(c) The Sub-Committee recommends that the Special Committee should invite the administering Power to take concrete measures without delay to enable the people of these Islands to express their views on their political future quite freely, in accordance with the provisions of the Declaration embodied in resolution 1514 (XV), and more particularly to accelerate the process of self-determination in the Turks and Caicos Islands and the Cayman Islands by setting up representative bodies there;

(d) With a view to obtaining additional information on the situation prevailing in these Territories, the Sub-Committee recommends that the Special Committee should consider the possibility of sending a visiting mission to the Territories.

CHAPTER XXV

UNITED STATES VIRGIN ISLANDS, BRITISH VIRGIN ISLANDS, ANTIGUA, DOMINICA, GRENADA, MONTserrat, ST. KITTS-NEVIS-ANGUILLA, ST. LUCIA, ST. VINCENT AND BARBADOS

A. INFORMATION ON THE TERRITORIES

1. UNITED STATES VIRGIN ISLANDS

Introduction

1. The United States Virgin Islands lie forty miles (64.4 kilometres) east of Puerto Rico and 1,400 miles

(2,253 kilometres) south-east of New York. The Territory comprises about fifty islands and small islets, of which the most important are St. Thomas, St. John and St. Croix. St. John is three miles east of St. Thomas and St. Croix, the largest island, is forty miles to the south. The total land area of the three main islands

is 132 square miles (341.9 square kilometres): St. Croix, 81 square miles (218.6 square kilometres); St. Thomas, 28 square miles (98.4 square kilometres); and St. John, 20 square miles (51.8 square kilometres).

2. At the 1960 census the total population was 32,099, of which 5,373 were classified as "White", 20,634 "Negro", and 6,092 "Mixed and other races". By country of birth, 75.8 per cent were from the Territory, 9.6 per cent from the United States of America and 14.5 per cent from Puerto Rico. The estimated population in 1962 was 34,450 which included some 3,700 contract workers from outside the Islands. The distribution was: St. Croix 15,500; St. John 950; St. Thomas 18,000.

Status

3. In 1671, Denmark first colonized St. Thomas and shortly afterwards St. John. In 1733, Denmark purchased St. Croix from France. In 1916, the United States acquired the islands, known as the United States Virgin Islands, from Denmark with a payment of \$25 million.

4. From 1917, when the United States took effective control, to 1931 the United States Virgin Islands was under naval administration. All civil, military and judicial powers were vested in a naval Governor appointed by the President of the United States. In 1931, the Territory was placed under the jurisdiction of the United States Department of the Interior and a civilian Governor was appointed for the first time. The Organic Act of 22 June 1936 delegated the authority for local legislation to elected local government bodies, which were given authority to levy taxes and to approve appropriations. A new feature of the 1936 Organic Act was that all executive appointments by the Governor to salaried posts were made subject to the approval of the local legislative bodies.

5. Under legislation enacted by the United States Congress in 1927 and 1932, Virgin Islanders are citizens of the United States. All residents in the Territory who are United States citizens and over 21 years of age have the right to vote in local elections but do not participate in United States national elections. The Territory has no elected representation in the United States Congress. Under the Organic Act of the Virgin Islands, as revised in 1954, the Islands are "an organized but unincorporated Territory of the United States".

Present Constitution

6. The present Constitution of the Territory is contained in the Revised Organic Act of 1954. The following paragraphs set out its main provisions.

Executive branch

7. The executive power is vested in the Governor of the Virgin Islands who is appointed by the President of the United States, with the advice and consent of the United States Senate. There is also a Lieutenant-Governor similarly appointed. Under the 1954 Organic Act, heads of government departments are appointed by the Governor with the advice and consent of the Virgin Islands Legislature. All executive power is exercised under the general supervision of the United States Secretary of the Interior. The first native-born Governor was appointed in 1958. In 1963 both the Governor and the Lieutenant-Governor were indigenous inhabitants.

Legislature

8. The Revised Organic Act of 1954 abolished the division of the Islands into two municipalities and established for the first time a unicameral legislative assembly, called the Virgin Islands Legislature. The Legislature is composed of eleven members known as "senators", elected for a two-year term. The Legislature meets in a regular session of sixty days each year; special sessions may, however, be called by the Governor for specific purposes. The Territory is divided into three legislative districts: St. Thomas and St. Croix each elect two members, St. John elects one, and the remaining six senators are elected at large. In order to ensure that the senators-at-large are not all elected from one district, electors may only vote for two candidates and the six candidates receiving the highest number of votes are elected.

9. The Legislature has full legislative powers under the United States Constitution on local matters including, in particular, budgetary questions. The Legislature has the power to appropriate funds and levy taxes. All legislation is subject to approval by the Governor. If the Governor refuses approval he has to return the bill to the Legislature within a specified period. If the Legislature repasses the bill by a two-thirds vote, and if the Governor still refuses his assent, the bill is sent to the President of the United States for his decision. Upon the President's approval the bill becomes law.

Electoral system

10. In 1917 the franchise was based on a property qualification. In 1936 this qualification was removed and the vote was extended to all Virgin Islanders over 21 years of age who could read and write English. The local legislature was specifically barred from imposing any property or income qualifications, or any based on differences in race, colour, sex or religious belief. The Revised Organic Act of 1954 removed the language requirement and the Territory now has universal adult suffrage. At the general elections held in November 1960, there were 10,678 registered voters, of which 7,659 voted, representing 71.7 per cent of the total registration.

Judiciary

11. Under the Revised Organic Act of 1954, the judicial power of the Territory is vested in the District Court of the Virgin Islands and its inferior courts. The District Court has the same jurisdiction as a United States District Court, namely original jurisdiction in cases arising under local law and appellate jurisdiction over inferior courts. As the District Court is a trial court of the federal system, appeal from its decisions is to the appeals courts of the United States. Inferior courts established by local law have exclusive original jurisdiction in all civil cases not exceeding \$US500 and in certain criminal cases. The right to trial by jury is guaranteed to all who ask for it.

12. There is a United States Attorney appointed by the President of the United States with Senate confirmation, and an assistant attorney appointed by the United States Attorney General. In 1963, the United States Attorney and the two judges of the two municipal courts were indigenous inhabitants.

Public Service

13. Ninety-nine per cent of the government officials and employees are local inhabitants. In 1963, both

the Governor and the Lieutenant-Governor were indigenous inhabitants, as were seven of the eleven heads of department.

Political parties

14. Both the Republican and Democratic Parties of the United States have branches in the Territory and Virgin Islanders take part in the national conventions of these parties. In the elections in 1962, four political parties participated, and the United Democratic Party won a majority in the Legislature.

Recent developments

15. For many years there has been a growing desire among the people of the Territory for an elected Governor. A formal expression of this wish was recorded in a referendum held in 1953. The Revised Organic Act of 1954, however, retained an appointed Governor, and for several years afterwards the relationship between the elected Legislature and the Governor was marked by considerable friction.

16. In 1962 a Bill was introduced in the United States Congress which proposed that the Virgin Islanders be allowed to elect their own Governor and the Government Secretary. The Bill also proposed: (a) appointment of legislative representation "to assure the most equitable citizen voice possible" for the Territory; (b) transfer of the Virgin Islands Corporation, now financed by federal funds (see paragraph 22 below), to the Territorial Government; and (c) authorization of the Territorial Government to issue bonds for capital improvements, such as schools and highways. As no action was taken on this Bill in 1962, it has since lapsed. In 1963, the United States representative informed the Committee on Information from Non-Self-Governing Territories at its 269th meeting that "under United States Legislation which was projected" it was hoped that the people of the Territory would soon be able to elect their own governor.

Economic conditions

17. In the past, the economy of the Territory, as in many of the other Caribbean Islands, was based on sugar. At one time upwards of 30,000 acres of sugarcane were harvested. Because of increasing competition from cane sugar producers and from beet sugar producers, the sugar industry on the Islands began to decline. By 1900 there were only 16,000 acres, and in 1960 there were only 4,400 acres, although yields were high. In the early 1950's, an industrial development programme was introduced under which tax incentives were offered to encourage the establishment of industries and business. For the Territory as a whole, tourism has now replaced sugar as the leading industry; trade and manufacturing are also developing. On St. Croix the production of sugar and beef cattle, as well as the processing and manufacture of rum, are important.

18. United States goods circulate freely in the Islands, and goods from the Territory enter the United States freely, provided they do not contain more than a certain percentage of foreign materials.¹ Imports doubled between 1958 and 1961, reaching \$50 million. In the same period, exports rose from \$3.5 million to \$9 million. Over 77 per cent of the imports are from the United States and Puerto Rico, but a substantial portion of the imports are re-exported. Over 90 per

cent of the Islands' exports are to the United States and Puerto Rico. Food, clothing, machinery, fuels and construction materials make up most of the imports. In 1961, the most important exports were: jewellery, metal articles and parts, \$2.1 million; raw sugar, \$1.4 million; rum, \$845,000; and perfumes, \$260,000.

19. A major problem in the Islands has been to raise enough revenue to cover its annual budget. In the past, two circumstances have contributed to the problem. In the first place, since most of the Territory's trade is with the United States, tariffs do not provide an adequate source of revenue. Secondly, federal excise taxes collected on rum originating in the Islands did not go to the local Treasury. Up to 1954, the United States Congress had to make a special appropriation each year in order to meet the needs of the Territory.

20. Under the Organic Act of 1954, receipts from federal income taxes and other taxes levied by the United States Congress on the inhabitants of the Territory are paid to the Treasury of the Virgin Islands. In addition, for every dollar of local revenue which the Territory raises, a dollar from the internal revenue taxes collected by the Federal Government on Virgin Islands products is paid to the Territory. This form of federal grant, called "matching funds", has eliminated the need for annual appropriations from Congress and provided the Territorial Legislature with more control over its own finances.

21. In 1962, revenue from the Territory's own resources amounted to \$11.1 million and, in addition, it received \$6.3 million in matching funds, bringing the total to \$17.4 million. This compares with a total of \$7.6 million in 1958, of which \$4.1 million was local revenue and \$3.5 million was matching funds. Of the revenue raised locally in 1962, 65 per cent was from income taxes. Total expenditure in 1962 was \$14.9 million, of which \$2.4 million was for special projects. According to the budget estimates for the fiscal year ending 30 June 1965, the estimated local revenue is \$16.9 million, which, with "matching funds" amounting to about half of this, will bring the total revenue to \$25.4 million.

22. Economic development is hampered by many factors, including a lack of raw materials (especially minerals), a shortage of water supply, no source of hydro-electric power, limited local markets, distance from world markets and lack of investment capital. In 1949, the Virgin Islands Corporation was established with a federal appropriation of \$15 million to undertake revenue-producing projects² and to finance loans for economic development projects. Sugar growing and processing has been the Corporation's largest single project; gross sales of sugar and molasses were \$1.6 million in 1959 and \$2.1 million in 1961. The Corporation's activities include the operation of the Territory's commercial electrical facilities, water and soil conservation, forestry and livestock development and, since 1958, salt water distillation.

23. Measures taken by the Territorial Government to stimulate industries include tax exemptions and tax-free subsidies. A number of light manufacturing industries have been established. In 1962 there were sixty-two tax-exempt industries. A company to process bauxite into alumina was recently established and is expected to provide employment for some 400 persons annually. An Over-All Economic Development Plan

¹ Originally, in 1917, this was fixed at not more than 20 per cent. Currently it stands at 50 per cent.

² The United States Congress specifically excluded the manufacture of rum from the activities of the Corporation.

was drawn up in 1962, setting out the problems and goals to be reached in each area. Under this plan, future economic growth will centre mainly on tourism, rum production and development of small industries.

Social conditions

Labour

24. In 1962, there were an estimated 12,000 persons employed. Unemployment was estimated at 4 per cent. At the 1960 census there were 10,845 employed, which included 6,742 privately employed wage and salary workers and 2,337 government workers. The largest number of workers, 3,010, were in construction; 2,008 were in hotel work; 1,095 were in manufacturing; and another 1,035 were in the retail trade.

25. Wage rates are established by a number of United States and local statutes. The wages and hours of employment of those engaged in inter-state commerce are regulated by the United States Department of Labor under the United States Fair Labor Standards Act of 1938. The United States Department of Agriculture determines wages in the sugar industry in St. Croix. Local legislation covers workers not otherwise protected. The hourly entry wage for unskilled labour is 55 to 75 cents. Since 1961, all benefits under the United States Social Security Act have applied to the Territory.

26. In 1962, the estimated average annual income per family was \$3,865, and the estimated *per capita* income was \$953. The comparatively high family income is attributed to the fact that in most cases both husband and wife work.

Public health

27. The major causes of death in the Territory are: diseases of the heart, 23.6 per cent; malignant diseases, 10.4 per cent; cerebral haemorrhage and other vascular lesions, 9.8 per cent; diseases of early infancy, 9.2 per cent; accidents, 6.1 per cent; and diabetes, 4.6 per cent. In 1962, the birth-rate was 34.7 and the death-rate 9.5 per thousand population. Infant mortality was 41.9 per thousand live births.

28. There is a single medical department for the Territory. There are hospital facilities and medical staff on each island where local health service units are also being developed. In 1962, there were 119 hospital beds, 24 doctors and 36 graduate nurses on St. Thomas; 60 hospital beds, 9 doctors and 27 graduate nurses on St. Croix; and 10 hospital beds, 3 doctors and 4 graduate nurses on St. John. In addition, the Department of Social Welfare maintains a home for the aged which has 120 beds, one doctor and four nurses. There is no information on the relationship between government and private medical services. Previous information indicates that most of the population is dependent on government medical care, which is free or based on the ability to pay.

Educational conditions

29. Compulsory education in the Islands was established in 1841. At present, attendance in school is compulsory through fifteen years of age. Education follows the United States pattern. In 1962, there were 28 government (public) schools, 10 parochial, and 4 private schools. The College of the Virgin Islands was scheduled to open in mid-1963.

30. In 1960, of the 8,560 persons in the group 5 to 15 years of age, 7,755, or 92 per cent, were enrolled

in school. In 1961-1962, school enrolment was 10,764, of which 7,624 were in public schools, 2,732 in parochial and 408 in private schools. The enrolment of children in grades 1 to 6 was 4,740, and in grades 7 to 12 2,389 (495 were in kindergartens). More than 1,000 of the pupils in public schools were over the compulsory age of 15. There were 255 teachers, of whom 129 were college graduates and sixty-six had had two or more years of college.

31. Expenditure on education for 1961-1962 was \$2.8 million, or 16.2 per cent of the total expenditure. Budget estimates for 1964-1965 provide for an expenditure of \$4.3 million on education.

2. BRITISH VIRGIN ISLANDS

Introduction

32. The British Virgin Islands comprise some forty islands and islets, of which eleven are inhabited. The total area of the Territory is approximately 59 square miles (153 square kilometres). The largest islands are Tortola (21 square miles or 54 square kilometres), Virgin Gorda (8.25 square miles or 21 square kilometres), Anegada (15 square miles or 39 square kilometres), and Jost Van Dyke (3.25 square miles or 8 square kilometres). Except for Anegada which is of coral formation, all the islands are of volcanic origin. The highest elevation is 1,780 feet on Sage Mountain, Tortola. At the census taken on 7 April 1960 the population was 7,340. The population is almost wholly of African descent. Approximately four-fifths of the population lives on the island of Tortola, where Road Town (population, 900), the capital and the seat of the administration, is located.

Status

33. The British Virgin Islands is a Colony and has been under British control since 1672 when the then British Governor of the Leeward Islands, Colonel Stapelton, took Tortola from the Dutch, and British planters from Anguilla began to settle on the Islands.

Constitution

34. The British Virgin Islands formed part of the Leeward Islands for administrative purposes until 1950, when, by the enactment of the Virgin Islands Constitution Act, the power vested in the Governor of the Leeward Islands to legislate for the Virgin Islands was abrogated, the Legislative Council was reconstituted and an Executive Council was introduced. The present Constitution was introduced in 1954 by the Virgin Islands Constitution and Elections Ordinance, and further amended by the Virgin Islands Letters Patent of 1959. The main provisions of the Constitution are set out below.

Administrator

35. The head of the Government of the Territory is the Administrator who is appointed by the Crown. Since the coming into force of the Virgin Islands Letters Patent and Royal Instructions of 1959, he has been made directly responsible to the Secretary of State for the Colonies. The Administrator exercises his powers in consultation with the Executive Council.

Executive Council

36. The Executive Council consists of two official members appointed by the Administrator from among

persons holding public office; one member appointed by the Administrator from among the nominated members of the Legislative Council; and two members elected by the members of the Legislative Council from among the elected members of that Council. In addition to taking decisions on all internal matters, as the main executive body, the Council undertakes the supervision of certain departments of the Administration. All members are inhabitants of the West Indies.

Legislative Council

37. The Legislative Council, presided over by the Administrator, consists of six elected members, two unofficial and two official members nominated by the Administrator. The Council has the power to legislate for all aspects of the internal affairs of the Territory, subject to the assent of the Administrator. The Administrator's concurrence to certain types of bills is subject to his receipt of prior instructions from the Secretary of State for the Colonies, or in cases of urgent necessity, subject to report to the Secretary of State. All members of the Council are of West Indian origin.

Electoral system

38. Elections to the Legislative Council take place every five years; the six elected members are elected on the basis of universal adult suffrage. The last general elections were held in November 1963, when thirteen candidates stood for six elective seats.

Political parties

39. There are no political parties in the Territory. The elected members of the Legislative Council sit as independents.

Judiciary

40. The system of courts is the same as that in the other Leeward and Windward Islands (see paragraphs 67-68 below). As in the other Territories, all members of the judiciary are of West Indian extraction.

Public Service

41. Appointments to the Public Service are made by the Administrator at his discretion. In 1962, there were six overseas officers and nine local officers who filled posts of a status and grade comparable to those in posts filled by overseas officers. The posts in the service filled by overseas officers are mainly those requiring professional or other special qualifications otherwise locally unavailable. At the end of 1962, two local public servants were on study leave in the United Kingdom.

Recent developments

42. Relations between the British and the United States Virgin Islands have always been close, particularly during recent years, with regard to economic activities. In 1951, the Governments of the British and the United States Virgin Islands established the Inter-Virgin Islands Conference to make recommendations to both Governments on matters of common concern, e.g., inter-island commerce and trade regulations, labour and employment and other common problems.

43. The United Kingdom Under-Secretary of State for the Colonies who recently visited the Territory, is reported to have stated that the time had come to make a fresh examination of its political and economic prob-

lems, together with those of other small Territories in the Caribbean, so as to determine the best pattern for future development in the light of the people's wishes. It is also reported that the alternatives being discussed are: (a) federation with the other Caribbean Territories; (b) remaining under United Kingdom sovereignty with a revised Constitution; or (c) merger with the United States Virgin Islands. According to these reports, while the whole question of the future is quite open for discussion, many people in the Territory, especially the younger generation, view the third alternative as offering the best economic advantages.

Economic conditions

44. The economy of the Territory is closely inter-related with that of the adjacent United States Virgin Islands and with Puerto Rico. Economic expansion in these islands has in many ways affected the economy of the British Virgin Islands, especially as regards wage rates, labour supply, commodity prices and market conditions generally. In particular, the British Virgin Islanders are an indispensable source of labour for the United States Virgin Islands; over 10 per cent of the population of the British Virgin Islands is, at any given time, employed in St. Thomas in the United States Virgin Islands, mostly in the tourist industry.

45. Stock raising, fishing and subsistence farming are major occupations in the economy of the Territory. The principal crops are sugar cane, limes, coconuts and bananas, which had a total export value of approximately \$US18,000,³ in 1962, compared with \$US12,500 in 1961, \$US24,500 in 1960 and \$US10,700 in 1959. At the end of 1962, there was an estimated livestock population of some 5,000 cattle, 1,800 sheep, 5,000 goats and 4,000 pigs in the Territory, with an export value amounting to \$US90,000 in 1962, compared with \$US104,500 in 1961, \$US127,000 in 1960 and \$US102,000 in 1959. During the last three years, approximately 60,000 pounds of fish, valued at some \$US14,000, have been exported annually. Manufacturing industries include the distillation of rum for local consumption and export to the United States Virgin Islands. Boats and sloops are built to meet the demand for inter-island trade and communications.

46. In 1962, total domestic exports were valued at \$US150,697 and imports at \$US1,980,780. Although the commerce of the Territory depends largely on livestock production, and to a lesser extent on fish, fruit and vegetables, only a fraction of its demands for foodstuffs and other necessities are met locally. The bulk of the Territory's needs are met by imports from the United States, Puerto Rico and the United States Virgin Islands, which in 1962 represented 75 per cent of the total imports. Similarly, the bulk of its exports are to the United States and the neighbouring United States Virgin Islands, which in 1962 represented 80 per cent of the total exports.

47. As a result of the rapidly expanding tourism in the United States Virgin Islands, the Government, in recent years, has encouraged a number of projects aimed at developing a tourist industry in the Territory. In 1960, twenty-three licenses were granted under the

³ The Territory has no currency of its own but the currencies of both the West Indies and the United States of America are legal tender. The United States currency, which had been the *de facto* currency in general circulation for almost two decades, became legal tender in 1959, and is the only currency now used in practice.

Aliens Land Holding Regulation Act enabling licensees to acquire property totalling 181 acres, subject to development involving a total expenditure of \$US170,000 within a period of five years. A 99-year lease of the islands of Prickly Bear, Eustatia and Saba has been offered, which provides for an expenditure of \$US350,000 on the development of the islands within a five-year period. Another lease, for the creation of a tourist resort on Virgin Gorda, was granted to a United States interest and the resort was opened to guests in January 1964. By the end of 1962, some \$US416,700 had been paid out in wages to local employees in the course of the construction of this resort. Authority has also been given under the Act for additional capital to be invested in one of the Road Town hotels, and assistance has been given under the Hotels Aid Ordinance for the development of three other hotels.

48. Since 1951, the local revenue collected has not been sufficient to meet the increasing needs of the Territory for improved social services and for development projects. Deficits have been financed by a block grant of funds from the United Kingdom, amounting to over \$US736,000 in 1962, \$US772,000 in 1961, \$US448,000 in 1960 and \$US294,000 in 1959. Government revenue and expenditure over the last few years are as follows:

Year	Revenue (value in United States dollars)	Expenditure
1960	180,000	630,377
1961	243,684	818,406
1962	343,617	899,011

The main sources of revenue are import duties, taxes on income and property, annual licence fees and estate duties.

49. In addition to these grants-in-aid, funds are made available by the United Kingdom for approved development projects in the form of free grants under the Colonial Development and Welfare Act. A sum of \$US290,000 was allocated to the Territory in 1959 which, together with the unspent balance of previous allocations, gave an over-all amount of \$US490,300 for expenditure within the five-year period ending 31 March 1964. Under the Commonwealth Development Act, 1963, a further amount of \$US420,000 was allocated to the Territory for the three-year period ending 31 March 1966. Development schemes approved in 1959/60 amounted to \$US438,701, and in 1961/62, \$US407,611.

Social conditions

Labour

50. The main source of employment for the British Virgin Islands is the tourist industry on the neighbouring United States Virgin Islands, especially St. Thomas and St. John. Workers thus employed numbered more than 700, or 10 per cent of the total population of the United Kingdom Territory. Internally, the Public Service is the principal employer of labour. In 1962, some 250 persons were employed in the civil and educational services, and a number of others were employed as skilled and unskilled labourers in various development projects. The increase in private construction in recent years has provided additional employment opportunities for the Islanders in the building trades; the development of a large-scale tourist resort on Virgin Gorda, involving a total expenditure of some \$US1.5 million, provided employment for more than 250 workers during its construction period.

51. Wage rates are largely influenced by the competitive rates paid in the United States Virgin Islands. There are legislative provisions relating to the establishment of minimum wages, the employment of women and minors, the prohibition of the employment of young children and the settlement of trade disputes, under the supervision of a Labour Commissioner, first appointed in February 1961. Two labour organizations exist: the Civil Service Association and the Teachers Association.

Public health

52. Medical and health services are provided entirely by the Government, under the supervision of a Superintendent of Medical Services who is also chairman of the Board of Health. The medical staff in 1962 included a medical officer, six senior nurses, four certified nurses, six partially trained nurses, six midwives, four partially trained midwives and five other professional and technical members. There is one government hospital, the Tortola Cottage Hospital, with thirty-nine beds for medical, surgical and maternity cases. In addition, there are eight government dispensaries catering exclusively for out-patients. Free clinics are held in Road Town three times weekly, at East End twice weekly and at Cane Garden Bay, Carrott Bay and West End once a month. In the out-islands of Anegada, Virgin Gorda and Jost Van Dyke, clinics are also scheduled once a month.

53. There is no serious public health problem in the Territory. Malnutrition, poor sanitation, and the rather high incidence of gastro-enteritis, amoebiasis and ascariasis cases among infants and children are of major concern. As a result of an eradication campaign carried out with the collaboration of the World Health Organization (WHO), the incidence of malaria fell from 48 to 3.5 per cent. The infant mortality rate has shown a marked decline: it decreased from 133.3 per 1,000 live births in 1958 to 120.9 in 1959, to 78.9 in 1960 and to 38.9 in 1962.

54. Government expenditure on medical and health services in 1962 was \$US74,416, or 8.28 per cent of the total ordinary expenditure for the year.

Educational conditions

55. The educational system is administered by a Board of Education which advises the Government on all questions of policy, and by an education officer who is responsible for the implementation of policy decisions. There are three types of primary schools—government, assisted and private. In 1962, there were one government, twelve assisted (ten Methodist, two Anglican) and three community schools. There was also one private primary school. Total primary school enrolment in 1962 was 2,222.

56. All education is free and compulsory up to fifteen years of age. There is one co-educational government secondary school in the Territory which prepares pupils for the Cambridge Overseas School Certificate. In 1962, enrolment was eighty girls and forty-two boys. During the same year, the reorganization of the elementary schools into infant, primary and post-primary sections was completed. In 1962, there were sixty-three teachers in government and assisted primary schools and two in private primary schools; there were ten teachers at the government secondary school. Twenty-eight per cent of the teachers were trained and, of the remainder, 26.8 per cent were holders of School Cer-

tificates. Teachers are trained at the Leeward Islands Teachers Training College in Antigua, jointly operated by the Governments of Antigua, St. Kitts, Montserrat and the British Virgin Islands.

57. Government expenditure on education, including subventions to institutions outside the Territory, amounted to \$US140,699 in 1962, or 15.65 per cent of the total recurrent expenditure. Of this sum, \$US97,783 was expended in primary education and \$US23,236 on secondary education.

3. ANTIGUA, DOMINICA, GRENADA, MONTSERRAT, ST. KITTS-NEVIS-ANGUILLA, ST. LUCIA AND ST. VINCENT

Introduction

58. Antigua, Montserrat and St. Kitts-Nevis-Anguilla form part of the Leeward Islands. They lie roughly midway in the arc of the West Indian islands stretching from Jamaica to Trinidad, with the Caribbean Sea to the west and the Atlantic Ocean to the east. Dominica, St. Lucia, St. Vincent and Grenada form part of the Windward Islands. There are some smaller islands called the Grenadines which lie between St. Vincent and Grenada; some of these are administered as part of St. Vincent and some as part of Grenada. Since the systems of government in these Territories are basically similar, the principal features common to all Territories are set out in this introductory section. Additional information on the Territories is given in the separate sections on each Territory which follows.

Status

59. The four Leeward Islands together with Dominica were constituted as a Federation in 1871 with the separate Territories as Presidencies. In 1940, Dominica was separated administratively from the Leeward Islands and grouped with the Windwards, which at that time were administered as separate Territories under one Governor and shared certain common services. In 1950, the British Virgin Islands was separated from the Leeward Islands administratively. In 1965, the Leeward Islands were constituted as separate Territories each with its own institutions of government and Administrator, and under one Governor, as in the Windwards.

60. In 1958, Antigua, Montserrat, St. Kitts-Nevis-Anguilla, Dominica, St. Lucia, St. Vincent and Grenada joined as unit Territories with Barbados, Jamaica, including Cayman Islands and Turks and Caicos Islands, Trinidad and Tobago in the federation of the West Indies. In 1960, the posts of the Governor of the Leeward Islands and of the Governor of the Windward Islands were abolished and new Constitutions were introduced in each colony. The dissolution of the federation of the West Indies in 1962 did not affect these Constitutions, which remain in force. At present, Antigua, Montserrat, St. Kitts-Nevis-Anguilla, Dominica, St. Lucia, St. Vincent and Grenada are each a separate colony.

Constitutions

Administrator

61. The Administrators are appointed by Her Majesty and have the status of the Queen's representative. An Administrator is constitutionally required to act on the advice of the Executive Council, except as

otherwise provided, as for instance in the exercise of his powers to dispose of Crown or government lands and property, to constitute offices and make appointments, and in the exercise of his powers of pardon.

62. The Administrator is not required to obtain the advice of the Executive Council in any case which, in his judgement, the urgency of the matter requires him to act before the Executive Council can be consulted; however, he is required to communicate to the Council his action and reasons therefor. The Administrator may also act contrary to the advice of the Executive Council, "if in his judgement, he considers it necessary to do so in the interest of maintaining law and order in the West Indies, or in order to maintain the efficiency of the Judiciary or the Public Service". However, he must first obtain the approval of the Secretary of State, or, in cases of urgency, he must report to the Secretary of State as soon as practicable.

Executive Council

63. The Executive Council is responsible for the general control and direction of the Government, and is collectively responsible to the Legislature. In Antigua, St. Kitts, Dominica, Grenada, St. Lucia and St. Vincent, the Executive Council comprises the Administrator who presides, five unofficial members (the Chief Minister and four other ministers) and one *ex officio* member, the principal law officer. In Montserrat there are four unofficial members, two official members, the Financial Secretary and the principal law officer, as well as the Administrator. In all Territories the Administrator appoints as Chief Minister the member of the Legislative Council who, in his judgement, is most likely to command a majority. The other unofficial members are appointed on the advice of the Chief Minister. The ministers may be assigned responsibility for any government business, including financial matters, with the exception, however, of the maintenance of law and order, matters relating to the judiciary and the Public Service. Ministers assigned departmental responsibilities must be appointed from the elected members of the Legislative Council; the Minister without Portfolio may be appointed from either the elected or the nominated members of the Legislative Council. Further information relating to individual Territories is given in the appropriate sections below.

Legislative Council

64. In each Territory the Legislative Council comprises a majority of elected members, one or two *ex officio* members and one or two nominated members. Montserrat excepted, the Legislative Council is presided over by a Speaker, elected from within or outside the Council's membership, who has a casting vote. In Montserrat the Administrator presides. The Legislative Councils have the power to make laws for the peace, order and good government of the Territory.

Electoral system

65. Elections to the Legislative Councils are held every five years. Elections are based on universal adult suffrage in single-member constituencies.

Public Service

66. In each Territory there is a Public Service Commission whose members are appointed by the Administrator after consultation with the Chief Minister. The appointment, dismissal and disciplinary con-

trol of Public Service employees in each Territory is vested in the Administrator in his discretion, acting after consultation with the local Public Service Commission.

Judiciary

67. A Supreme Court and a Court of Appeal for the Leeward and Windward Islands (and for the British Virgin Islands) was established by an Order in Council in 1939. New provisions were made under an Order in Council in 1959, which also established a Judicial and Legal Service Commission. The Commission is composed of the Chief Justice of the Supreme Court of the Leeward and Windward Islands; a judge or ex-judge of a supreme court of any of the United Kingdom Territories and the Chairman of two of the advisory Public Service Commissions in the Territories served. Since the dissolution of the federation of the West Indies, the Chief Justice is appointed by the Secretary of State for the Colonies, and judges are appointed by the Commission with the approval of the Secretary of State.

68. The Supreme Court sits in each of the Territories under a resident puisne judge. It has original and appellate jurisdiction and may try cases of every type. Appeals from the Supreme Court of the Leeward and Windward Islands may in certain cases lie to the British Caribbean Court of Appeals. Each of the Territories also has circuit courts, a court of summary jurisdiction and magistrate's courts. Circuit courts with a jury of nine for trial of criminal cases sit at various times in each Territory. The Courts of Summary Jurisdiction sit without a jury for trial of civil cases, in which the sum involved is below specified limits. Summary criminal offences and certain civil claims are dealt with by the magistrates. Appeals against a magistrate's decisions go to the Supreme Court. The judiciary is entirely West Indian.

Recent developments

69. Following the dissolution of the federation of the West Indies in 1962, the representatives of the Government of Barbados, Antigua, Montserrat, St. Kitts-Nevis-Anguilla, Dominica, St. Lucia, St. Vincent and Grenada presented detailed proposals to the Secretary of State for a federation of their eight Territories. On 16 April 1962, the Secretary of State informed the House of Commons that the United Kingdom Government had reached the conclusion that a federation of Barbados and the Leeward and Windward Islands appeared to offer the best solution to the problems of the area, provided that the federal constitution was such as to provide adequate powers to the central government and to offer a reasonable prospect of economic and financial stability.

70. At a conference of the eight Governments which was held in London in May 1962 under the chairmanship of the Secretary of State to discuss the future federation, it was agreed that the "little eight" should form a federation to be known as "The West Indies Federation" with the federal capital in Barbados. The report of the Conference set out in some detail the proposals for the structure of the federal and unit governments, the division of powers between them, the public service, the judiciary and overseas representation. The Conference drew up a general programme of the preparatory work for the establishment of the federation. It envisaged that after the recommendations had been referred to the unit legislatures for discus-

sion and approval, a further conference would be held between the United Kingdom Government and the eight Governments with the participation of the opposition parties. It was hoped to hold this conference in June 1963. During the Conference, the United Kingdom stated that it recognized that a federation of the Caribbean Territories would require external assistance for a period after its establishment both on budgetary and capital account, and undertook to make a detailed survey of the economic needs and potential development of the area. The survey,⁴ which was published in 1963, set out proposals for the economic development of the Territories to enable them to achieve economic viability by 1973.

71. After the 1962 Conference, the Premier of Barbados and the Chief Ministers of the Leeward and Windward Islands constituted themselves as a Regional Council of Ministers to deal with regional matters and prepare for federation. Late in 1962, following a change in government, Grenada opened discussions with Trinidad and Tobago on a possible association, but the remaining seven Territories decided to go ahead with the plans for federation. By early 1963, the seven territorial Legislatures had approved the report of the East Caribbean Federation as a basis for further discussions.

72. In May 1963 preliminary discussions were held in Barbados among the Premier of Barbados and the Chief Ministers of Antigua, Dominica, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent, and some new proposals were put forward. As the new proposals would have the effect of greatly weakening the powers of the proposed federal government, they were not readily acceptable to some of the other Chief Ministers, or to the British Government, and the constitutional conference which was to have taken place in London in June 1963 was postponed to allow time for further study.

73. Further talks held in Antigua in September among the seven Governments did not produce unanimity, but the Ministers put forward conditions on which they were prepared to attend a further conference. On 4 February 1964, the Secretary of State for the Colonies explained to the House of Commons that a variety of difficulties had arisen. These included difficulties among the Territories regarding the form of federation they desired and differences regarding the degree of financial support to be provided by the British Government. He expressed the hope that these difficulties could be sufficiently resolved to enable discussions to be pursued.

ANTIGUA

Introduction.

74. The Territory comprises the island of Antigua and its dependencies, Barbuda, which lies 25 miles to the north, and the uninhabited island Redonda. The total area of the Territory is 170.5 square miles (442 square kilometres): Antigua has an area of 108 square miles (279.7 square kilometres), Barbuda 62 square miles (160.5 square kilometres) and Redonda 0.5 square miles (1.3 square kilometres). The islands lie in the hurricane zone and are subject to severe droughts. At the 1960 census, the population was 54,353, including 49,966 of African descent, 1,879 of mixed descent, 720 Europeans and 322 others.

⁴ C. O'Loughlin, *A Survey of Economic Potential and Capital Needs of The Leeward Islands, Windward Islands, and Barbados* (London, Her Majesty's Stationery Office, 1963).

Status

75. Antigua, which is a colony, first came under British administration in 1632, and Barbuda was settled in 1661.

Constitution⁵

76. The main features of the present Constitution, which came into effect in January 1960, are contained in the Antigua Letters Patent, 1959, and the Antigua Legislative Council (Amendment) Order in Council, 1959.

77. *Executive Council.* The members of the Executive Council are: the Administrator; the Chief Minister of the Territory, who is also Minister of Finance; three other ministers appointed from the elected members of the Legislative Council who are responsible respectively for trade and production, social services, and public works and communications; a Minister without Portfolio; and the Attorney General. All the ministers, including the Chief Minister, are local inhabitants.

78. *Legislative Council.* The Legislative Council comprises ten elected members, one *ex officio* member, the principal law officer, and two members nominated by the Administrator. At the last elections, held in November 1960, the Antigua Labour Party won all ten elective seats. All the elected members are local inhabitants.

Public Service

79. In 1962, Public Service personnel totalled 1,406, most of whom were local inhabitants. There is in-service training and in 1962 twenty-two employees were sent for training overseas.

Local government

80. There are village community councils which participate in promoting village improvement.

Political parties

81. The most important party is the Antigua Labour Party, which holds all ten seats in the Legislative Council. It is closely allied with the Antigua Trades and Labour Union, which is the strongest union in the Territory. The Chief Minister is also the president of this Union. There is also an Antigua Democratic Party.

Economic conditions

82. The economy of the Territory is based mainly on agriculture with sugar, and to a lesser degree, cotton as its principal exports. The tourist trade is gradually becoming more important, as are secondary industries which now include soap, cigarettes, cotton seed; arrowroot factories and a distillery. There is some fishing which is mostly for local consumption. The Territory is dependent on imports for many of its foodstuffs and fuel. In 1962, imports were valued at \$WI 21 million⁶ and exports at \$WI 4.3 million. Sugar exports were 17,498 tons valued at \$WI 13.8 million, cotton exports were 280,000 pounds (clean lint) valued at \$WI 303,000. Exports of sugar are made under the

Commonwealth Sugar Agreement, and under the United States Sugar Act which sets quotas and prices.

83. Most of the revenue of the Territory is from customs duties (55.6 per cent in 1961) and internal revenue taxes (24.0 per cent). In 1961, local revenue was \$WI 7.34 million and local expenditure was \$WI 8.96 million. The Territory received a grant-in-aid of \$WI 1.57 million. Estimated total revenue for 1962 was \$WI 10.7 million, of which \$WI 6.14 million was from recurrent revenue and \$WI 951,000 from a United Kingdom grant-in-aid. Estimated recurrent expenditure was \$WI 6.98 million.

84. Up to 31 March 1962, Antigua had received a total of £1,879,481 (\$WI9,001,508) under the Colonial Development and Welfare Acts. In 1962, Antigua received a Colonial Development grant of \$WI 950,000 and \$WI 160,000 from the United States Agency for International Development. These grants, together with loans raised on the London market, are used for a number of development schemes including the building of an international airport and hospital facilities and the training of medical, agricultural and other personnel.

85. It is estimated that the gross domestic product of Antigua rose from \$WI 12.1 million in 1953 to \$WI 22.5 million in 1961, when the gross domestic product per head was \$WI 407. Although Antigua's economy has been growing at a relatively fast rate, the emergence of new and relatively well-paid industries alongside an old-fashioned agricultural industry appears to be causing some imbalance, and concern has been expressed that the infra-structure no longer meets the needs of the Territory. The recent economic survey (see paragraph 70 above) considered that Antigua could achieve an annual growth of 4.5 per cent and that, for this purpose, the capital needs of the period 1963-1973 would be \$WI 47,060,000, of which more than half would be spent in the first three years.

Social conditions

86. *Labour.* It is estimated that there are 12,000 wage earners, of whom approximately 4,100 per week are employed in the sugar industry, and 1,322 in public works, utilities and municipal services. Trade unions are reported to be very active in the Territory; three were in operation in 1960. An Employer Federation is also registered under the trade-union law. Labour legislation now covers such matters as the employment of women, young persons and children, the health and safety of factory workers and workmen's compensation generally. Each year a number of workers seek employment overseas.

87. *Public health.* In 1962, the birth-rate was 27.9 per thousand, the death-rate was 6.3 per thousand and the infant mortality rate was 42.0 per thousand live births. The four leading causes of death in the Territory are cardio-vascular diseases, gastro-enteritis, cancer, and diseases of early infancy.

88. The Medical Service is based on part-time government officers with the privilege of private practice. In 1962, there were sixteen registered physicians (one in private practice), four nurses, sixty-two midwives, twenty sanitary inspectors, five technicians and sixteen pharmacists (seven in private practice). There is one general hospital with 180 beds, one cottage hospital with 150 beds, and sixteen dispensaries. Clinics for expectant mothers and for children were held regularly at three public health

⁵ The main features of the Government of the Territory which are common to the other Leeward and Windward Islands have been described in paragraphs 59-68 of this chapter, which should be considered as part of the present text.

⁶ The local currency in Antigua, Dominica, Grenada, Montserrat, St. Kitts, St. Lucia and St. Vincent is the West Indian dollar (\$WI) which equals 4s.2d. (sterling) or \$US 0.5833.

centres. Attendance at child welfare clinics for 1961 numbered 11,988 and at ante-natal clinics 2,384. Under a supplementary milk feeding programme assisted by the United Nations Children's Fund (UNICEF), milk was distributed to 1,013 pregnant and nursing mothers and 3,269 infants and pre-school children.

89. The expenditure on medical and allied services in 1960 and 1961 was \$WI 1,035,783 and \$WI 1,204,457 respectively.

Educational conditions

90. The Education Department is the responsibility of the Minister for Social Services. Primary education is provided in government schools and in a number of private schools. Education is compulsory between the ages of 5 and 13. In 1962, there were 16,641 pupils enrolled in all schools in the Territory: of these 13,808 were in primary schools (12,202 in government schools and 1,606 in private schools) and 2,833 were in secondary schools (570 in government schools and 2,263 in private schools). Those enrolled in primary schools represent some 88 per cent of the population between 5 and 15 years of age. It is the Government's policy to develop a wider system of secondary education. One of the secondary schools has a technical centre and a business education department. There is a teacher-training centre at which sixteen students were enrolled in 1962.

91. The estimated expenditure on education in 1961 was \$WI 636,000, which represented 6.8 per cent of the total estimated expenditure.

DOMINICA

Introduction

92. Dominica is the largest of the Windward Islands with an area of 289.8 square miles (750.5 square kilometres). It is located approximately 220 miles from Barbados and 950 miles from Trinidad. At the 1960 census, the population was 59,916, comprising 39,575 of African descent, 19,606 of mixed descent, 305 Caribs, 251 Europeans and 89 others. The population density was 196 persons per square mile. Over one fifth of the population lives in and around Roseau, the capital.

Status

93. Dominica, which is a colony, first came under British influence in 1627, but was not settled then. In the following years French settlements were established along the coast and Dominica was recognized as a *de facto* French colony. After changing hands, it was restored to the United Kingdom by the Treaty of Versailles in 1783.

Constitution

94. The present Constitution is contained in the Dominica (Constitution) Order in Council, 1959, as amended in 1960 (see also paragraphs 59-68 above).

95. *Executive Council.* The members of the Executive Council are the Administrator; the Attorney General (*ex officio*); the Chief Minister; three ministers appointed from the elected members of the Legislative Council, who are responsible respectively for Trade and Production, Communications and Works, Labour and Social Services; and a Minister without Portfolio. The Chief Minister and all the other ministers are local inhabitants.

96. *Legislative Council.* The Legislative Council consists of eleven elected members, one *ex officio* member, the principal law officer, and two nominated members appointed by the Administrator. The Council is presided over by a Speaker elected by the Council either among its members or from without who has only a casting vote. General elections were last held in January 1961, when the Dominican Labour Party won seven seats and the Dominican United Peoples Party won three seats, with one Independent. All the elected members of the Council are local inhabitants.

Public Service

97. At the end of 1962 there were two pensionable and nine non-pensionable overseas officers in the Public Service, and 1,312 local and other officers of whom forty-three were of comparable status to those from overseas.

Local government

98. Two of the main towns, Roseau and Portsmouth, are under the control of town councils, each comprising five elected and three nominated members. Several of the principal villages have statutory village councils, the membership of which is also partly elected and partly nominated.

Political parties

99. The Dominican Labour Party has seven seats in the Legislative Council and the opposition Dominican United Peoples Party has four.

Economic conditions

100. Dominica's economy is based on agriculture and production is mainly for export. Bananas are now the major crop, the acreage having increased from 2,000 in 1946 to over 10,000 in 1960. However, the rate of growth of the banana industry experienced in the 1950's is tapering off. Other main products for export are citrus fruits, copra and some cocoa. Apart from the processing of lime juice, the Territory has no significant secondary industries.

101. In 1961 imports were valued at \$SWI 10,639,000 and exports at \$SWI 7,268,000. The principal imports are flour, textiles, sugar, fish, metal and metal manufactures and machinery. Bananas accounted for over 65 per cent of the value of exports, and fruit juice about 12 per cent. Of the imports, 36 per cent were from the United Kingdom and 39 per cent from other Commonwealth countries, but about 85 per cent of the exports were to the United Kingdom.

102. Customs and excise taxes are the most important source of revenue and in 1961 accounted for 65.7 per cent. In 1962, revenue collected locally amounted to \$WI 3.89 million. In addition, the Territory received a grant-in-aid of \$WI 1.47 million from the United Kingdom. Total expenditure including that on development schemes amounted to \$WI 6.23 million. Between 1956 and 1960 Dominica received grants totalling \$WI 5,561,097 under the Colonial Development and Welfare Acts, and \$WI 5,135,337 in grants-in-aid of administration. The Colonial Development and Welfare grant received in 1962 amounted to \$WI 693,235 and was for various schemes, the most important of which were road building and agriculture.

103. According to the recent economic survey (see paragraph 70 above), Dominica is considered to have

more potential in agriculture than the other Territories, because expansion can take place both to extend development and to intensify production. One of the Territory's important natural assets is its timber. It is estimated that production could yield 10 million board feet of veneers and 3 million board feet of sawn timber. Development, however, awaits capital. Dominica also has pumice and *pozzolana*. The most pressing need is for improved communications, especially roads, to provide better transportation for products and to make new areas of land accessible for cultivation. A growth of 4 per cent *per annum* is projected for the banana industry, 3 per cent for other agriculture, fishing, building and construction, and 4 per cent for private investment. The total capital needs of Dominica over the period 1963-1973 are estimated at \$WI 51 million, with more than half to be spent in the period 1964-1968, by which time the Territory would no longer need recurrent assistance.

Social conditions

104. *Labour.* Agriculture is the principal source of employment. In 1960 there were an estimated 10,500 persons employed in the main services and industries, of whom 6,200 (3,900 men and 2,300 women) were employed in agriculture. There were 2,608 employed in manufacturing industries, 2,418 in construction, 607 in transport and 1,075 in commerce. There has been no significant change in the employment pattern in the Territory, but migration overseas, which reached 1,671 in 1961, dropped to 527 in 1962.

105. *Public health.* In 1962, the birth-rate was 42.0 per thousand and the death-rate was 10.8 per thousand, compared with 43.6 and 15.2 respectively for the previous year. The chief causes of death are gastro-enteritis, diseases of the respiratory system, avitaminosis and other forms of malnutrition.

106. There are five government hospitals, including a leper home, with a total of 245 beds. Regular clinics are held throughout the year by district medical officers at the twenty-six dispensaries distributed all over the island. A Maternity, Child Hygiene and School Health Service with headquarters in Roseau is operated by a Senior Health Visitor, assisted by five Health Visitors, under the direction of the Senior Medical Officer. Under a school-feeding programme assisted by UNICEF, all children in primary schools received a pint of reconstituted milk daily. A total of 474,116 pounds of dried skim milk was distributed in 1961 and 340,982 pounds in 1962 to school children, infants, pregnant and nursing mothers. The anti-malaria programme sponsored by WHO reached its third and fourth cycles of residual spraying during the year. With the enactment of legislation to enforce residual spraying, the operation did not encounter the difficulties experienced in previous years. Only three cases of malaria were registered in the Islands during 1961.

107. Ordinary public health expenditure was \$WI 648,267 in 1962, which represented approximately 14 per cent of the total local expenditures.

Educational conditions

108. Free primary education is provided for all children between 5 and 15 years of age. Compulsory school attendance has been instituted in fourteen areas. At the 1960 census of the population 15 years of age and over, which totalled 33,116, there were 4,421, or

13 per cent, who had had no education. In 1962 there were forty-six government primary schools and three private schools; the total enrolment in primary schools was 14,884. There are four secondary schools, one government, and three private. The government secondary school and one of the private schools prepares pupils for the Cambridge School and Higher School Certificate examinations and another private school prepares pupils for the General Certificate of Education. In 1962 there were 1,203 pupils enrolled in these schools. Short training courses for teachers are conducted locally by the Department of Education. Students from the Territory attend a one-year training course in Antigua or a two-year course in Barbados. There are no vocational schools or higher education facilities. In 1962, eighty-three students were studying overseas.

109. Recurrent expenditure on education in 1962 was \$WI 733,811, which represented almost 16 per cent of the ordinary expenditure of the Territory.

GRENADA

Introduction

110. Grenada is the most southerly of the Windward Islands in the Eastern Caribbean. The total area is 133 square miles (344.5 square kilometres), including certain of the small islands known as the Grenadines, the largest of which is Carriacou with an area of 13 square miles (33.7 square kilometres). Approximately 10,000 acres are under forest. The south coast is deeply indented by numerous natural harbours. At the 1960 census, the population was 88,677. The average population density was 690 per square mile. Approximately 53 per cent of the population were of African descent; 42 per cent of mixed descent; 4 per cent were East Indians and 1 per cent were Europeans. In 1960, approximately 30 per cent of the population (26,843) lived in and around the capital, St. George.

Status

111. Grenada, which is a colony, was inhabited by the Caribs when French settlers first arrived in 1650. The island came under French administration in 1674. It was ceded to the United Kingdom under the Treaty of Paris in 1763 but reverted for a brief period to French rule before it again came under United Kingdom administration by the Treaty of Versailles in 1784. In 1833, Grenada was first included in the general government of the Windward Islands.

Constitution

112. The present Constitution is contained in the Grenada Letters Patent, 1959, which came into effect in January 1960, and the Grenada (Constitution) Order in Council, 1962 (see also paragraphs 59-68 above).

113. *Executive Council.* The members of the Executive Council are: the Administrator; the Chief Minister; the Minister of Trade and Industry; the Minister of Communications and Works; the Minister of Labour and Social Affairs; a Minister without Portfolio; and one *ex officio* member, the Attorney General.

114. *Legislative Council.* The Legislative Council consists of ten elected members, one *ex officio* (the Attorney General) and two nominated members appointed by the Administrator. The Legislative

Council is presided over by a Speaker elected by the Council, either from within or outside its own membership, and having only a casting vote. At the last elections, held in September 1962, the Grenada National Party won six out of the ten elective seats and the United Labour Party the remaining four.

Public Service

115. In 1960, there were seven pensionable overseas officers and 1,871 local and other officers, of whom twenty-two were of comparable status to those from overseas.

Local government

116. There is a semi-elected district board in each of the six parishes of Grenada and a nominated town authority at Hillsborough in Carriacou.

Political parties

117. The two main political parties are the Grenada National Party and the Grenada United Labour Party.

Recent developments

118. In March 1961 general elections were held, at which the Grenada United Labour Party defeated the Grenada National Party, winning eight seats out of the ten in the Legislative Council and coming into power for the third time since 1951.

119. In February 1962, because of suspicion of financial irregularities, a Commission of Enquiry was appointed to inquire into the control of public expenditure in the Territory during 1961 and thereafter. The Commission reached the following general conclusions:

(a) The Minister of Finance had disregarded and contravened laws and regulations governing the control of expenditure;

(b) Expenditure had been incurred wastefully or unnecessarily through failure by ministers to seek, or refusal to accept, the advice of the civil servants;

(c) The Executive had deliberately destroyed the morale of the Civil Service by undesirable interference with administrative duties and by improper threats against the security of office;

(d) The Civil Service had been induced by this interference and these threats to commit or condone improprieties or irregularities in the expenditure of public funds.

120. The Secretary of State for the Colonies decided that he could not allow ministers to remain in office whose exercise of their public responsibilities had been the subject of such grave criticisms on the part of a Commission of Enquiry. Under the Constitution there was, however, no means by which the Government could be immediately dismissed from office; the Legislative Council could have been dissolved and a general election announced, but it might not have been practicable to hold fresh general elections before the elapse of between two and three months; and the Government would, of course, have remained in office until the results of the general election were known. On 18 June 1962, the Secretary of State therefore temporarily suspended those provisions of the Constitution relating to the Executive and Legislative Councils. After a period of direct rule by the Administrator, the suspended provisions of the Constitution were restored and fresh general elections held on 13 September. At that time the constitutional provisions

were modified to provide the Administrator with wider reserved powers to act against the advice of his ministers and empowering him to appoint an official as Minister of Finance. As already indicated, these elections were won by the Grenada National Party.

121. With the agreement of the United Kingdom, the new Government has entered into discussions for an association with Trinidad and Tobago as an alternative to joining the proposed "West Indies Federation" (see paragraphs 69-73 above). A conference was held in Port of Spain, in December 1962, between the representatives of Trinidad and Tobago and Grenada to explore the possibility, and it was agreed to establish five groups of experts to study in detail the constitutional, economic and fiscal aspects of the proposed association.

Economic conditions

122. The economy of the Territory is based on agriculture. Approximately 51,000 acres are suitable for agriculture and there is little cultivable land which is not utilized. About half the cultivable land is in estates and half in peasant holdings. The principal export crops are cocoa, nutmeg and bananas. The hurricane of 1955 did severe damage to both nutmeg and cocoa production and since then the banana crop has increased in importance. Secondary industries are largely confined to the production of unrefined sugar and rum, and of lime oil. Tourism is expected to become a contributing factor to economic growth.

123. Manufactured articles and foodstuffs account for the major part of the imports. Other imports include iron and steel, timber, textiles and cement. Imports have increased from \$WI 11.2 million in 1958 to \$WI 16 million in 1961 but exports have declined from \$WI 8.3 million to \$WI 6.0 million. The decline in exports is due mainly to the drop in the production of nutmeg and to lower prices on the world market. In 1961, cocoa exports amounted to \$WI 2.6 million (43 per cent); bananas, \$WI 1.5 million (25 per cent); and nutmeg \$WI 1.3 million (21 per cent).

124. Customs and excise duties are the chief sources of revenue and until 1958 Grenada did not receive any grants-in-aid from the United Kingdom. In 1962, the total estimated revenue was \$WI 8,790,000 of which \$WI 3,648,000 was from customs, \$WI 1,785,000 from taxes, \$WI 555,000 from licences and excise duties, and a grant-in-aid from the United Kingdom of \$WI 1,558,000. Total local expenditure was estimated to be \$WI 8,881,000, including expenditure on Colonial Development and Welfare schemes which amounted to \$WI 142,000. The estimated gross domestic product in 1961 was \$WI 28.7 million and the gross domestic product *per capita* was \$WI 324.

125. Development plan projects are being undertaken for soil conservation, the expansion of cocoa production, social services, livestock production and tourism. Under the United Kingdom Colonial Development and Welfare Acts, up to 31 March 1962, the Territory had received grants amounting to £1,383,978 (\$WI 6,643,094). According to the recent economic survey (see paragraph 70 above), it is estimated that, in order to lessen Grenada's need for financial assistance, an over-all average rate of growth of 4.7 per cent *per annum* over a ten-year period will be needed. The main emphasis is to be on improved agriculture, and the development of the beef industry. Total capital needs over the ten-year period are estimated at \$WI 148,506,000.

Social conditions

126. *Labour.* The supply of local labour, both skilled and unskilled, is sufficient to meet the local demand. The seasonal nature of employment and the pressure of population have led to large-scale emigration. In the three-year period 1958-1960 the net migration from Grenada was recorded at 6,640, a figure substantially higher than that of the other Leewards and Windwards, and remittances from overseas exceeded \$WI 2 million. Migration abroad is now chiefly to the United States under the Regional Labour Board Scheme for agricultural workers, or to the United Kingdom. At the 1960 census the labour force comprised 25,170 persons, which included 10,895 in agriculture, 4,663 in services, 2,963 in commerce, 2,907 in construction and 2,600 in manufacturing. There are thirteen registered trade unions. Machinery is available for settlement of labour disputes through the office of the Labour Commissioner.

127. *Public health.* The health services are under the supervision of the Senior Medical Officer who is assisted by ten district medical officers. There are three general hospitals with a total bed capacity of 302, and twenty-six district Medical Visiting Stations throughout the Territory with resident nurse-midwives in charge. Maternity and child welfare work is carried on in all these stations. There are three main Health Centres and the accommodation has been improved in four of the Visiting Stations, to provide subsidiary Health Centres.

128. The annual rate of natural increase in total population is 2.9 per cent. The health of the Territory is considered satisfactory, although dietary deficiency was prevalent, especially among children. A WHO/UNICEF assisted campaign for improvement in environmental sanitation was in progress during 1960-1961. Other programmes, including the UNICEF milk-feeding scheme and the Expanded Treponematoses Programme, were being continued.

129. Estimated expenditure on medical and sanitary services in 1962 amounted to \$WI 1,256,000 as compared with \$WI 954,000 in 1961.

Educational conditions

130. Primary education is free to all children between 5 and 17 years of age. Attendance is compulsory between the ages of 5 and 15, but is not enforced. In 1962 there were fifty-six primary schools, which included eleven government schools and forty-five government-assisted denominational schools. There were six secondary schools, all of which prepare students for the Cambridge School and Higher Certificate examinations. The 1960 census showed that 3.5 per cent of the population 15 years of age and over had had no formal education. In the same year, there were 27,956 persons attending schools of all types, of whom 24,583 were in primary schools and 1,820 in secondary schools. In 1962, there were 24,074 enrolled in primary schools and 1,777 in secondary schools. The average attendance was 81 per cent. Courses for teachers preparing for the Cambridge School Certificate and the local Teachers' Certificate examinations are organized at centres in the town of St. George and the parishes.

131. Estimated expenditure on education in 1962 was \$WI 1,176,141, which represents about 12 per cent of the total expenditure of the Territory.

MONTSERRAT

Introduction

132. Montserrat lies twenty-seven miles south-west of Antigua and some forty miles north of Guadeloupe. It is the smallest of the East Caribbean Islands, having a maximum length of eleven miles, a maximum width of seven, and an area of 32.5 square miles (83 square kilometres). At the 1960 census, the population was 12,167, comprising 11,632 persons of African descent, 237 of mixed descent, 51 European, and 56 others.

Status

133. Montserrat, which is a colony, came under United Kingdom influence in 1632 when it was settled from St. Kitts. After coming under French administration for brief periods, it reverted to United Kingdom administration under the Treaty of Versailles in 1783.

Constitution

134. The main features of the present Constitution, which came into effect in January 1960, are contained in the Montserrat Letters Patent and Royal Instructions, 1959. This Constitution introduced a ministerial system of government (see also paragraphs 59-68 above).

135. *Executive Council.* The members of the Executive Council are: the Administrator; the Chief Minister and Minister of Trade and Production; two Ministers appointed from among the elected members of the Legislative Council, namely the Minister for Social Services and Public Works and the Minister without Portfolio; one nominated member; and two *ex officio* members, the Crown Attorney and the Financial Secretary. All ministers, including the Chief Minister, are local inhabitants.

136. *Legislative Council.* The Legislative Council, which is presided over by the Administrator, comprises seven elected members, two *ex officio* Members (the Crown Attorney and the Financial Secretary), and one member nominated by the Administrator. The last elections were held in March 1961, at which the Montserrat Labour Party won five seats and the United Workers' Movement won two seats. All the elected members of the Legislative Council are local inhabitants.

Public Service

137. The Public Service comprises four expatriate officers and nine local officers of comparable grades.

Political parties

138. The two main political parties are the Montserrat Labour Party, which won five seats at the last elections in March 1961, and the United Workers' Movement which won two seats.

Economic conditions

139. The economy of the Territory is based on agriculture with sea island cotton as the main export crop. In recent years, exports of bananas, vegetables, citrus fruits and sugar-cane have been developed. Secondary industries are limited to processing of local products and include cotton ginning, distillation of rum, lime juice and lime oil processing, soap manufacture and canning. Tourism is increasing.

140. The Territory is dependent on imports of various foodstuffs, including sugar, flour and dried fish. Other major imports are cement, lumber, textiles and consumer goods, and machinery. Exports are affected by weather conditions but in an average year amount to less than half of the imports by value. In 1961, total imports were valued at \$WI 2,538,000, and exports at \$WI 377,000, of which cotton, affected by adverse conditions in 1961, accounted for \$WI 159,000, bananas \$WI 40,000 and tomatoes \$WI 111,000.

141. Customs and excise duties are the main sources of revenue. In 1962, total Territorial revenue was \$WI 1,203,964 of which \$WI 317,000 was from customs, and \$WI 131,000 from internal revenue and excise. In addition, the Territory received grants-in-aid from the United Kingdom totalling \$WI 1,036,144. Total local expenditure was \$WI 1,941,999. Expenditure on Commonwealth Development and Welfare schemes amounted to \$WI 147,899. The Territory has received a further grant of £200,000 (\$WI 960,000) from Colonial Development and Welfare funds for the 1960-1964 development plan. The major projects in this plan are for soil conservation and expansion of social services, the livestock industry, banana and sugar cultivation, fisheries and forests. Under the United Kingdom Colonial Development and Welfare Acts, up to 31 March 1962, the Territory had received grants amounting to £547,162 (\$WI 2,626,378). The estimated gross domestic product in 1961 was \$WI 3,663,000. National income *per capita* was \$WI 300, compared with \$WI 195 in 1957. Money sent home from emigrants is of considerable importance and in 1961 accounted for 15 per cent of household income.

142. According to the recent economic survey (see paragraph 70 above), it is estimated that, in order to enable Montserrat to become less dependent on outside funds, an over-all average rate of growth of 8.7 per cent *per annum* over a ten-year period is needed. The main emphasis is to be on improving agriculture and increasing export crops such as sugar. The Food and Agriculture Organization of the United Nations (FAO) has offered assistance with fertilizers and measures to rehabilitate the sugar industry. Total capital needs over the ten-year period are estimated at \$WI 10,154,000 and the projected recurrent and capital assistance in 1973 is expected to be \$WI 600,000, with a gradual reduction thereafter. The survey notes that "If the government was abolished in Montserrat and it was administered from somewhere else, the saving would be less than \$WI 50,000 per year unless the standard of public services was also drastically reduced".

Social conditions

143. *Labour.* The principal source of employment is in agriculture. At the 1960 census, the labour force comprised 4,053 persons over 14 years of age, which included 1,895 persons employed in agriculture, 855 in services, 452 in construction, 337 in manufacturing and 255 in commerce. Because of emigration, there are now seasonal shortages of labour, especially on the estates. This has been attributed to the wage rates, which are low in comparison with those in the other islands. In 1957 and 1958, there were serious and prolonged strikes on the estates, which led to the appointment of a Board of Inquiry by the Governor. As a result of the Board's recommendations, a Labour

Commissioner was appointed to ensure the implementation of existing labour legislation and to promote the welfare of the workers. He also advises employers and workers on matters affecting labour relations, and undertakes conciliation measures when disputes arise.

144. There were three registered trade unions in 1962 with some 850 members.

145. *Public health.* The health services are under the supervision of a Senior Medical Officer who is assisted by two district medical officers. There is one general hospital with sixty-nine beds, as well as three health centres and eight health outposts. There are also a midwifery service with ten midwives, a sanitary service for inspection of premises and control of insect-borne diseases, and an infirmary for the poor and aged. Gastro-enteritis remains the most frequent disease among patients visiting government clinics. A campaign to eradicate yellow fever was begun in 1957 with the assistance of WHO. At the end of 1960, the island was free from yellow fever-carrying mosquitoes. In 1962, the birth-rate was 25.3 per thousand and the death-rate 9.9 per thousand; the infant mortality-rate was 83.3 per thousand live births.

146. Estimated expenditure on public health for 1962 was \$WI 229,734.

Educational conditions

147. Primary education is free for all children between the ages of 5 and 15 years and compulsory between the ages of 5 and 13. The schools are organized into infant, junior and senior departments. In 1962, there were sixteen primary schools; twelve government, one aided, one unaided, and two small fee-paying private schools. Primary enrolment was 3,025 in 1962, representing over 95 per cent of the children of between 5 and 15. Secondary education is provided at a government secondary grammar school to which a senior section was added in 1959. The school prepares students for the School Certificate and Higher School Certificate examination. Pupils in the senior section follow a four-year course. The total enrolment of the secondary school was 186 in 1962. Primary school teachers are trained at the Leeward Islands Teachers Training College in Antigua. In-service training courses and seminars are regularly organized by the Department of Education.

148. The estimated recurrent expenditure on education in 1962 was \$WI 254,850, which represented 12.8 per cent of the total recurrent expenditure of the Territory.

ST. KITTS-NEVIS-ANGUILLA

Introduction

149. St. Kitts (which is also known as St. Christopher), Nevis and Anguilla are three separate islands lying between 17 1/2' and 18 1/2' north, which is in the hurricane zone. St. Kitts and Nevis are separated by a three-mile-wide strait and Anguilla lies sixty miles to the north of St. Kitts. In addition the Territory also comprises the island of Sombbrero, the administration of which was transferred from the British Virgin Islands to St. Kitts in 1956. The total area of the Territory is 155 square miles (401 square kilometres). The area of St. Kitts is sixty-eight square miles, Nevis fifty square miles, Anguilla thirty-five square miles and Sombbrero two square miles. At the 1960 census the total population of the Territory was 56,693 made up as follows: St. Kitts, 38,113, Nevis,

12,770, and Anguilla, 5,810. Of the total population, there were 50,705 persons of African descent, 4,979 of mixed descent, 535 European and 474 others. The estimated annual rate of increase is 2.5 per cent. The estimated population in 1962 was 60,451.

Status

150. St. Kitts-Nevis-Anguilla is a colony. The island of St. Kitts first came under United Kingdom control in 1623, Nevis five years later, and Anguilla in 1650. From 1666 the Territory was occupied at different times by France, but reverted to United Kingdom administration in 1783.

Constitution

151. The main features of the present Constitution, which came into effect in January 1960, are the St. Christopher, Nevis and Anguilla Letters Patent and Royal Instructions, 1959 (see also paragraphs 59-68 above).

152. *Executive Council.* The members of the Executive Council are the Administrator; the Chief Minister who is also the Minister of Finance; three ministers appointed from the elected members of the Legislative Council, namely the Ministers of Communications and Works, Agriculture and Labour, and Social Services; a Minister without Portfolio; and the Attorney General. All the ministers, including the Chief Minister, are local inhabitants.

153. *Legislative Council.* The Legislative Council comprises ten elected members, one *ex officio* member, the principal law officer, and two members nominated by the Administrator. At the last elections held in November 1961, the St. Kitts Workers League won seven seats, the United National Movement won two seats and there was one independent. All the elected members are local inhabitants.

Public Service

154. In 1960, there were six pensionable and seven non-pensionable overseas officers, twelve local officers of comparable grades and 1,140 other local staff.

Political parties

155. The two political parties represented in the Legislative Council are the St. Kitts Workers League, which has a majority, and the United National Movement. At the previous elections in 1956, the St. Kitts Labour Party, which was affiliated to the West Indies Federal Labour Party, won five of the eight seats.

Economic conditions

156. The main economic activities vary in the three islands. In St. Kitts, which is the wealthiest, there is a well-developed sugar industry based on large estate cultivation. In Nevis, on the other hand, most of the population is engaged in mixed farming and cotton is produced mainly for export. In Anguilla, where the majority of the inhabitants are proprietors, the main activities are stock raising, salt production and fishing. Industries are limited to processing of cotton, sugar, maize and cotton seed. Tourism is developing. There are some 28,200 acres of arable land, of which the indigenous inhabitants own 18,000 acres, the non-indigenous inhabitants, 7,500 acres, and the Government, 2,700 acres. Most of the land is held freehold. In contrast to St. Kitts, there are few large estates on Nevis and Anguilla and most of the land is rented

to small farmers. Settlers on government land have short-term leases.

157. Foodstuffs, such as flour, fish, grains, meats, and butter are among the principal imports. Also of importance are textiles, boots and shoes, non-edible oils and timber. Sugar is the most important export, generally accounting for over 80 per cent of the exports by value. Production and exports of cotton have declined: in 1958, cotton made up about 10 per cent of the total exports by value, in 1959, just over 6 per cent, and in 1961, about 2 per cent. Total imports in 1961 were valued at \$WI 12.4 million, compared with \$WI 12.7 million in 1960, with Canada and the United States as the principal suppliers. Total exports were \$WI 19.8 million in 1961 compared with \$WI 10,147,000 in 1960. Over 60 per cent of the exports went to the United Kingdom in both years, while exports to Canada increased from 20 to about 30 per cent.

158. St. Kitts-Nevis-Anguilla is the only Territory among the Leeward and Windward Islands which has not been in receipt of a grant-in-aid. The Territory's chief sources of revenue are import duties and income taxes which amount respectively to approximately 50 per cent and 35 per cent of the total revenue. Total local revenue in 1960 was \$WI 4,920,000 and \$WI 4,963,000 in 1961. In 1961, Colonial Development and Welfare grants amounted to \$WI 1,593,975. Expenditure in these years was \$WI 5,122,000 and \$WI 6,100,119. Under the second Five-year Development Plan, 1960-1965, the total expenditure envisaged is \$WI 17,376,350, of which \$WI 4,426,350 will come from Colonial Development and Welfare funds and \$WI 2,950,000 from loans. The major allocations are: industrial and area development, \$WI 2,245,500; agriculture, veterinary and fisheries, \$WI 1,411,500; communications and works, \$WI 1,367,129; social development, \$WI 2,320,416; and administrative services, \$WI 27,805. Up to 31 March 1962, assistance provided by the United Kingdom under the Colonial Development and Welfare Acts amounted to £1,382,656 (\$WI 6,633,600). In 1961-1962 the most important Colonial Development and Welfare allocations were for an airport, agriculture and roads. The gross domestic product of St. Kitts-Nevis-Anguilla in 1961 was estimated at \$WI 20,943,400; the gross domestic product per head, based on the 1960 population, was \$WI 369.

159. According to a recent economic survey (see paragraph 70 above), it is estimated that, in order to reduce the Territory's need for external financial assistance, an over-all rate of growth of 4.75 per cent *per annum* is needed over the next ten years. As the sugar lands in St. Kitts are already operated at "a high rate of utilization", the sugar industry is not expected to make much contribution to this growth. At the end of the ten-year period, it is estimated that the sugar industry will then account for only 19.6 per cent of the gross product, as against 32.3 per cent for 1961. Tourism is suggested as the most profitable area of growth. The projected growth over the period 1963-1973 for some of the other areas of development is: manufacturing, 12 per cent; construction and engineering, 10 per cent; distribution and commerce, 7 per cent; livestock products, 5 per cent; domestic food crops, 4 per cent. The total capital needs over this ten-year period are estimated at \$WI 33,753,000, with an expenditure of between \$WI 4 and 5 million *per annum* between 1954 and 1969, and thereafter a gradual reduction.

Social conditions

160. *Labour.* There is a Minister for Agriculture and Labour. The Department of Labour consists of a Labour Commissioner and a staff of five. The chief source of employment is the sugar estates. At the 1960 census, out of a population of 32,023 persons fourteen years of age and over, there were 11,446 men and 7,545 women in the labour force. Of these, 45 per cent of both the male and female labour force, or 5,195 and 3,380 respectively, were engaged in agriculture. About 13 per cent of the male labour force was in manufacturing, another 13 per cent in construction, and about 20 per cent in commerce, transportation and services. Of the female labour force, about 34 per cent were in services.

161. In Nevis and Anguilla most of the population is self-employed. Because of the seasonal nature of the work on the sugar estates and the limited opportunities for employment there is considerable seasonal unemployment in St. Kitts and under-employment in the other islands. Each year a number of workers from the Territory migrate overseas.

162. Labour organizations are registered under the Trade Union Act, 1939. In 1961, the largest union was the St. Kitts Nevis Trades and Labour Union, with 5,225 members, which is affiliated to the International Confederation of Free Trade Unions (ICFTU). There are also a civil servants association and two teachers' associations.

163. *Public health.* There are two general hospitals, one in St. Kitts with 117 beds, and one in Nevis with forty beds. There are two cottage hospitals, one in St. Kitts with eleven beds and another in Anguilla with nine beds. There are also three infirmaries and twenty-four health centres. At the end of 1958, there were nine government doctors and two in private practice. Resignations and illness caused a shortage of doctors in 1960 and 1961. There was also a shortage of midwives. The staffing situation improved in 1962. The two general hospitals are also centres for the teaching and training of nurses and dispensers. A shortage of teaching staff is also reported. The most common causes of death are gastro-enteritis, respiratory diseases, diseases of early infancy, heart disease and senility. In 1962, the birth-rate was 35.3 per thousand, and the death-rate was 9.8 per thousand. The infant mortality rate was 61.1 per thousand live births.

164. Expenditure on medical services and hospitals in 1961 was \$WI 1,895,511, which represented almost 15 per cent of total territorial expenditure.

Educational conditions

165. Primary education is free and compulsory for children between the ages of 5 and 13. In 1961 there were thirty-five government primary schools and six private primary schools, two of which were government assisted. Enrolment in government primary schools was 13,700 in 1962. There are three post-primary schools and two secondary schools having post-primary departments. Secondary education up to School Certificate Standard is provided in four government schools and one independent school. The Higher School Certificate is given at one of the government schools in St. Kitts. Teachers are trained at the Leeward Islands Teachers Training College, Antigua, and at Erdiston College, Barbados. Some teachers have been sent on training courses in the United Kingdom and some are pursuing degree courses in Jamaica.

166. Expenditure on education in 1961 was \$WI 1,031,131 or almost 17 per cent of the total local expenditure.

ST. LUCIA

Introduction

167. St. Lucia lies about twenty miles north of St. Vincent and twenty-five miles south of Martinique. It is the second largest of the Windward Islands and has an area of 238 square miles (616 square kilometres). It lies in the hurricane zone. At the 1960 census, the population totalled 86,198: 59,256 persons of African descent (69 per cent), 23,157 of mixed descent (27 per cent), 461 Europeans, 149 Caribs and 91 others. More than one third of the population of the Territory lives in and around Castries, the capital.

Status

168. St. Lucia, which is a colony, first came under United Kingdom influence in 1627 but was abandoned in 1641 to the Caribs. In 1643 it came under French administration and, after changing administration several times, again came under United Kingdom control in 1803, under which it has remained. In 1838 St. Lucia was made part of the Windward Islands group under a single Governor. Since 1960, when the post of the Governor of the Windwards was abolished, St. Lucia has been administered as a separate colony (see also paragraphs 59-68 above).

169. *Executive Council.* The members of the Executive Council are the Administrator, the Attorney-General, the Chief Minister, three other Ministers responsible for Trade and Industry, Communications and Works, and Labour and Social Affairs, and a Minister without Portfolio.

170. *Legislative Council.* The Legislative Council consists of ten elected members, one *ex officio* member (the principal law officer), and two members nominated by the Administrator. Elections were last held in April 1961 at which the St. Lucia Labour Party retained control of the Government, winning nine out of the ten elective seats.

Public Service

171. At 1 January 1960, there were twelve expatriate officers, four of whom were non-pensionable. In 1961, it was reported that "the process of localization has already been highly advanced and there are only a few expatriate officers serving in the Territory".

Political parties

172. Soon after the elections held in April 1961, the St. Lucia Labour Party had split and the splinter group formed a new party, the National Labour Movement, which together with the Peoples Progressive Party now form the Opposition. The St. Lucia Labour Party retains a small majority in the Legislative Council.

Economic conditions

173. The economy of the Territory is almost wholly based on agriculture, with bananas as the principal export crop. Sugar is second in importance, followed by coconuts and cocoa. There are some livestock which are mostly for domestic consumption. Industries are limited mainly to those processing agricultural produce. One of the Territory's assets is its deep water harbour.

Tourism is being developed and a new hotel was completed in 1962.

174. Types of tenure are freehold, leasehold and multiple tenancy, referred to locally as family lands. It was reported in a recent economic survey (see paragraph 70 above) that an "extreme degree of confusion of land titles exists", and that considerable areas of land were claimed by up to twenty owners. The appointment of a land commission to settle this problem was strongly recommended.

175. Imports, which were valued at \$WI 14 million in 1961, include a wide range of goods such as food-stuffs (flour, milk, codfish), cotton and other textiles, shoes, cement, cars, machinery and chemical fertilizers. Total exports in 1961 were \$WI 7.3 million, with bananas accounting for 71 per cent (\$WI 5,142,000); sugar, 9.7 per cent (\$WI 707,000); coconuts, 9.7 per cent (\$WI 707,000); and copra, 7.7 per cent (\$WI 560,000).

176. Over 60 per cent of the Territory's revenue is derived from customs and excise, and another 20 per cent from personal taxation. In 1961, the total local revenue was \$WI 5,155,000. The Territory also received a United Kingdom grant-in-aid of \$WI 1,450,000 and a Colonial Development and Welfare grant of \$WI 1,868,000. Up to 31 March 1961, St. Lucia had received £3,042,539 (\$WI 14.6 million) from the United Kingdom under the Colonial Development and Welfare Acts. In 1961, it received a further allocation of £319,648 (\$WI 1.5 million). These grants are allocated to education, communications, social services and the training of personnel. In 1960, the Territory also received a special grant of \$WI 194,000 for rehabilitation after damage by the hurricane. Under United States economic and technical assistance to St. Lucia, a further allocation of \$US 450,000 (\$WI 770,000) was made in 1961. Of this amount, \$US 200,000 (\$WI 346,000) were earmarked for rural development and \$US 100,000 (\$WI 173,000) for secondary schools.

177. The estimated gross domestic product of the Territory in 1961 was \$FI 26.5 million, and the gross domestic product per head was \$WI 307, which was the lowest among the Windward Islands. The survey of the economic potential of St. Lucia projects an average growth of 3.8 per cent of the gross domestic product over the period 1963-1973, and it is thought that the Territory will be able to achieve viability on recurrent account by 1970. Emphasis is given to the need for improving health and education to provide a better basis for more rapid economic development. The over-all capital needs for the ten-year period are set at \$WI 39,173,000.

Social conditions

178. *Labour.* Most of the population is engaged in agriculture. At the 1960 census, the working population was 28,544, or 33 per cent of the total population. Of the working population, 15,173 (10,799 men and 4,345 women) were engaged in agriculture, forestry and fishing; 3,997 in services; 3,468 in manufacturing; 2,598 in construction; and 2,478 in commerce. There is seasonal unemployment in the sugar industry, but the expansion of banana production has provided additional steady employment. Unemployment and under-employment have led to emigration overseas, which is assisted by the Government. There are agreements with Canada and the United States for

recruitment of labour. In 1960, for instance, some 2,500 persons migrated: 2,000 to the United Kingdom, 229 to the United States, 111 to the United States Virgin Islands, 111 to Antigua and 16 to Canada.

179. At the end of 1960, there were nine registered trade unions, but only three were recognized by the employers for the purpose of collective bargaining. These were the St. Lucia Seamen and Waterfront Workers Union; the St. Lucia Workers Co-operative Union, which is recognized as the sole bargaining agent for workers in the banana and sugar industries, as well as for government daily paid workers; and the Civil Service Association.

180. *Public health.* The medical services are administered by a Senior Medical Officer. The Island is divided into seven districts each in the charge of a district medical officer when fully staffed. In addition to the general hospital at Castries with 170 beds, there are three other hospitals with a total of 64 beds, a mental hospital with 140 beds and a home for the aged with 120 beds. In 1960, the birth-rate was 45.0 per thousand, the death-rate was 13.6 per thousand and the infant mortality rate was 107.1 per thousand live births. The annual rate of natural increase is 2.6 per cent.

181. A malaria eradication programme, originally assisted by WHO and UNICEF, has continued under the direction of a PASB*/WHO officer and, in 1962, for the first time there were no deaths from malaria. WHO and UNICEF are also assisting in a five-year environmental sanitation programme. St. Lucia is the only Territory in the Leeward and Windward groups affected by bilharzia. WHO is assisting the Government in preparing an all-island water plan which, when accomplished, will make it possible to control this disease.

182. Expenditure on public health was \$WI 823,076 in 1962 and represented approximately 10 per cent of the local expenditure.

Educational conditions

183. Educational policy is in the hands of the Minister for Labour and Social Affairs. Free primary education is provided for children between 4 and 15 years of age, and although there is provision for compulsory education for children between 6 and 12 years of age, this was not enforced up to the end of 1962. As the population is about 95 per cent Roman Catholic, the system of education is almost completely denominational. There are fifty-one officially recognized grant-aided primary and infant schools of various denominations, and one government school. There are two assisted secondary schools. Under a Colonial Development and Welfare grant of \$WI 245,249 eight new schools are being built to provide 1,800 new places and to replace nine existing schools.

184. At the 1960 census, the total population between the ages of 5 and 15 years numbered 22,733 and, of these, 21,117 were in primary school and 462 in secondary schools. Of the 48,001 persons aged 15 years and over, 12,573, or over 25 per cent, had no education. In 1962, there were 21,711 students enrolled in primary and infant schools. Of the 598 teachers, forty-six were trained and 183 were locally certified. There were 895 pupils enrolled in the secondary schools. Up to the end of 1961, there were no teacher-

* Pan American Sanitary Bureau.

training facilities in the Territory, but a new college financed jointly by the United States, the United Kingdom and the Territory was completed in 1962 and there are seven Peace Corps volunteers helping in various education programmes. There are no institutions of higher education in the Territory. Some scholarships are provided for teacher-training and other studies overseas.

185. Current expenditure on education in 1962 was \$WI 926,452, which was about 11 per cent of the local budget of the Territory.

ST. VINCENT

Introduction

186. St. Vincent lies about 100 miles west of Barbados and south of St. Lucia. The Territory comprises also part of the Grenadines chain of islands, known as the St. Vincent Grenadines, including Bequia, Canouan, Mayreau and Union Island. The island of St. Vincent is about 18 miles long and 11 miles wide with an area of about 133 square miles (343 square kilometres); including the St. Vincent Grenadines, the total area of the Territory is 150 square miles (388 square kilometres). At the 1960 census, the total population was 79,948 (37,561 male, 42,387 female). The composition of the population was: African 56,207; mixed 17,444; East Indian 2,444; European 1,840; Amer-Indian Carib 1,265; others 748. Approximately one quarter of the population lives in and around Kingstown, the capital. At the end of 1962, the estimated population was 83,042. The natural rate of increase is estimated at 3 per cent *per annum*.

Status

187. St. Vincent, which is a colony, was originally inhabited by the Caribs. Some settlements were first established by the French along the coastal regions in the early part of the seventeenth century. In 1762, St. Vincent was occupied by the British and in 1763 it was formally ceded to the United Kingdom by France, under the Treaty of Paris. For many years the Caribs remained in possession of the land and resisted settlements until finally, in 1796, most of them were deported to the Island of Roatan in the Bay of Honduras. By the second decade of the twentieth century, there was only one family of Caribs of pure origin in St. Vincent.

Constitution

188. The present Constitution, which came into effect on 1 January 1960, is contained in the St. Vincent (Constitution) Order in Council, 1959 (see also paragraphs 59-68 above).

189. *Executive Council.* The Executive Council comprises the Administrator; the Chief Minister, who is also Minister of Finance, Public Relations and Local Government; the Minister of Trade and Production; the Minister of Communications, Works and Labour; the Minister of Social Services; a Minister without Portfolio; and the Attorney General.

190. *Legislative Council.* The Legislative Council consists of nine elected members, one *ex officio* member (the principal law officer) and two nominated members appointed by the Administrator. At the last elections, which were held in April 1961, the Peoples Political Party retained control of the Government by winning six seats. The St. Vincent Labour Party won the

other three seats. In November 1961, one member of the Government resigned and joined the Opposition Party, so that the Government now has a majority of one. All the elected members of the Legislative Council are local inhabitants.

Public Service

191. At the end of 1962, there were eight overseas officers (one pensionable and seven non-pensionable), and 1,899 local staff. During 1962 there were forty-nine officers on study leave courses in Barbados, Trinidad, Jamaica, the United Kingdom and the United States.

Local government

192. The first Village Councils Ordinance was passed in 1948 providing for the establishment of village councils and the administration of villages by these councils. The Local Government Ordinance, 1951, provides for the establishment of partly elected and partly nominated boards with an elected majority. The Kingstown Town Board was elected on the basis of adult suffrage for the first time in 1960. At the end of 1961 there were ten local government bodies: six town boards, two village councils and two district councils. In all except two cases, each local authority comprises four elected and two nominated members. The local authorities have their own budgets and are responsible for the collection and expenditure of certain moneys for the maintenance of their own area.

Political parties

193. The two active parties are the Peoples Political Party, which now has five seats in the Legislative Council, and the Opposition St. Vincent Labour Party, which has four seats.

Economic conditions

194. St. Vincent's economy is based on the export of agricultural products. The traditional crops are arrowroot and sea island cotton, but since 1957 bananas have become the leading export. Other crops include coconuts, sugar cane, cassava, ground-nuts and sweet potatoes. Some vegetables and livestock are also exported. Some 3,000 acres are under arrowroot, and 7,000 acres under bananas. Yields of various crops are lower than in other islands and a survey has been recommended to improve utilization of the land. Industries are mainly limited to the processing of local production.

195. The Territory is dependent on imports for a wide range of goods including foodstuffs such as flour, meat, salted fish, textiles, footwear, lumber, cement, metal manufactures and machinery. Since 1959, the value of imports has remained almost constant at between \$WI 12.5 and \$WI 13 million. In 1962, imports were valued at \$WI 12,477,000. Exports also have remained almost constant over this period. Exports were valued at \$WI 5.7 million in 1962, with bananas accounting for about half of the value of the exports, arrowroot about 25 per cent, and copra about 16 per cent. The high prices paid for bananas in the past few years have led to a decline in cotton growing, exports of which in 1962 amounted to \$WI 45,000, compared with \$WI 308,000 in 1959.

196. Customs and excise taxes are the major source of revenue. In 1961, these taxes made up some 65 per cent while personal taxation made up another 25 per

cent. The total revenue was 15.4 per cent of the gross domestic product, which was lower than in most of the other Territories of the Leeward and Windward Islands. St. Vincent receives an annual grant-in-aid from the United Kingdom, which has been at the rate of over \$WI 1 million since 1958. In 1962, the total revenue was \$WI 5,763,000, made up as follows: local receipts, \$WI 3,956,000; a United Kingdom grant-in-aid of administration, \$WI 1,089,000; allocation from general revenue surplus, \$WI 25,000; Colonial Development and Welfare funds, \$WI 674,000; and overseas service aid, \$WI 20,000. Total expenditure was \$WI 5,672,000 of which the ordinary expenditure was \$WI 5,276,000 Colonial Development and Welfare expenditure, \$WI 373,000 and overseas service aid, \$WI 23,000. For the period 1960-1964, the Colonial Development and Welfare grants amounted to £600,000, of which £156,273 was for agriculture, £293,999 for public works, £101,460 for education, £31,000 for public health and £17,268 for urban and rural rehabilitation. There has been little growth in the economy over the past few years. In 1961 the gross domestic product was estimated at \$WI 24,676,000 and the gross domestic product per head was \$WI 309.

197. According to a recent economic survey (see paragraph 70 above), it is estimated that in order to lessen the dependence of the Territory on external aid, an average growth rate of about 4 per cent *per annum* over the next ten years is needed. The capital needs over the period 1963-1973 are estimated at \$WI 34,442,000, which would be spent more or less at an average annual rate of \$WI 3 to 4 million in the first half of this period and under \$WI 3 million in the second half. If the projected growth is achieved and revenue is increased to 20 per cent of the gross domestic product, and at the same time government expenditures do not increase by more than 2.5 per cent, it is expected that St. Vincent would no longer need grants-in-aid by 1971. However, it is envisaged that the Territory might continue to need assistance on capital account for some years after 1973.

Social conditions

198. *Labour.* The Labour Department is administered by a Labour Commissioner, who is responsible to the Minister of Communications, Works and Labour. Agriculture is the chief occupation. At the 1960 census, the total working population was 23,310, of whom some 10,000 were engaged in agriculture, 2,700 in manufacturing, 2,800 in construction, 2,700 in commerce and 3,700 in services. At the end of 1962, the working population between the ages of 15 and 65 years was estimated at 30,000. Employment in agriculture is largely seasonal. It is estimated that during the peak period some 6,500 persons are employed on twenty-four large estates, and approximately 1,500 in factories processing agricultural products. During the slack period, estate employment is around 3,000 persons while that in factories is about 100. There is also under-employment throughout the year. There is some recruitment of workers for overseas.

199. At the end of 1962, registered organizations included: the Federated Industrial and Agricultural Workers Union (membership not available); two teachers' unions with 674 members; a civil servants association with 309 members; the Planters Association with 17 members; and two Chambers of Commerce.

200. *Public health.* The Medical Department is under the control of a Senior Medical Officer. At the

end of 1962, facilities comprised one general hospital with 210 beds, three cottage hospitals with twenty beds and twenty-two out-patient dispensaries. There were maternity and child welfare centres at the general hospital and at all the dispensaries. There were also specialized units for the treatment of tuberculosis, venereal diseases, leprosy and mental diseases. The public health staff consisted of 10 doctors, including 2 private doctors; 133 nurses, including 23 private nurses; 133 midwives, including 62 private midwives; and 38 technicians and others. In 1960 and 1961 there were four vacant posts for medical officers. In 1962 the birth-rate was 45.5 per thousand, the death-rate was 11.6 per thousand, and the infant mortality rate was 91.8 per thousand live births.

201. There is an environmental sanitation programme assisted by WHO and UNICEF and a UNICEF supplementary multi-feeding programme for school children, and nursing and expectant mothers. Two fellowships were awarded in 1962 for participation in a training course in sanitation, administration and health education for public health supervisors which was jointly sponsored by the Pan American Health Organization, WHO and UNICEF. Two fellowships were also awarded in nursing administration.

Educational conditions

202. The Minister of Social Services is responsible for the formulation and direction of educational policy. There is an advisory Board of Education which consists of officers of the Education Department and representatives of various community interests. Primary education is free, but not compulsory, for children between 5 and 15 years of age. Complete compulsory education is not yet possible owing to the lack of accommodation. In 1962, there were 56 primary schools and 4 secondary schools (2 government and 2 private), where fees are charged. The secondary schools prepare candidates for the Cambridge School Certificate and the General Certificate of Education, and one school prepares candidates for the Higher School Certificate.

203. At the 1960 census, the population aged 5 to 14 years of age numbered 23,091. Of these, 21,628 (10,994 boys, 10,634 girls) were enrolled in primary schools. In 1962, the primary enrolment was 22,966. About half of the pupils at secondary level are in government schools. The total secondary enrolment in 1962 was 1,139, which represents approximately 5 per cent of the primary enrolment. There are no technical and vocational schools or institutions of higher education in the Territory. The in-service teacher-training programme is carried out at four teacher-training centres. The tutors employed for giving instruction in the academic subjects are mainly taken from the staffs of secondary schools. Teachers enrolled at these centres in 1961 numbered 473.

204. In 1962 recurrent expenditure on education was approximately \$WI 1 million, which was 17.7 per cent of the total ordinary expenditure of the Territory.

4. BARBADOS

Introduction

205. Barbados is the most easterly of the Caribbean Islands. It is about 21 miles (33.8 kilometres) long and at its maximum, 14 miles (22.5 kilometres) wide. Its total area is 166 square miles (430 square kilometres) and it is mostly of coral formation. The island is comparatively flat; the highest point is Mount Hillaby

(1,104 feet or 368 metres). At the end of 1961, the estimated population was 241,706, showing a density of 1,450 per square mile. According to the 1960 census, 75 per cent of the population was of African descent, 17 per cent mixed descent, 5 per cent European descent and 3 per cent others. The capital of Barbados, Bridgetown, has a population of about 17,000.

Status

206. British settlement of Barbados began in 1627. In 1639, a House of Assembly was elected under limited franchise. A separate Executive Council was established in 1876, and in 1891 its powers were widened. Further constitutional progress took place after the Second World War with the introduction of a ministerial form of government in 1954 and a cabinet government in 1958. Barbados was a member of the federation of The West Indies from 1958 until its dissolution in 1962.

Constitution

207. The Constitution of Barbados is one of the oldest in the Commonwealth and is based largely on convention and tradition. By the Barbados Letters Patent, 1961, which came into operation on 16 October 1961, the Territory was granted full internal self-government. The main provisions of the present Constitution are set out below.

Governor

208. By convention, the Governor accepts the advice of the Ministers on all matters falling within the powers and functions of the Executive Committee. He has the right to refuse assent to laws only on matters relating to government stock, treaty obligations and the Royal Prerogative.

Executive

209. There are three executive organs in the Territory: the Cabinet, the Executive Committee and the Privy Council.

(i) Cabinet

210. The Cabinet is made up of the Premier and not less than five other ministers. The Premier is appointed by the Governor as the person who appears to him to be best able to command a majority in the House of Assembly. The ministers are appointed by the Governor on the advice of the Premier. The Cabinet is the principal instrument of policy in the Territory and is collectively responsible to the House of Assembly. However, the offices of Attorney General and Auditor General still retain their independence of the Cabinet. The present Cabinet consists of the Premier (leader of the Democratic Labour Party) and five ministers drawn from the House of Assembly plus one (without portfolio) from the Legislative Council.

(ii) Executive Committee

211. The Executive Committee consists of the Governor, the Attorney General, not less than one member of the Legislative Council (one in 1963), and not less than four members (six in 1963) of the House of Assembly. All these members are appointed by the Governor on the advice of the Premier and are also styled ministers. The powers of the Executive Committee have been delegated to individual ministers or to the Cabinet as a whole, so that in practice the Executive Committee's functions have become largely formal.

(iii) Privy Council

212. The Privy Council consists of the Governor, the Attorney General and other members (four in 1963)

appointed by the United Kingdom on the Governor's recommendation. Its functions are advisory and relate to the commutation of death sentences and to appeals by civil servants against disciplinary proceedings.

Legislature

213. The Legislature is bicameral and consists of the Legislative Council and the House of Assembly.

214. The Legislative Council (or Upper House) is composed of members (usually about fifteen) appointed for five years by the Governor after consultation with the leaders of the political parties.

215. The House of Assembly (or Lower House) consists of twenty-four members elected by universal adult suffrage for five years. It has the power to legislate on any matter relating to the internal government of the Territory. The Governor's veto over legislation has been abolished.

Electoral system

216. Universal adult suffrage was introduced in the Territory in 1950. The Territory is divided into twelve constituencies (parishes), each electing two members for the House of Assembly. The last general election was held in December 1961 and was contested by sixty candidates. The results were as follows:

	<i>Number of seats</i>
Democratic Labour Party (DLP).....	14
Barbados Labour Party (BLP).....	5
Barbados National Party (BNP).....	4
Independents	1

Since the election, two members of the Barbados Labour Party have become Independents.

217. The Barbados Government announced in 1961 that it would reduce the voting age from 21 to 18 and provide for new single-member constituencies. A bill lowering the voting age to 18 was passed by the House of Assembly in October 1963. Universal suffrage for local government elections was introduced in 1958.

Judiciary

218. There is a Supreme Court in the Territory, presided over by a Chief Justice who is appointed by the Governor after consultation with the Premier, and including not less than two puisne judges who are appointed by the Governor on the recommendation of the Judicial and Legal Service Commission. This Commission was established in 1961 and includes the Chief Justice, the Attorney General, the Chairman of the Public Service Commission and not more than two other members who are or have been judges before. The Commission deals with appointments, dismissals and disciplinary control of members of the judicial services. There are also magistrate's courts presided over by eight magistrates, four of whom hear cases in Bridgetown, the other four having jurisdiction in the rural areas.

Public Service

219. The Public Service Commission, which was established under the revised constitutional instruments of 1961, has executive powers to deal with appointments, dismissals and disciplinary control of members of the Public Service. The Privy Council advises the Governor in the exercise of his power over members of the Public Service who may appeal against disciplinary action taken against them. The Public Service included 4,988

officers at the end of 1960, of whom 37 were overseas recruited officers (15 pensionable and 22 non-pensionable) occupying high posts in the administration. The majority of these senior posts, however, were filled by Barbadians or other West Indians.

Local government

220. Barbados is divided into three local government areas: the City of Bridgetown and two rural districts. Bridgetown is a municipality with a mayor and a City Council. Councillors in both city and rural areas are elected by universal adult suffrage for three years. Councils are in charge of services such as public health, social welfare, parks and cemeteries, street lighting, maintenance of certain highways, etc. Their revenues are derived mainly from rates on lands and buildings and trade tax.

Political parties

221. The Democratic Labour Party (DLP) obtained the majority of the seats in the House of Assembly in 1961, and Mr. Errol W. Barrow has been the territory's Premier since then. The DLP also won large majorities in the rural areas in the local government elections of 1962. The Barbados Labour Party (BLP) had, prior to 1961, been the party in power and its leader, Dr. H. G. Cummins, had been Premier until he lost his seat along with four other ministers in the election in 1961. The BLP at present has three members in the House of Assembly, two of its five elected members having become Independents. The other party which is represented in the House of Assembly is the Barbados National Party (BNP), which won a majority on the Bridgetown City Council in 1962.

Recent developments

222. Just before the dissolution of the federation of The West Indies on 31 May 1962, representatives of the Government of Barbados, together with representatives of the Governments of Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent, met in London with the Secretary of State for the Colonies to discuss their constitutional future. It was agreed that the "little eight" should form a federation to be known as "The West Indies Federation" with the federal capital in Barbados (see also paragraphs 69-73 above).

Economic conditions

223. The economy of the Territory is based largely on the production of sugar, rum and molasses, which together account for 95 per cent of the total visible exports. Barbados, which is essentially an agricultural country, has most of its land already under cultivation. There has been within recent years a steady increase of revenue from an expanding tourist trade. There has been also some attempt to foster industrial development (see paragraph 227 below). The economy is somewhat hampered by the need to release cash-crop land in order to expand production of food crops for local consumption. Considerable amounts of foods are imported at relatively high prices.

224. The area under sugar-cane cultivation was 49,480 acres in 1962. Eighty per cent of this was occupied by large plantations of about 200 acres each. Other products grown on the island include yams, sweet potatoes, maize, pigeon peas, eddoes, cassava, some green vegetables and some citrus fruit. Livestock (cattle, pigs, sheep, goats and poultry) and fish are produced

for local consumption. Cold storage facilities for fish were completed in 1963. The output of sugar and molasses in 1962 was 158,458 tons, as against 159,542 tons in 1961. Other industries on the island include the manufacture of rum, soap, edible oil, margarine, biscuits, macaroni, cigarettes, beer, clothing, batteries, etc. Through tax concessions and low tariffs, the Government has attempted to encourage new industries. Tourism has increased in importance, being the second most important source of foreign exchange. The Territory produces natural gas and there is some oil exploration.

225. The sugar industry is protected by the International Sugar Agreement and the Commonwealth Sugar Agreement. The other main exports are molasses, rum, soap, margarine and edible oil. The total value of exports in 1962 was estimated at \$WI 42,443,900,⁷ as against \$WI 43,177,000 in 1961. Of that amount, \$WI 27,574,405 represented the value of sugar exports, \$WI 4,006,039 molasses exports and \$WI 2,014,580 rum exports. Over 50 per cent of exports go to the United Kingdom, 22.2 per cent to Canada, 19 per cent to other Commonwealth countries, approximately 4 per cent to the United States and 2 per cent to other countries. The total value of imports was estimated at \$WI 83,905,000 in 1962. In 1961, 36.3 per cent of imports came from the United Kingdom, 10.3 per cent from Canada, 17 per cent from other parts of the Commonwealth, approximately 16 per cent from the United States and 20 per cent from other countries. The adverse balance of trade is partly offset by interest on capital investments abroad, remittances from Barbadians who have settled abroad and the tourist trade.

226. Revenue is derived from customs and excise duties as well as direct taxation, principally income tax. Revenue for the financial year 1961-1962 amounted to \$WI 26,212,763 compared with \$WI 26,035,381 in 1960-1961. Expenditure was \$WI 27,154,688 and \$WI 22,684,681 respectively. Expenditure on capital account has been met by loans and by Colonial Development and Welfare grants. At 1 April 1962, the territory had a public debt of \$WI 27,237,728, of which \$WI 2,806,255 was covered by sinking funds.

227. A development programme was approved by the Legislature in 1962 for the period 1962-1965. The programme aims at accelerating the rate of industrial development, the diversification of agriculture and the expansion of tourist trade. A total outlay of \$WI 50.2 million was envisaged, to be covered mainly by loans and surplus balances. The programme provides, *inter alia*, for an intensification of the promotional efforts of the Development Board and the Tourist Board, the establishment of a hotel training school, the improvement of roads and the airport, the continuation of the housing programme, the expansion of the facilities for technical education and health, and the creation of a development finance corporation, etc.

Social conditions

Labour

228. The Labour Department is headed by a Labour Commissioner who is responsible to the Minister for Development, Trade, Industry and Labour. The Department assists in collective bargaining and in the settlement of labour disputes and enforces labour legislation. There is an Employment Exchange for the

⁷ The local currency is the West Indian dollar (\$WI) which equals 4s.2d. (sterling) or \$US 0.5833.

placement of unemployed workers, and an Emigration Loans Section which provides loans for travel to those workers who submit satisfactory evidence of overseas employment. In 1962, 1,106 such loans totalling \$WI 421,758 were provided.

229. Sugar-cane cultivation and the sugar industry constitute the major sources of employment. During the first half of 1962, approximately 19,900 workers were thus employed during the reaping season, but their number dropped to 13,200 during the second half of the year. The following is an approximate breakdown of the labour force by main occupations in 1962:

Agriculture	22,000
Domestic service	15,000
Retail trade	12,200
Construction work	9,000

Nearly 3,700 workers emigrated to the United Kingdom in 1962 for work in hotels, private households, hospitals, canteens, transport or in the British Army. During the same year there were about 1,200 Barbadian workers on contract in the United States. There are no available statistics relating to unemployment. The total number of trade unions in 1962 was six, the largest being the Barbados Workers Union with about 12,000 members.

Public health

230. Medical facilities in 1962 included one general hospital (453 beds), one mental hospital (797 beds), one maternity hospital (20 beds), one leprosarium (32 beds), one district hospital (20 beds), four private cottage hospitals and eleven parish infirmaries for the aged and the poor. In addition, the Government maintained three health centres and twelve infant clinics. Medical and sanitary personnel in 1962 were as follows:

	Government	Private
Registered physicians	24	53
Trained nurses	375	70
Public Health nurses	19	—
Sanitary inspectors	94	—
Midwives	50	—

231. The death-rate was 8.63 per thousand in 1962; the infant mortality rate was 83 per thousand live births. No quarantinable diseases and no major outbreaks of infectious diseases have been reported in the Territory in the last few years. Among the endemic diseases reported occasionally are typhoid fever, tuberculosis, diphtheria and venereal diseases.

232. The Director of Medical Services is responsible to the Minister of Social Services. Recurrent and capital expenditure on medical services amounted to \$WI 3,027,762 and \$WI 1,205,171 respectively, or 12.5 per cent of the total budget of the Territory.

Educational conditions

233. Control of education has, since 1961, been vested in the Ministry of Education. In November 1961, the posts of Director and Deputy Director of Education were renamed Chief Education Officer and Deputy Chief Education Officer. The educational system provides for primary, secondary, post-secondary, university and adult education. While education is not compulsory, there is a relatively high percentage of literacy. Education is free in all government schools.

234. In 1962, there were 116 primary schools entirely maintained by public funds, although a few were still owned by religious dominations. Total enrolment in these schools was 40,834, compared with 38,976 during the previous year. Primary schools cater for children between the ages of 5 and 15. Secondary education is provided mainly in the ten government-aided

secondary grammar schools and the five government-owned secondary modern schools. Three of the aided schools lead to University Scholarship standard, while the remaining seven normally prepare students up to the standard of the General Certificate of Education at ordinary level. In the modern schools, the curriculum includes practical courses in woodwork, metal-work, bookbinding, home economics, agriculture and animal husbandry. Selected pupils are retained in these schools beyond the school-leaving age of 14 for a two-year course leading to external examinations such as the London Chamber of Commerce. Enrolment figures for these schools in 1961 and 1962 were as follows:

	1961		1962	
	Boys	Girls	Boys	Girls
Secondary grammar schools	2,530	1,605	5,711	7,170
Secondary modern schools..	1,864	1,913	2,320	2,316

235. There is a Technical Institute directed by the Ministry of Education and offering courses at three levels for craftsmen, for technicians and for those desirous of proceeding to advanced technological studies. There are also a number of other evening institutes and housecraft centres. In 1962, there were five technical and vocational institutions with a total enrolment of nearly 2,000. Teacher training is provided by Erdiston College which had an enrolment of 101 students in 1962. Evening classes for adults are given by the Barbados Evening Institute in Bridgetown and in the main rural centres. The only institution for higher education in Barbados is Codrington College, a theological college affiliated to the University of Durham in Britain. The Government of Barbados, under the Government Scholarships and Exhibitions Act, 1949, and the Higher Education (Loan Fund) Act, 1953, makes university education in other countries available to Barbados students. In 1962, there were ninety-one students benefiting from grants or loans from the Government, sixty-four at the University of the West Indies, twenty in the United Kingdom and the rest in Canada, the United States, India and Germany.

236. Recurrent government expenditure on education amounted to \$WI 4,358,550 in 1962, or 18.2 per cent of the total ordinary budget. Capital expenditure was \$WI 255,923. In addition, \$WI 25,154 was expended on education by local government bodies.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

237. At its 311th, 312th and 313th meetings on 13 and 16 November 1964, the Special Committee considered the report of Sub-Committee III on the United States Virgin Islands, the British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados, which appears as an annex to this chapter.

Written petitions

238. The Special Committee circulated the following written petitions concerning Grenada:

Petitioner	Document No.
Mr. Dudley E. G. Antoine, Secretary Grenada National Movement.....	A/AC.109/PET.271
Grenada Manual and Mental Workers Union and the Grenada United Labour Party	A/AC.109/PET.272
Mr. M. A. Caesar.....	A/AC.109/PET.318 and Add.1
Mr. E. M. Gairy.....	A/AC.109/PET.326

*Statements by members of the Committee**(a) United States Virgin Islands*

239. The representative of Bulgaria said that, in connexion with the general conclusions put forward by the Sub-Committee (see annex to this chapter) which were concerned *inter alia* with the United States Virgin Islands, he wished to state his delegation's reservations with regard to any reference to General Assembly resolution 1541 (XV) of 15 December 1960. The Special Committee was concerned with the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960), and consequently no other resolution could be regarded as having equal standing. All the parts of the Sub-Committee's report had been approved unanimously, with the exception of sub-paragraph (a) of the part dealing with the United States Virgin Islands, which had given rise to some disagreement and had necessitated, for the first time in the work of the Sub-Committees, a vote by roll-call. The main reason for the disagreement was the tendency to depict the situation existing in the Islands and certain proposed measures relating to internal self-government as an implementation of resolution 1514 (XV). Since his delegation had expressed very serious reservations and had been unable to approve that part of the report which dealt with the United States Virgin Islands, he wished to inform the Special Committee of the reasons for his delegation's position.

240. The information available to the Sub-Committee had been incomplete and had been obtained only from data submitted by the administering Power and statements made by its delegation in the Sub-Committee. The Bulgarian delegation had therefore considered it essential for the Sub-Committee to obtain complete and objective information before formulating its conclusions and recommendations with regard to the implementation of resolution 1514 (XV) in the Territory; it had suggested that a visiting mission should be sent to the Territory, as a rapid and effective means for learning the views and wishes of the people.

241. Relations between the Virgin Islands and the United States were still based on the Organic Act, adopted in 1954. In spite of some elements of popular participation, the administration provided for under that Act was essentially colonial. The legislative and executive power were in the hands of the Governor, who was appointed by the President of the United States and whose approval was required for laws to enter into force. The Congress of the United States had the power to annul laws adopted by the Virgin Islands Legislature. All the heads of administrative departments were appointed by the Governor, and although judicial power was held by a Virgin Islands district court, its decisions could be appealed to courts in the United States. That situation fully justified the application of resolution 1514 (XV) and, more particularly, of paragraph 5 of the Declaration contained therein, to the Territory.

242. The United States representative had informed the Sub-Committee (A/AC.109/104, p. 29) that the Virgin Islands Legislature had adopted, and the Governor had approved, a law providing for the convening of a Constitutional Convention on 7 December 1964. However, the enumeration of the matters to be considered by the Convention showed that the Convention's task would be limited and prescribed by the existing law; it could not be expected to give the people the

opportunity to exercise their right of self-determination. The law allowed the Convention to decide in favour of integration with the United States, but it did not allow any other choice, including independence. Any reference to the Constitutional Convention as a measure enabling the people to exercise their right to self-determination and independence in the spirit of resolution 1514 (XV) was therefore entirely inappropriate.

243. In the light of those considerations and since the Committee's conclusions and recommendations concerning the Territory should be based entirely on the facts, the Bulgarian delegation wished to propose the following amendments to the conclusions and recommendations of the Sub-Committee on the United States Virgin Islands (see annex to this chapter).

244. First, paragraph 105 (a) should be replaced by the following text:

"The Sub-Committee reaffirms that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples are fully applicable to the Virgin Islands of the United States."

That statement was entirely suitable at the beginning of a report and was contained in all the other reports of Sub-Committee III. Moreover, his delegation proposed it in the present case because there was no information relating to the Territory which indicated that all the conditions had been met for the progressive change of the Territory's constitutional and political status, in conformity with the terms of resolution 1514 (XV).

245. Secondly, in paragraph 105 (b) the expression "fully expressive of the wishes of the people regarding their political future" should be replaced by the following:

"which, pursuant to Law 2082 of the Legislature of the Virgin Islands of the United States, should give 'greater self-government to the people of the Virgin Islands'".

The quotation in the amendment was taken from the law in question.

246. Thirdly, under Law 2082, the Constitutional Convention was limited to questions of self-government and integration with the United States, so that any reference to that Convention would be contrary to the people's right to self-determination under the terms of resolution 1514 (XV). He therefore proposed that paragraph 105 (c) should be amended to read:

"In that regard, the Sub-Committee was of the opinion that the people should be called upon to choose in complete freedom the form of their political future."

247. Fourthly, the words "resolutions 1514 (XV) and 1541 (XV)" in paragraph 105 (d) should be replaced by the words "the Declaration on the Granting of Independence to Colonial Countries and Peoples". It was not for the Special Committee to prescribe what choice the people should make in the exercise of their right to self-determination. Moreover, it was significant that no other report of a Sub-Committee referred to resolution 1541 (XV).

248. Lastly, paragraph 105 (h) should be replaced by the following text:

"The Sub-Committee was of the opinion that, because of the lack of information concerning the views and aspirations of the inhabitants, it would be useful to send a visiting mission to the Territory."

249. In the light of such conclusions, his delegation believed that it would be inappropriate, in the recommendations, to make any reference to the Constitutional Convention as a measure guaranteeing the right to self-determination. For that reason, he proposed that the recommendations, in paragraph 106, should begin with the present sub-paragraph (b), which would become sub-paragraph (a), and that in the present text of that paragraph the words "General Assembly resolutions 1514 (XV) and 1541 (XV)" should be replaced simply by the words "that Declaration".

250. Finally, sub-paragraph (c) of the recommendations, which would become paragraph (b), should be amended by the addition of the sentence: "In that connexion, it suggests, *inter alia*, that a visiting mission be sent to the Territory".

251. He believed that at the present stage of the study of the situation in the United States Virgin Islands, when information had not been obtained from all the interested parties, the Sub-Committee could not but make those two very important recommendations.

252. The representative of the Union of Soviet Socialist Republics stated that his delegation could not endorse the Sub-Committee's conclusions and recommendations with regard to the Virgin Islands under United States administration and certain parts of the Sub-Committee's general conclusions unless the corrections proposed by the Bulgarian representative were adopted.

253. Since the mandate of the Special Committee was based on the principles of resolution 1514 (XV) and the consequent resolutions adopted at later sessions of the General Assembly, the Special Committee should not depart from those principles and refer to other United Nations decisions, in particular, resolution 1541 (XV), whose annex merely stated the principles which should guide Members in determining whether or not an obligation existed to transmit the information called for in Article 73 e of the Charter. Precisely such a departure from the principles of the Declaration could be observed in the Sub-Committee's conclusions and recommendations on the Virgin Islands.

254. Secondly, the Committee could not in advance require colonial peoples to adopt any particular form of political structure. Its task was to secure for those peoples the opportunity for the free and unimpeded exercise of their right to self-determination and independence under the best possible conditions and without any pressure on the part of the administering Power. The United States position with regard to the Virgin Islands made it evident that the people of the Islands were not enjoying conditions which would allow free and unimpeded expression of their will with regard to their future. Law 2082 (1964) prescribed the course that would be followed in the Territory's constitutional development. The law stated, in its very first paragraph, that the Virgin Islands had no choice other than to follow the course taken by Alaska, Hawaii and Puerto Rico; it made no mention of any opportunity for the Territory's independent development or any change in its colonial status other than integration with the United States. The case of the Virgin Islands most clearly illustrated what provisions of resolution 1541 (XV) attracted the colonial Powers. They were not, of course, the provisions which spoke of the rights of the colonial peoples—including the people of the Virgin Islands—to self-determination and independence. If that has been the case, there would have been no need to refer

to resolution 1541 (XV), since the Declaration gave the fullest and clearest expression to those rights of the colonial peoples. The colonial Powers were attracted by precisely those provisions of resolution 1541 (XV) which left them free to absorb and annex the colonial Territories, a course which the Soviet Union had opposed in the past and would oppose in the future.

255. It was for that reason that his delegation could not support any recommendations which could be interpreted in any way as legalizing the present policy of the administering Power with regard to the Virgin Islands. He did not exclude the possibility that the people of the Virgin Islands might decide in favour of association with some people or State. Under the present conditions, however, the United States was giving the people of the Virgin Islands no choice but that of integration with the metropolitan country. Consequently, the Soviet delegation could not support the conclusions and recommendations of Sub-Committee III with regard to the Virgin Islands under United States administration and those portions of the general conclusions which referred to resolution 1541 (XV). It would have to vote against them unless they were amended along the line proposed by the Bulgarian delegation.

256. The representative of the United States of America said that the statements of the representatives of Bulgaria and the USSR had completely distorted the situation existing in the Virgin Islands. Contrary to what had been said, the Legislature of the Virgin Islands had real legislative authority; while the United States Congress had the right to annul acts of the Legislature, it had never exercised that right.

257. On its own initiative, the Legislature of the Virgin Islands had passed a bill calling for a Constitutional Convention to discuss the future of the Territory. All the delegates to the Convention would be Virgin Islanders who had been elected by the people on 3 November 1964, in accordance with free democratic processes, after campaigns in which they had expressed their views. The delegates would meet on 7 December and would be able to express any views they wished regarding the future of the Territory and would indeed have powers to draft a new text of the Organic Act "fully expressive of the wishes of the people regarding their political future" (annex, paragraph 105 (b)). The first sentence of the second section of Law 2082 stated:

"The Convention shall prepare and agree upon a draft of an Organic Act for the Government of the Virgin Islands, and such draft shall include a Bill of Rights, a framework of government and a procedure for amendment."

Despite the allegations of the representative of the USSR, that sentence imposed no limitations on the delegates' freedom of expression but merely referred to certain provisions which were basic to an Organic Act. The second sentence of that section mentioned other things which the Convention might also do; but the words "may also" in no way limited the first sentence, which gave the people full freedom of choice.

258. While the people of the Virgin Islands might well decide in favour of integration with the United States, that was not the only course open to them. Moreover, the suggestion that they must choose only independence itself would constitute a limitation of their choice. He also pointed out that the Declaration was mentioned in the general conclusions applying to all

the Territories considered by Sub-Committee III (annex, paragraphs 100-104).

259. For more than a month, the members of Sub-Committee III had worked assiduously at their task. The Bulgarian delegation had set forth at great length and fiercely defended the views which it was now presenting to the Special Committee. The report, as it at present stood, represented a compromise between the position of the majority of the Sub-Committee's members and that of a single delegation. His delegation found itself obliged to submit certain amendments. In paragraph 105, sub-paragraph (a), the words "According to information provided by the administering Power" should be deleted, since the remainder of the sentence stated an indisputable fact. In sub-paragraph (b), the words "was informed by the representative of the administering Power" should be deleted: they were entirely superfluous, since the election of delegates to the Convention had taken place under full democratic processes and in the full light of day, and the Convention would be held. In sub-paragraph (c), the words "was of the opinion" should be replaced by "noted"; the words "should be called upon to choose" should be replaced by "would have full opportunity to express their wishes"; and the word "concerning" should be inserted after the words "in complete freedom".

260. Since the people would be consulted concerning their future without any restriction, in sub-paragraph (d) the words "In any case, the people should" ought to be replaced by "The Sub-Committee fully expected that the people would". In the same way, in the last sentence of the same sub-paragraph, the words "It was said that the administering Power must" should be replaced by the words "The Sub-Committee had no doubt that the administering Power would". Lastly, in sub-paragraph (h), the words "the Sub-Committee would consider the question further" should be substituted for the part of the sentence coming after the comma.

261. The following amendments should be made to paragraph 106 (Recommendations): in sub-paragraph (a), the words "with satisfaction" should be inserted between "taken note" and "of the statements"; in sub-paragraph (b), the words "1514 (XV) and" should be deleted, since resolution 1514 (XV) had already been mentioned in the first part of the sentence; the word "also" should be inserted between "and" and "that the will"; and in sub-paragraph (c) the words "if required" should be inserted after "relevant additional information".

262. The representative of Venezuela said that his delegation had listened with great attention to the statement made by the representative of Bulgaria, and thanked him for the tremendous interest he showed in the freedom of the countries and peoples of the American continent—a freedom which was all the closer to his delegation since they were inhabitants of this hemisphere, which was known as the hemisphere of freedom and of law.

263. However, the proposals made by the representative of Bulgaria called for very detailed and meticulous study. In point of fact they tended completely to replace the conclusions and recommendations of Sub-Committee III. His delegation would like to emphasize that because these were Territories of its own hemisphere, it would not wish hastily to pass on the amendments submitted by the representative of Bulgaria.

264. For this reason he asked that the Committee be given more time to study the amendments that had been submitted only that morning, and that in his own case he would be allowed to consult his Government concerning the vote he would have to make if the amendment were put to the vote.

265. He reiterated his thanks to the representative of Bulgaria for the work that he had undertaken in the drafting of new conclusions and recommendations to replace those of Sub-Committee III. His delegation felt that this work warranted careful consideration; it would like to study them with full interest and attention and then, finally, after doing this, express its views concerning the proposals. He said he would appreciate it therefore if the delegation of Bulgaria would be good enough not to insist that a vote be taken on his amendments that morning and that he allow the Committee at least until that afternoon, to consider his proposals with great care.

266. The representative of the Union of Soviet Socialist Republics said that each delegation had the right to submit amendments if it deemed it necessary and that the Soviet delegation saw no merit in the argument to the effect that the Committee should refrain from submitting amendments because of the length of time which the Sub-Committee had worked.

267. The representative of Sierra Leone proposed the following amendments on behalf of the delegations of Ethiopia, Mali, Sierra Leone, the United Republic of Tanzania and Yugoslavia.

(1) Delete sub-paragraphs 105 (a) and (b).

(2) Insert the following new sub-paragraph (a):

"The Sub-Committee confirms that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples apply fully to the Virgin Islands of the United States."

(3) Combine parts of the existing sub-paragraphs (c) and (d) so as to produce a more comprehensive and acceptable text which would become new sub-paragraph (b) as follows:

"The Sub-Committee is of the opinion that the people of the Territory should be called upon to choose in complete freedom the form of their political future. No legal, political, constitutional or other obstacles should be permitted to interfere with their freedom of choice in the exercise of their right to self-determination and full independence. The administering Power must respect the choice thus to be made by the population in accordance with the principles embodied in the Declaration on the Granting of Independence to Colonial Countries and Peoples."

The existing sub-paragraphs (e), (f) and (g) would thus become sub-paragraphs (c), (d) and (e).

(4) Replace existing sub-paragraph (h) by the following:

"The Sub-Committee is of the opinion that a visiting mission to the Territory would be useful."

The reason for this amendment was that the existing text appeared to be unnecessarily weak, limiting the Special Committee's sphere of action through the use of the words "in the light of future developments" and "would consider".

(5) Delete the last part of paragraph 106, sub-paragraph (b), beginning "and that the will of the people...", and make sub-paragraph (b), which was very general, sub-paragraph (a).

(6) In new sub-paragraph 106 (b)—former sub-paragraph (a)—amend the words after “7 December 1964” to read: “...invites the administering Power to ensure that the people of the Territory be enabled, in complete freedom and without any restrictions, to express their wishes concerning the future political status of the Territory”.

(7) Replace sub-paragraph (c) by the following:

“The Sub-Committee recommends that relevant additional information shall be obtained. To this end the Sub-Committee recommends the sending of a visiting mission to the Territory.”

268. The representative of Sierra Leone then appealed to Bulgaria and the United States to withdraw their amendments since the amendments introduced by the five Powers had taken into account all the conflicting points of view and reflected the broad general feeling of the Committee.

269. The representative of Bulgaria and the United States withdrew their amendments.

270. The representative of Sierra Leone, on behalf of the sponsors of the five-Power amendments, on the suggestion of the representative of Australia, agreed to include the words “in consultation with the administering Power” in the seventh amendment to the Sub-Committee’s conclusions and recommendations.

(b) *British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Vincent and Barbados*

271. The representative of the United Kingdom of Great Britain and Northern Ireland, referring to recent meetings in Barbados of the Council of Ministers from Antigua, Dominica, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados, stated that the fullest information available was the texts of communiqués issued during the meetings.

272. The text of the communiqué issued after the meeting of 28 October 1964 read as follows:

“The Conference began consideration of the Draft Federal Scheme submitted by the Government of Barbados. The Honourable John Compton, Chief Minister of St. Lucia, explained the position of his Government towards Federation. The meeting then adjourned at 5 p.m. until 9.30 a.m. on Thursday, 29th October.”

273. After the meeting of 29 October 1964, the following communiqué was issued:

“The Regional Council of Ministers resumed consideration on Thursday, 29th October, 1964, of the Draft Federal Scheme and made considerable progress. Unanimous decisions were reached as to the units to be comprised in the Federation, provision for accession of other Caribbean territories, the name of the Federation and the site of the Federal Capital, which will be Barbados.

“Other important decisions included the grant of full internal self-government to all units comprised in the Federation, subject to the provisions of the Federal Constitution, the appointment of the Governor General and of a political Attorney General.

“The Conference was discussing the legislative lists and the executive powers of the Federation when the adjournment was taken at 5 p.m.”

274. After the meeting of 30 October 1964, the following communiqué was issued:

“The Regional Council of Ministers continued its deliberations on Friday, 30th October 1964, of the Draft Federal Scheme.

“The meeting also discussed the regional shipping service and agreed that a meeting of the participating Governments should be held in Trinidad during the week commencing 23rd November, 1964, subject to agreement by the Governments of Trinidad and Tobago and Jamaica.

“The meeting will continue deliberations of the Draft Federal Scheme tomorrow.”

275. After the final meeting, on 31 October 1964, a communiqué was issued which read as follows:

“The Regional Council of Ministers concluded its deliberations on Saturday, 31st October, 1964, on the Draft Federal Scheme and accepted, with amendments and reservations on a few points by certain Governments, the process set out in the Scheme. The results of the deliberations can be briefly summarized as follows:

“Establishment of an independent Federation;

“Establishment of a customs union and a free trade area;

“The source of Federal revenues at the beginning of Federation shall be import duties which shall be distributed in agreed proportions between the Federal Government and the Unit Governments;

“The establishment of a Federal Supreme Court;

“The transfer of the following services from the Unit Governments to the Federal Government: (1) audit; (2) customs and excise; (3) income tax; (4) police training school and nucleus”—not nuclear—“police force; (5) prisons; (6) telecommunications, including united broadcasting television and telephone services; (7) civil aviation; (8) meteorology;

“The grant of internal self-government to Unit Governments before the inauguration of the independent Federation;

“The establishment of a Loans Council and of a Federal Industrial Development Board;

“Procedures for constitutional amendments and for accession of members;

“A provision that no Unit shall be permitted to secede from the Federation except all the other Unit Government agree;

“The establishment of a unified service for administrative, professional and technical officers.

“The Council agreed on the preparatory steps to be taken for the establishment of the Federation and settled the exclusive and current legislative lists.

“The Council adjourned at 8 p.m. and agreed to reconvene on 7th December, 1964, to complete consideration of the agenda.”

276. It would be clear from the communiqués that the Governments of the Islands had reached a large measure of agreement on the kind of Federation that they wanted.

277. The Minister of State for Colonial Affairs, commenting on these events in the course of a statement in the House of Lords on 4 November 1964, said that it was good news that this measure of agreement had been reached. He went on: “But we must remember the sad fate of the last West Indian Federation and all move a little cautiously.”

278. The United Kingdom Government looked forward to receiving a full report of the proceedings,

which it would study with care as soon as it was received. It remained the view of the United Kingdom Government that, if the Federation could be brought about on satisfactory terms, it would provide the best solution for the problems of the area.

279. The conclusions and recommendations of the report of Sub-Committee III on the Windward Islands, Leeward Islands and Barbados (see annex to this chapter, paragraphs 120-123) would now, of course, have to be read in the light of the information about the meetings of the Regional Council of Ministers.

280. Paragraph 124 of the Sub-Committee's report was concerned with Grenada. As the report stated, his Government had facilitated the talks with Trinidad on the possibility of an association and it would continue to be guided by the wishes of the people of Grenada on the further evolution of its policy on the future of that Territory.

281. In the case of the British Virgin Islands, which were dealt with in paragraph 125 of the Sub-Committee's report, the elected members of the Virgin Islands Legislative Council had put forward proposals for constitutional advancement aimed at giving the islanders a greater measure of self-government. These proposals were being considered. Already, however, the people of the Territory were entirely free to express their wishes on their future through ordinary democratic processes, and the speed and timing of their decision was, of course, entirely up to them.

282. As in the case of the other Sub-Committee reports concerning those Territories for which his Government was responsible, he had to express the usual reservation of his Government's position on the recommendations addressed to that Government.

283. The representative of Iran stated that he would like to begin by thanking the representative of the United Kingdom for his statement in the course of which he described the recent changes in the political and constitutional life of these Territories, namely, Antigua, Dominica, Anguilla, St. Lucia, St. Vincent and Barbados. In his capacity as the Rapporteur of Sub-Committee III, he would like to say that the contents of that statement affected certain paragraphs of the report of the Sub-Committee dealing with the Territories and with the situation therein. He would therefore suggest that the statement made by the representative of the administering Power be referred *in extenso* to the General Assembly so that the General Assembly, bearing it in mind, could take the appropriate measures.

(c) General conclusions

284. The representative of Poland proposed the deletion of the second sentence of paragraph 102 of the Sub-Committee's report. He stated that the sentence referring to resolution 1541 (XV) was irrelevant—since it concerned "Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter". He stated that resolution 1541 (XV) was never mentioned in any recommendations passed by the General Assembly on decolonization. No reference to resolution 1541 (XV) was made in any of the reports of Sub-Committees I and II.

285. The representative of the United States of America proposed that the second sentence should remain, but that the words appearing after "resolution 1541 (XV)," reading "in their achievement of the objectives of resolution 1514 (XV)," should be deleted.

The reason was for purposes of clarity since the resolution had already been mentioned in the first sentence.

286. The representative of India, commenting on the appropriateness of references to resolution 1541 (XV) in paragraph 102 and paragraphs 105 (d) and 106 (b), of the Sub-Committee's report, said that his delegation subscribed fully to the provisions of resolution 1541 (XV) and that it was concerned with the existence or non-existence of an obligation to transmit information in respect of Non-Self-Governing Territories by an administering Power as set forth under Article 73 of the Charter. The purpose of the resolution and of the principles stated in its annex were clear. The Committee could use the principles when it was confronted with the question whether or not a Member State was obliged to transmit information under Article 73 e of the Charter in respect of a Territory under its jurisdiction or control. His delegation further recognized that the principles could also be used to determine whether a particular Territory was a Non-Self-Governing Territory to which the terms of resolution 1514 (XV) would apply. With regard to the Virgin Islands under the administration of the United States, the Special Committee was not concerned with determining whether or not the United States was obliged to transmit information, for the United States had never disputed that it was so obliged. Furthermore, if the people of the Virgin Islands freely decided to remain associated with the United States, which might well happen, there would be no infringement, in his delegation's view, of the provisions of resolution 1514 (XV), and in particular the principle of self-determination, provided no legal, political, constitutional or other obstacles were permitted to interfere with the freedom of choice of the people of the Virgin Islands in the exercise of their right of self-determination. If the Declaration on the Granting of Independence to Colonial Countries and Peoples were thus applied to the American Virgin Islands and as a result of its implementation, the people of the Islands remained desirous of continuing their association with the United States, his delegation would be satisfied with such exercise of their choice in a free and unfettered manner. In that sense, there was no need to mention resolution 1541 (XV) in the paragraphs to which he had referred. Indeed, to single out that particular Territory for a reference to resolution 1541 (XV) might create the wrong impression, for it might well be asked why the resolution was not referred to in the case of similar, and even smaller, Territories which had been considered.

287. In examining the reports of Sub-Committees, his delegation had abstained in the voting on various amendments for the reason that the reports had by and large been adequate and balanced. It had also refrained from submitting any amendments to the reports. In view of the limited time available and its desire to accept, generally, the conclusions and recommendations formulated by the Sub-Committees, his delegation would abstain from any formal vote at the present time. It hoped that the Special Committee could arrive at a generally acceptable solution without recourse to a formal vote.

288. The representative of Bulgaria considered it would be logical to adopt the Polish amendment since references to General Assembly resolution 1541 (XV) had been eliminated from the conclusions relating to specific Territories.

289. The representative of the United States withdrew his delegation's amendment.

290. The representative of Ethiopia proposed that in paragraph 100 (General conclusions), the words "Generally speaking" should be deleted, and that the words "set out in General Assembly resolution 1514 (XV)" should be inserted after the word "Peoples".

291. The representative of Italy proposed the deletion of the general conclusions because they were redundant. He contended that everything stated therein had been said many times before.

292. The representative of Venezuela said that his delegation was a member of Sub-Committee III which had produced the present report. The position reached in the Sub-Committee had been supported by a great deal of documentation. For these reasons, his delegation did not feel that the amendments that had just been submitted could in any way change the conclusions and recommendations reached by the Sub-Committee.

293. The substance was the same. On the contrary, he felt that in many cases the amendments restricted the conclusions and recommendations reached. The Sub-Committee had had a difficult task and, as may be seen from the records, it had been very difficult on many occasions to reach the compromise which produced the recommendations and conclusions that had just been submitted to the Special Committee.

294. For these reasons, his delegation would abstain on all the amendments proposed.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE III

295. At the 312th meeting on 13 November 1964, the Special Committee adopted without objection the conclusions and recommendations of the Sub-Committee concerning the British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados.

296. At the 313th meeting on 16 November 1964, the Special Committee voted on the conclusions and recommendations concerning the Virgin Islands of the United States and the five-Power amendments thereto (see paragraph 267 above) as follows:

(a) The first five-Power amendment to the conclusions (paragraph 105) was adopted by 11 votes to 6, with 5 abstentions.

(b) The second five-Power amendment to the conclusions was adopted by 13 votes to 3, with 6 abstentions.

(c) The third five-Power amendment to the conclusions was adopted by 11 votes to 5, with 6 abstentions.

(d) The fourth five-Power amendment to the conclusions was adopted by 12 votes to 4, with 5 abstentions.

(e) The first five-Power amendment to the recommendations (paragraph 106) was adopted by 11 votes to 6, with 5 abstentions.

(f) The second five-Power amendment to the recommendations was adopted by 11 votes to 5, with 6 abstentions.

(g) The revised third five-Power amendment to the recommendations was adopted by 13 votes to 3, with 6 abstentions.

(h) The conclusions and recommendations, as amended, were adopted by 14 votes to 5, with 3 abstentions.

297. The representative of Italy said that the Special Committee's report to the General Assembly should indicate that the Committee had rejected the conclusions and recommendations concerning the Virgin Islands of the United States submitted by Sub-Committee III and had proceeded to draw up new conclusions and recommendations.

298. The representative of the United Kingdom said that his delegation had voted against all the five-Power amendments individually and against the amended conclusions and recommendations, first, because, for the reasons explained by the United States and other representatives, some, at least, of the amendments would emasculate the report and, secondly, because the amendments, by converting the conclusions and recommendations into very general ones which could have been reached without reference to a sub-committee, appeared to cast doubt on the usefulness of the system of sub-committees trying to take into account the individuality of Territories.

299. The representatives of Sierra Leone said that he had already pointed out that he and his co-sponsors did not reject the conclusions and recommendations of Sub-Committee III. It would be neither fair nor accurate to inform the General Assembly that the report of Sub-Committee III had been treated in a special way. He also took exception to the United Kingdom's characterization of the five-Power amendments as resulting in the emasculation of the Sub-Committee's report, and pointed out that the Bulgarian and United States delegations had also submitted amendments to that report.

300. The representative of the United Kingdom said that he would have considered the adoption of the United States amendments as an improvement, not an emasculation.

301. The representative of Yugoslavia wholeheartedly supported the views expressed by the representative of Sierra Leone.

302. The representative of the United States of America said that his delegation could not oppose some of the principles included in the five-Power amendments, particularly those in the second and third amendments to the conclusions. Nevertheless it had voted against the five-Power amendments because it was opposed to a complete revision of the Sub-Committee's text. His delegation had voted against the amended conclusions and recommendations concerning the Virgin Islands of the United States, because of the amendments adopted—which had greatly impaired the text—and because it believed that the sending of visiting missions was a matter that should be left to the administering Power in every instance. He also subscribed to the remarks made by the United Kingdom representative concerning the utility of sub-committee reports. The Committee undoubtedly had the right to revise the reports of its Sub-Committees. But when the Committee completely revised in one day the report prepared by a sub-committee during more than a month of arduous work, and did not consider differences between Territories, it should perhaps consider giving up the procedure of sub-committees and merely adopt a form resolution for the small Territories.

303. At the 313th meeting on 16 November 1964, the Special Committee voted upon the general conclusions and amendments thereto (see paragraphs 284, 290 and 291 above) as follows:

(a) The amendment by Italy was rejected by 9 votes to 8, with 4 abstentions.

(b) The amendments by Ethiopia were adopted by 14 votes to 1, with 5 abstentions.

(c) The amendment by Poland was rejected by 9 votes to 7, with 5 abstentions.

(d) The general conclusions as a whole, as amended, were adopted by 13 votes to none, with 7 abstentions.

304. The representative of Poland, while in agreement with the general conclusions, felt there was no reason whatsoever for a reference to General Assembly resolution 1541 (XV) when none of the other reports of the Special Committee contained such a reference. The second sentence of paragraph 102 restricted the scope of the first sentence by implying that peoples of small Territories should choose a particular form of self-government. For those reasons he had abstained from the vote on the paragraphs as a whole.

305. The representative of the Union of Soviet Socialist Republics stated that his delegation had voted for the proposed amendments, but had abstained from the vote on the paragraphs as a whole because of the reference to General Assembly resolution 1541 (XV). General Assembly resolutions 1654 (XVI), 1810 (XVII) and 1956 (XVIII), defining the functions of the Special Committee, made no reference whatsoever to General Assembly resolution 1541 (XV) and clearly established General Assembly resolution 1514 (XV) as the fundamental terms of reference of the Special Committee.

306. The representative of Sierra Leone said that he had voted for the Polish amendment—not because he had any *a priori* objection to referring to General Assembly resolution 1541 (XV)—but because paragraph 102, as drafted, stated a point of view rather than merely indicating that General Assembly resolution 1541 (XV) might be useful in interpreting General Assembly resolution 1514 (XV).

307. The conclusions and recommendations adopted by the Special Committee are as follows.

General conclusions

308. The Special Committee emphasizes that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, set out in General Assembly resolution 1514 (XV) of 14 December 1960, apply to all dependent Territories, irrespective of their size, population or other factors.

309. The Special Committee nevertheless is in agreement that such small Territories as those under consideration present peculiar problems because of size, population, economies and other deficiencies.

310. The Special Committee categorically emphasizes that it is for the peoples of the small Territories, and for them alone, to express themselves freely with regard to the form they wish to adopt in order to achieve the objectives of resolution 1514 (XV). Moreover, in a world characterized by the integrationist movement, it might be desirable for the peoples of these Territories to bear in mind the forms mentioned in resolution 1541 (XV) in their achievement of the objectives of resolution 1514 (XV).

311. The Special Committee asserts that the United Nations must be satisfied that the exercise of self-determination is undertaken in complete freedom, and in order to ensure that this is done the United Nations should seek the ways and means authorized, to this end.

312. The Special Committee is in general agreement that the information on the Territories before it is insufficient, and that additional information is necessary for a proper appraisal of the political, economic and social situation obtaining in the Territories. In the circumstances, visits to certain Territories might prove necessary.

Conclusions concerning the Virgin Islands of the United States

313. The Special Committee confirms that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples apply fully to the Virgin Islands of the United States.

314. The Special Committee is of the opinion that the people of the Territory should be called upon to choose in complete freedom the form of their political future. No legal, political, constitutional or other obstacles should be permitted to interfere with their freedom of choice in the exercise of their right to self-determination and full independence. The administering Power must respect the choice made by the population in accordance with the principles embodied in the Declaration on the Granting of Independence to Colonial Countries and Peoples.

315. The Special Committee expresses the hope that the administering Power will provide the Special Committee with all the relevant information concerning the steps it has taken in pursuance of resolution 1514 (XV). The Special Committee also invites the administering Power to transmit to the General Assembly information concerning the elections, the Convention and the resulting recommendations and developments, so as to enable the General Assembly to take suitable decisions.

316. The Special Committee takes note of the economic conditions in the Territory as described by the representative of the administering Power in the Subcommittee, and of the additional information he subsequently provided on the subject at its request.

317. The Special Committee also notes the projects planned by the administering Power in the social and educational fields.

318. The Special Committee is of the opinion that a visiting mission to the Territory would be useful.

Recommendations concerning the Virgin Islands of the United States

319. The Special Committee recommends that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples shall be fully applied to the Virgin Islands of the United States.

320. The Special Committee, after having considered the situation in the Virgin Islands under United States administration and having taken note of the statements of the representative of the administering Power according to which a Constitutional Convention composed of elected representatives of the Virgin Islands will be convened on 7 December 1964, invites the administering Power to ensure that the people of the Territory be enabled, in complete freedom and without any restrictions, to express their wishes concerning the future political status of the Territory.

321. The Special Committee recommends that relevant additional information should be obtained. To this end, the Special Committee recommends the send-

ing of a visiting mission to the Territory, in consultation with the administering Power.

Conclusions and recommendations concerning the British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados

322. The Special Committee reaffirms that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples are fully applicable, and are to be applied by the administering Power in accordance with the fully expressed will of the population in the above Territories.

323. The Special Committee notes that from the social point of view the peoples of the British West Indies, although scattered over various islands and islets, form a homogeneous demographic unit; they are of the same ethnic origin and have a common language and culture. Notwithstanding certain slight differences, their social institutions and their way of life exhibit common features and similarities.

324. The Special Committee notes that from the economic point of view the situation is basically the same in all the islands. In each of them a well-known economic system, which had its origin in the cultivation of sugar-cane and has been shaped by the needs and the interests of the metropolitan country—i.e., the administering Power—is to be found. The communities grew up around the plantations and prospered or declined with them. In some of the islands the economy has advanced and is thriving, while in others it has declined over the years and is today financially unsound or under-developed.

325. The Special Committee notes that from the political point of view, the islands have similar political institutions and administrative systems because of the fact that they have been administered by the same colonial Power. Their development towards self-government and independence has been parallel. The political aspirations of the people have been expressed in similar ways in the various administrative units.

326. It would seem that since these islands possess sufficient features in common, it should be possible to form a union among them, or at least among some of them, with a view to establishing an economically and administratively viable State.

(a) Windward Islands, Leeward Islands and Barbados

327. With regard to the Windward and Leeward Islands administered by the United Kingdom (Antigua, Dominica, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados), which are known as the "little seven", there appears to be general agreement on the following points:

- (i) Immediate independence;
- (ii) Formation of a federation which would come into operation on the date of independence, as soon as general elections had been held.

328. The differences of opinions relate to the form such a federation would take, i.e., whether the federation should have a strong central Government in which the main power would be vested, or whether, on the contrary, the powers and functions of the Government should be decentralized so as to give a greater degree of self-government to the various constituent units. This lack of agreement is explained by the difference in the economic levels of the various islands. The

question is whether, once independence has been attained, the federation would be able to meet its economic obligations, particularly with regard to administrative expenses and development programmes. It is clear that, at least for the first few years, the islands would need not only economic aid but also technical assistance for the solution of their problems.

329. The Special Committee wishes to point out that a more thorough investigation of facts and opinions, particularly the opinions of the leaders of the Territories, is still needed and that the whole question of the amount of assistance required after independence and the various external sources that might provide it deserves a more thorough study.

330. Consequently, the Special Committee requests the administering Power to fulfil its obligations in accordance with the provisions of the Declaration contained in General Assembly resolution 1514 (XV), to take all measures necessary for finding an adequate solution to the above-mentioned problem and to facilitate the fulfilment of the freely expressed wishes of the peoples and the constitutional solutions which they will choose so far as their future is concerned.

(b) Grenada

331. With regard to Grenada, the Special Committee notes that negotiations are in progress between this island and Trinidad and Tobago with a view to its possible association with that new West Indian State. The Special Committee invites the United Kingdom to take appropriate steps to facilitate the achievement of any solution freely chosen by the people with regard to their future.

(c) British Virgin Islands

352. With regard to the Virgin Islands under United Kingdom administration, there seem, according to available information, to be movements in favour of:

(i) Remaining outside the federation of the "little seven";

(ii) Investigating instead the possibility of an association with other neighbouring Territories.

The Special Committee invites the United Kingdom to take immediate steps in order to accelerate the constitutional process, so that the people may decide the future of their Territory in accordance with their own wishes and within the framework of the Declaration contained in General Assembly resolution 1514 (XV).

Further information on the Territories

333. The Special Committee believes, in conclusion, that the best way to obtain direct information concerning the views and wishes of the people of the islands would obviously be to send a visiting mission to these Territories. This seems particularly justified since it has not been possible to hear petitioners from the Territories.

ANNEX

Report of Sub-Committee III on the United States Virgin Islands, British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados*

INTRODUCTION

1. At its 234th meeting on 25 March 1964, the Special Committee decided that the Territories included in the

* Previously issued as documents A/AC.109/L.125 and Corr. 1-3, A/AC.109/L.125/Add.1 and Corr.1 and A/AC.109/L.125/Add.2.

preliminary list which were not considered in 1963 should be divided into three groups and referred for consideration and report to three sub-committees to be appointed by the Chairman.

2. In accordance with this decision, the Territories referred to Sub-Committee III were as follows:

<i>Territories</i>	<i>Administering Power</i>
British HondurasUnited Kingdom of Great Britain and Northern Ireland
Falkland Islands (Malvinas)	
Bermuda	
Bahamas	
Turks and Caicos Islands	
Cayman Islands	
Antigua	
Dominica	
Grenada	
Montserrat	
St. Kitts-Nevis-Anguilla	
St. Lucia	
St. Vincent	
Barbados	
British Virgin Islands	
United States Virgin Islands.....	United States of America

3. At the 239th meeting of the Special Committee on 2 April 1964, the Chairman announced that Sub-Committee III would be composed of the following members: Bulgaria, Iran, Italy, Ivory Coast, Madagascar, Uruguay and Venezuela.

4. At the same meeting, the Chairman informed the Special Committee that the representative of the United Kingdom had informed him that the United Kingdom did not wish to participate as a full member in any of the three Sub-Committees, but that it would prefer to participate in their work in accordance with the agreement of the Special Committee when it adopted the seventh report of the Working Group (A/AC.109/L.104). Consequently, he had not included the United Kingdom as a member in any of the three Sub-Committees.

5. At its 1st meeting, held on 10 April 1964, the Sub-Committee elected Mr. Carlos María Velásquez (Uruguay) as Chairman and Mr. Mohied Din Nabavi (Iran) as Rapporteur.

6. The Sub-Committee held 39 meetings between 10 April and 20 October 1964 and considered the situation in and approved conclusions and recommendations on fifteen of the sixteen Territories referred to it for consideration.^a At its 39th meeting the Sub-Committee decided that it could not consider British Honduras because of lack of time.

CONSIDERATION BY THE SUB-COMMITTEE

7. The Sub-Committee considered the United States Virgin Islands at its 3rd and 5th to 18th meetings held between 17 April and 19 June 1964. It considered the British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados at its 6th to 12th and 19th to 23rd meetings held between 29 April and 3 July, and at its 32nd to 37th meetings held between 30 September and 14 October.

8. The Sub-Committee had before it the working paper prepared by the Secretariat (paragraphs 1-236 of this chapter).

9. At the 3rd meeting, the representative of the United States made a statement concerning the Virgin Islands of the United States.

10. The representative of the United States stated that politically the United States had established a constitutional framework within which the Territory's legitimate desire for self-government could have full expression and its inhabitants the maximum degree of freedom.

^a The Sub-Committee's report on the Falkland Islands (Malvinas) is annexed to chapter XXIII of the report of the Special Committee. The Sub-Committee's report on Bermuda, Bahamas, Turks and Caicos Islands and Cayman Islands is annexed to chapter XXIV of the report of the Special Committee.

11. The first Organic Act was promulgated in 1936 and provided for a civil government based on the division of powers into executive, legislative and judicial branches. It also provided a Bill of Rights including the right to jury trial and specifically forbade any form of discrimination in voting qualifications. In 1954 this Act was revised by the adoption of a new Organic Act, which provided for a unicameral legislature having authority in all local matters and composed "of representatives elected by universal adult suffrage". Although the United States Congress had the power to annul laws enacted by the Legislature of the Virgin Islands, it had never exercised it. The Governor, who was appointed by the President of the United States, subject to the advice and consent of the Senate, appointed all heads of executive departments in the Territory, subject to the advice and consent of the Legislature. Practically all members of the Government including the Governor, the Government Secretary and their immediate staff and the Legislature were Virgin Islanders.

12. On 6 April 1962, the late President Kennedy had submitted to the Congress proposals for expanding self-government for the Virgin Islands in accordance with the principle of self-determination to which his country was committed. Following its adoption by the Legislature, the Governor had signed on 2 April 1964, legislation to convene a Constitutional Convention on 7 December 1964. The Convention would be empowered to draft, if it so desired, amendments to the 1954 Organic Act or draft a new act for the Government of the Virgin Islands which would fully express the wishes of the people of the Territory regarding their political future. The eleven members of the Legislature elected in 1964 would take part in the Convention *ex officio*, together with thirty-four special delegates, also chosen by secret ballot and by universal suffrage. The Convention would consider matters fundamental to the political future of the Virgin Islands, including a Bill of Rights, government reorganization, new procedures for future amendment of the revised Organic Act, an elected Governor, increased power for the Legislature, reapportionment of legislative seats, and a delegate to the United States Congress.

13. The people of the Virgin Islands, using the substantial internal powers vested in them by virtue of the 1954 Organic Act, had procured their gains through their own political institutions. Four political parties had played an active part in the 1962 elections in the Territory. One of them had won six of the eleven seats in the Legislature and thus gained a majority in the Legislature.

14. Economically, the energy and spirit of enterprise of the people of the Territory had been stimulated by the contribution of the United States to their material well-being. Although outside the United States customs area, the Territory was within its monetary system and so had a special trade relationship with the United States. The federal income tax was applied to the Virgin Islands and all income tax proceeds, customs duties and immigration fees collected locally were retained by the Government of the Islands. In addition, all taxes collected in the United States on articles produced in the Islands, up to the sum equal to the total amount of the revenue collected, were also paid back.

15. The growth of the Virgin Islands economy had been extraordinary over the past years. *Per capita* income had risen from \$814 in 1959 to \$1,369 in 1962. For 1963, *per capita* income had been approximately \$1,500. The tourist industry had led the economy in 1963 with a total of more than \$41 million brought into the Islands.

16. Socially, the standard of public health, education and social services had been raised, with the assistance of the United States, to a comparatively high level without endangering the culture and traditions of the Territory. Particular attention was being given to social services. Existing hospitals and clinical facilities had been modernized during 1963, and large health centres were now being planned for St. Thomas and St. Croix. The Territory would shortly issue general obligation bonds to finance construction of public housing, water systems and sewage disposal plants, while housing

and urban renewal was receiving United States financial assistance.

17. Classroom shortages, because of the growing population, were being alleviated through the construction and remodelling of classrooms in the public school system. The College of the Virgin Islands was opened on 1 July 1963. With an attendance of 314 students, it would shortly extend its two-year curriculum to four years and also establish a Caribbean Affairs Institute and an international training centre for community development personnel.

18. On the question of Human Rights the Virgin Islands Legislature had adopted a Civil Rights Act, under which the rights of all persons in the Virgin Islands were specifically protected in terms of employment, access to public accommodations, and purchase of goods and real estate. Penalties were provided for infringements of the provisions of the Act, which aimed at preventing all discrimination, and a Human Rights Commission had been established to assist in the enforcement of the Act.

19. The representative of Venezuela stated that the programme of the administering Power had produced some results, especially in the field of taxes and finances, in that they had ended the need for an annual grant to the Territory and had given the local legislature greater control over the public finances of the Islands. However, as in the case of all colonial economies, it was difficult to ascertain the true potential of the Territory.

20. The Venezuelan delegation had always held, both in the General Assembly and in the Special Committee, that, since the Declaration on the Granting of Independence to Colonial Countries and Peoples had been approved, it had to be implemented in the most adequate and effective manner with due regard for the elements operating in each case. The United States Virgin Islands was obviously a complex case. The Sub-Committee would have to take into account a number of factors and study them very carefully before making any recommendation to the Special Committee.

21. His delegation believed that the sole aim of all that the administering Power had done and would do was to prepare the population of the Islands to decide on their own destiny. The whole of resolution 1514 (XV) should be applied to these Islands without delay. Under paragraph 2 of that resolution, the population should be allowed to exercise its right to self-determination. Only the people of the Virgin Islands could decide their own future. They should therefore be consulted and their will should be expressed in accordance with the principles of the Charter and the Declaration, and no legal or other obstacle should be permitted to interfere. The administering Power itself had said that its goal was to enable the people to exercise the right to self-determination.

22. The Sub-Committee might consider recommending that the Special Committee should send a small mission to the Territory to obtain more information about the aspirations of the population.

23. The representative of Italy stated that the political situation in the Territory was marked by three factors: a political system which gave the inhabitants the right of self-expression through universal adult suffrage; a Constitution which already granted a considerable degree of autonomy; and finally, an interesting constitutional development, inasmuch as the Legislature of the Islands had convened a Constitutional Convention for December 1964 to revise the existing Constitution. It therefore seemed that all the conditions existed for a radical change in the political status of the Territory.

24. The Sub-Committee should take note of the statements by the administering Power and request information on the results of the Constitutional Convention. However, it might be asked whether the elections of December 1964 would enable the population to exercise fully its right to self-determination, as embodied in the relevant resolutions of the General Assembly. For example, it might be argued that the inhabitants of the United States Virgin Islands were not sufficiently informed about General Assembly resolutions

concerning the future of Non-Self-Governing Territories. It could be alleged that the inhabitants of the Islands, in electing their delegates to the Constitutional Convention, might not have known that they had the right to ask for constitutional changes amounting to full independence from the United States, free association or integration.

25. The Italian delegation could not believe that the inhabitants of the United States Virgin Islands were unaware of the phenomenon of decolonization which had been taking place in the world for two decades and which had gathered so much momentum in the past three or four years. They had a free Press and access to all modern communications. It was therefore conceivable that the initiative of holding a constitutional conference had come from a conscious desire to change the constitutional relationship with the United States and establish it on a new basis. In addition, the publicity about the work of the Special Committee would certainly help to shape public opinion in the Virgin Islands when the elections were held. Finally, as the United States representative had pointed out, the thirty-four members of the Constitutional Convention would have the task of considering matters fundamental to the political future of the Territory and would campaign for their seats on the basis of the measures they advocated.

26. His delegation believed that when considering the future of the small Territories, the Committee must not be too dogmatic as to the forms and modalities of the exercise of the right of self-determination. It should not seek to impose on the inhabitants of a Territory a particular form of election, referendum or plebiscite. It need only be satisfied that the will of the people was being freely expressed by democratic means.

27. The work of the Special Committee would be greatly facilitated if the United States Government were to transmit to the General Assembly all the relevant documents concerning the elections, the Constitutional Convention and the recommendations and conclusions it eventually arrived at.

28. The representative of the Ivory Coast stated that in the spirit of General Assembly resolution 1514 (XV), it was the duty of the administering Powers to grant independence at the earliest possible opportunity to those Territories which were still under their control. Although the United States apparently did not exclude the possibility of such an evolution, it should give the Special Committee a definite assurance in that regard. In the case of the United States Virgin Islands, the Sub-Committee did not have the benefit of information provided by petitioners or visiting missions. Accordingly, the administering Power should assure the Sub-Committee that the evolution which had taken place in the Virgin Islands would continue and be reinforced by the adoption of still more democratic measures.

29. The representative of Madagascar said that the fact that no request had been received for hearings relating to the United States Virgin Islands seemed to indicate that there were no serious problems in the Territory. The Constitutional Convention to be held in December 1964 would determine the Territory's political future and would therefore be very important. The Convention should respect and implement the basic principles of the Declaration on the Granting of Independence and should proclaim the right of the people of the Territory to self-determination. His delegation hoped that the Convention would have positive results, which the General Assembly would subsequently consider, and formulate recommendations.

30. The representative of Iran emphasized that the provisions of the Declaration on the Granting of Independence applied to all dependent Territories, irrespective of their size and population. However, since each Territory had special characteristics and conditions, the best method of implementing the Declaration might not be the same for all Territories. It would be in the interests of the smaller Territories to choose the alternatives of free association or integration with an independent State, as provided for in General Assembly resolution 1541 (XV). In a world

characterized by a tendency towards integration, such a choice would be the only way for the smaller Territories to achieve viable and lasting independence.

31. The only doubt which his delegation had was whether the 1964 Constitutional Convention would in any way be limited by the provisions of the United States Constitution in its choice regarding the Territory's future status. It was important that the population should decide freely how it would exercise its right to self-determination.

32. He supported the ideas advanced by the representatives of Italy and Venezuela regarding the recommendations which the Sub-Committee should make to the Special Committee.

33. Although the Special Committee was fully entitled to send visiting missions to the Territories that it was considering, it would perhaps be better in the case of the smaller Territories to send one or more observers, who would report to the Special Committee.

34. The Chairman, speaking as the representative of Uruguay, remarked that small Territories such as the United States Virgin Islands had special characteristics and thus presented special difficulties. The Virgin Islands could not be considered a nation in the usual sense of the term, since they lacked the minimum material prerequisites for statehood. However, that was no reason why, in making its recommendations, the Sub-Committee should depart from the principles and standards it had followed in the case of the other Territories. Its task was to elaborate measures to ensure the speedy implementation of General Assembly resolution 1514 (XV), which made no distinction between Territories on the basis of their size, population or other characteristics. Resolution 1514 (XV) was based on two very clear principles: first, that sovereignty was vested in the people and, secondly, that, subject to the reservation contained in paragraph 6, the exercise of sovereignty implied the exercise of self-determination. Consequently, only the people, in whom sovereignty was vested, could decide the future political status of their Territory.

35. That did not mean that political independence was the only possible solution. Resolution 1514 (XV) must be interpreted in conjunction with resolution 1541 (XV), which mentioned the possibility of other forms of political association. What was essential in all cases was that that choice should be exercised in complete freedom, unconditionally and without reservations, and his delegation believed that resolution 1514 (XV) authorized the United Nations to intervene in order to ensure that the process was conducted in freedom. His delegation thought that the United States delegation should be requested to provide certain additional information.

36. In a later statement, the Uruguayan representative, commenting on the draft approved by the Virgin Islands Legislature, said that, while he had no doubt that the approval of that draft implied a decision to grant the Territory a greater degree of self-government, he wondered whether such self-government really reflected the type of self-government or political independence envisaged in resolution 1514 (XV), which, in his opinion, implied, at the very least, that the nature of the new ties between a Territory and the former metropolitan Power should be decided by the two parties acting as equals explicitly embodied in resolution 1514 (XV) were adequately reflected in the constitutional process under consideration.

37. At the 6th meeting of the Sub-Committee, the representative of the United Kingdom made a statement concerning the British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados under the administration of the United Kingdom.

38. He stated that the main problem in all the islands was to find new resources and to develop and diversify the economy in order to provide sufficient employment for the growing population. The tourist industry, at present concentrated largely in Barbados and Antigua, was making an increasing contribution to the economies of some of the

islands. Individually most of the islands had little chance of becoming viable in the foreseeable future and their best hope for progress seemed to lie in co-ordinated development on a regional basis.

39. The United Kingdom had given extensive financial assistance to its Territories in the eastern Caribbean, especially to Barbados and the Windward and Leeward Islands. Since 1945, this assistance had amounted to about \$84 million. Grants-in-aid of about \$2.8 million *per annum* were given to all Territories except Antigua and Barbados; and in addition an average of between \$5.5 million and \$8.5 million a year was given to all Territories for development purposes. The Canadian Government had also helped. Favourable trading arrangements were also provided to these Territories for their basic products.

40. Speaking on constitutional development, he stated that the powers of the Governor of Barbados were exercised virtually in the same way as those of a constitutional monarch, who by convention must always act upon the advice of his Ministers. The Governor was not a member of the Cabinet, and his right to refuse assent to laws was restricted to those concerning government stock, international treaty obligations and the Royal Prerogative. He appointed as Premier a member of the House of Assembly best able to command a majority. In proroguing and dissolving the House of Assembly, he acted in accordance with the conventions which the Queen observed in similar circumstances in the United Kingdom. The Legislative Council of the bicameral Barbados Legislature would on 5 May 1964 be replaced by a Senate consisting of twenty-one members appointed by the Governor (twelve on the advice of the Premier, two on the advice of the leader of the Opposition and seven representing religious, economic, social or other interests). The life of the new Senate would be coterminous with that of the House of Assembly. Under the present constitutional arrangements, the Administrators in Antigua, Dominica, Grenada, St. Kitts, St. Lucia and St. Vincent were appointed by the Queen and had the status of the Queen's representatives. They were constitutionally required to act on the advice of their Ministers except in certain specific and limited cases. The Executive Council of each Territory was responsible for the general control and direction of the Government. All the Ministers were appointed from among the elected members of the Legislative Council (except the Minister without Portfolio, who was selected from either the elected or nominated members). The Administrator was required to appoint as Chief Minister the member of the Legislative Council who, in his judgement, was most likely to command a majority in the Council. The other non-official members were appointed by the Administrator on the advice of the Chief Minister. Ministers were assigned responsibility for all government business (including financial matters) except criminal proceedings, internal security, the audit of public accounts and the Public Service. The constitutional arrangements in Montserrat and the British Virgin Islands were broadly similar, with some slight differences due mainly to their small population.

41. It had long been clear to the United Kingdom Government that the small islands in the Caribbean stood little chance of achieving economic self-sufficiency or international status as individual States, yet could not remain colonies indefinitely. Over the years, considerable efforts had been made, so far without success, to establish a federation in the West Indies.

42. In March 1945, the United Kingdom had stated that the aim of British policy in the Caribbean was the development of a federation. That idea had been debated in the legislatures of all Territories, including Jamaica and Trinidad and Tobago. In September 1947, a Conference on Closer Association had been held in Jamaica. All delegates from the Caribbean Territories had accepted the principle of federation and had set up a committee to draft a federal constitution. The Committee's recommendations had been accepted by the legislatures of all the Territories concerned except the British Virgin Islands, which had subsequently held aloof

from the project of federation. A conference of the remaining ten Governments had been held in London in 1953 and had agreed upon a plan for a British Caribbean federation based on the Committee's proposals. By February 1955, that plan had been debated and adopted by all the legislatures concerned. The next conference, held in 1956, had formally agreed that the participating Territories would be bound together in federation, and a Standing Federation Committee had been set up to consider the detailed drafting of the constitution and make the necessary administrative arrangements for the establishment of the Federal Government. The Federation of the West Indies, with its capital in Trinidad, had come into being in January 1958.

43. After the establishment of the Federation, a basic difference of opinion had arisen about the extent and nature of the powers of the Federal Government, and problems arose relating to: freedom of movement between the islands, control of the income tax, and industrial development and methods of raising federal revenue. However, the United Kingdom Government had agreed, subject to the decisions of the legislatures and the peoples concerned, to take the necessary steps to grant the West Indies independence on 31 May 1962.

44. In consequence of a referendum held in Jamaica in September 1961, Jamaica withdrew from the Federation. In January 1962, the Government of Trinidad and Tobago did likewise. Consequently, Jamaica and Trinidad and Tobago became independent in August 1962 and were admitted as Members of the United Nations.

45. Early in 1962, the Premier of Barbados and the Chief Ministers of Antigua, Dominica, Grenada, Montserrat, St. Kitts, St. Lucia and St. Vincent had declared their wish to form a new West Indies federation as an independent State within the Commonwealth, with its capital in Barbados, and had submitted outline proposals to that effect to the United Kingdom Government. In May 1962, at a conference in London, agreement had been reached with the Governments of the eight Territories on the general lines which the new federation should take. A constitution plan provided for a federation which would have stronger central powers than the former federation and would enjoy full internal self-government from the outset, the question of independence being left for later consideration. Meanwhile, the Premier of Barbados and the Chief Ministers had agreed to constitute themselves as a Regional Council of Ministers under the Chairmanship of the Governor of Barbados to facilitate the consideration of matters of regional interest and preparations for the federation.

46. Late in 1962, Grenada had withdrawn from the proposed federation and had started negotiations with Trinidad and Tobago for association in a unitary state; those negotiations were still in progress. In December 1962, a joint statement had been issued in Barbados by the British Colonial Secretary and the leading ministers of the remaining seven Territories, reaffirming their conviction that federation offered the best prospects for economic and political progress and announcing that preparatory talks would soon be held in Barbados. The talks, which were held in May 1963, revealed a significant divergence of opinion between the Governments concerned, and the Ministers had suggested a new procedure for establishing a federation which would be independent from the start. However, as the suggestions involved radical changes in the previous proposals and since time would clearly be needed to study them, it had been agreed that the constitutional conference in London should be postponed.

47. A variety of difficulties still existed, including differences among the Territories regarding the degree of financial support to be provided by the United Kingdom. The United Kingdom Government had, on 24 March 1964, invited the West Indian Ministers to London in April to explore the matter further. The invitation was considered at the meeting of the Regional Council of Ministers held in Barbados from 15 to 18 April, when the Ministers decided that further discussion among themselves was necessary before suggesting a date for the London conference.

48. Thus, the future of the nine Territories had not yet been finally determined. Grenada was exploring the possibility of union with Trinidad and Tobago, while the British Virgin Islands were content for the time being to continue their present relationship with the United Kingdom. As regards the remaining seven Territories, it was the view of the United Kingdom Government that federation still offered the best prospects for their future constitutional and economic development. However, there were still difficulties to be resolved. The Governments of the various islands remained reluctant to concede power to a federal government and there was as yet no sense of West Indian nationhood. The dependence of the individual Territories on United Kingdom aid, even for the cost of day-to-day administration, was very great and the islands hesitated to commit themselves to federation unless the considerable sums of aid were greatly increased and guaranteed for a period as long as ten years ahead. The United Kingdom Government, for its part, recognized that the federation would stand in need of external assistance and hoped that through patient negotiation a successful formula could be found to overcome all obstacles so that the Territories could achieve independence as well as a united and stable federation.

49. Statements on the above Territories under United Kingdom administration were made by the representatives of Italy, Bulgaria, Trinidad and Tobago, Ivory Coast, Madagascar and Iran at the 7th, 8th, 9th and 10th meetings of the Sub-Committee.

50. The representative of Italy stated that first, the islands' prospects for the achievement of independence were closely related to their ability to agree on the terms of some form of political and economic association. Unfortunately, it had been impossible to implement the idea of federation that had been accepted by all parties concerned, including the United Kingdom Government, which would have led to the granting of independence to a West Indies federation in May 1962.

51. Secondly, the administering Power should not make plans which would be too ambitious to realize. For example, four or five islands might establish a federation, which could be given early independence, and thus form a nucleus around which the other islands could rally. Such a federation might offer an alternative to those islands which, like Grenada and the British Virgin Islands, seem to have plans other than joining a larger entity. Thus, the wisest course would be to give the Territories the time necessary for the process of constitutional development.

52. Thirdly, since some of the islands, especially Montserrat and the British Virgin Islands, had not yet achieved complete self-government common to all other islands, the administering Power should be called upon to accelerate constitutional developments in those islands with a view to enabling their peoples to take part in the talks on association with other Territories.

53. Fourthly, regardless of the form their future independence might take, the Territories would continue to need economic assistance from abroad. It was essential, especially in the case of the small Territories, that the United Nations should play a role in providing economic assistance.

54. The representative of Bulgaria said that the consideration of the Virgin Islands under United Kingdom and United States administration was complicated by the lack of information, particularly regarding the opinion of the inhabitants of the Territories. The fact that no petitions or requests for hearings had been received had been interpreted by some delegations to mean that the situation in the islands was satisfactory. His delegation could not agree with that interpretation. However, the lack of information did not exonerate the Sub-Committee from its task of ensuring the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

55. If the people of the Territories were to "freely determine their political status", as was stated in the Declaration, they should be able to choose between all the

possibilities open to them. They might want their Territory to be independent, despite the preference of some interests for association with another State. Or they might wish to join with populations of the same ethnic origin in neighbouring Territories. The best solution would be for the Territories to accede to independence and then choose the type of government or association they wanted.

56. In his statement to the Sub-Committee (3rd meeting), the United States representative had described the progress made in the United States Virgin Islands and noted that in 1963 the annual *per capita* income had risen to \$1,370. That figure was indeed high and could be the starting point for further improvement, if it also represented the annual income of the indigenous population.

57. Some additional information on the United States Virgin Islands, and in particular on the annual wage of an agricultural worker, a factory worker and a hotel worker, and on how much of the income of the Territory went to the indigenous population and how much went to foreign *entrepreneurs*, would also enable the Sub-Committee to form a more accurate idea of the situation and of the real annual income of the population.

58. In the statement he had made to the Sub-Committee, the United Kingdom representative had implied that, had it not been for the difficulties created by the representatives of the island populations, a federation would have been formed long ago and the islands would have been liberated from colonial oppression. However, a recent survey of economic potential and capital needs in the Leeward Islands, Windward Islands and Barbados had shown that, except for Barbados, the infra-structure of the islands was inadequate. Roads, port facilities, water supplies, drainage, telephone and power systems and public buildings were insufficient. The survey had concluded that urgent attention should be given to those deficiencies before the islands were launched on an independent career.

59. The Bulgarian delegation could not endorse the conclusions of the authors of the survey. However, in the light of their explanations, a better understanding could be gained of the problems and difficulties confronting the Territories and their populations. After three centuries of domination the colonial Powers which had occupied the Territories, under the fallacious pretext of a mission of civilization and assistance, had succeeded only in creating in those islands, which had been particularly favoured by nature, a situation which, according to the observations made in the survey, could only be described as inadequate and deplorable.

60. There could be no doubt that the United Kingdom Government bore the responsibility for that state of affairs and that it should pay substantial compensation to the Territories on their accession to independence. That compensation might take different forms; it might, for example, take the form of long-term assistance which would enable the Territories in a given time to establish an economic base and organize an independent life.

61. The situation was equally unsatisfactory with regard to the measures envisaged for the accession to independence of the United States and United Kingdom Virgin Islands. It appeared from the subjects to be discussed at the Constitutional Convention to be held in the United States Virgin Islands in December 1964 that the Convention had been organized with the sole aim of associating or integrating the islands with the United States. The economic development of the islands had been directed towards the same goal. However, if there was to be integration and particularly with the colonial Power, the Special Committee should be certain that the populations concerned enjoyed complete freedom of expression. It would be useful not only to have additional information on the laws governing the administration of the Territory but also to send a mission to the islands in question.

62. The representative of the Ivory Coast emphasized the geographical, economic, linguistic and ethnic ties existing

between the United Kingdom and United States Virgin Islands and the other islands under consideration.

63. In view of those ties, his delegation welcomed the current views that the islands should be regrouped, provided that there was a freely expressed desire for such regrouping.

64. After having drawn attention to the need for the development of the education and the economy in general, he recalled that under resolution 1514 (XV) the administering Powers were in duty bound to grant independence to the Territories which were still under their control. Consequently, the basic organs of government in those Territories—the Legislative Councils and in particular the Executive Councils—must be made sufficiently autonomous and representative. The present composition of the Executive Council should therefore be changed.

65. Those observations applied equally to the other Caribbean islands with which the Sub-Committee was concerned, and his delegation proposed that the Sub-Committee should recommend to the Special Committee that it request the administering Powers to give its members the assurance that they would take steps in conformity with resolution 1514 (XV).

66. The representative of Trinidad and Tobago who was invited to participate in the discussion on this item, at the request of his delegation, made a statement at the 9th meeting of the Sub-Committee on 7 May 1964.

67. The representative of Trinidad and Tobago stated that the people of Barbados and the people of the Windwards and Leewards were fit and qualified to govern themselves. If freedom implied the right to an infra-structure which gives a reasonable possibility of standing on one's own feet and seeking to solve one's problems with self-respect, of finding food, shelter and employment for one's citizens, of taking one's independent place in the family of nations, then freedom was certainly denied to his neighbours and relatives.

68. An administering Power was not entitled to extract for centuries all that could be got out of a colony and when that had been done to relieve itself of its obligations by the conferment of a formal but meaningless—meaningless because it could not possibly be supported—political independence. Justice required that reparation be made to the country that had suffered the ravages of colonialism before that country was expected to face up to the problems and difficulties that would inevitably beset it upon independence. Without substantial economic aid to these Eastern Caribbean Territories none of the suggested forms of self-determination could lead to real independence. If the only financial assistance to be received was of the nature or amount now being considered by the administering Power, then years would roll by as discussion gave way to discussion with no solution in sight.

69. Because independence meant for his Government something more than a constitutional document and a severing of political shackles, a study entitled "Total Proposed Development Grants to West Indies—1959-1960 and 1968-1969" was made. He then quoted from it:

"It is proposed that for the ten-year period, the West Indies should receive the sum of \$361.1 million in Development Grants. Of this total \$171.7 million will go to the Leewards and Windwards combined, \$8.3 million to Barbados, \$83.2 million to Trinidad and Tobago, \$33 million to Jamaica and \$64.9 million to the Federal Government."

70. According to the distinguished representative of the United Kingdom, "since 1945, economic aid to Barbados and the Windward and Leeward Islands in the form of gifts and loans has amounted to about \$84 million". Thus, in over eighteen years, gifts and loans to Barbados and the Windward and Leeward Islands had amounted to about \$WI 143 million or less than \$8 million a year. According to the planners of Trinidad and Tobago, in order that any real economic development could take place what was necessary over ten years was \$180 million in grants only—\$18 million a year.

71. Against this background, it was not difficult to understand why these islands found it impossible to arrive among themselves at a final decision as to the form of their political

structure on independence, and as to the nature of the constitution by which they should be governed. If the requisite economic aid were forthcoming, there could be no doubt that the people of these islands would decide for themselves exactly what was the most appropriate political structure that would ensure the successful maintenance of their independence once it had been granted to them. The provision of adequate financial and economic assistance was one critical test of true willingness to grant independence. He stated that one of the islands, Grenada, had indicated an interest in joining Trinidad and Tobago as a unitary state. Studies made by the Government of Trinidad and Tobago had revealed that substantial aid to Grenada was necessary in order that satisfactory terms could be arrived at.

72. The representative of Trinidad and Tobago noted that his Government did not consider the responsibilities of the administering Power to be exclusive. An administering Power might not be willing or might not be able to discharge the full measure of its responsibility. This fact should not prevent a country otherwise fit and ready for independence from attaining it. The United Nations had done a great deal and manifestly was continuing to do a great deal to ensure that all nations should be free and independent.

73. If the United Nations could not compel an administering Power to do its duty then the Organization had, in fact, to take over that duty. While everything within the power of the Organization should be done to persuade the administering Power to discharge its duty towards the Territories under its administration, the United Nations could not overlook its own duty to assist in a practical way through basic economic and social development.

74. The representative of Trinidad and Tobago further stated that he was not suggesting any form of trusteeship for his West Indian neighbours and relatives. He urged for them nothing less than full and complete independence but, if they were to sustain that independence, the United Nations had in the first place to bring its persuasive powers to bear on the administering Power and in the second place to contribute, itself, to such deficit if any remained.

75. The representative of Madagascar said that the Sub-Committee should be guided by General Assembly resolution 1541 (XV) in seeking a suitable solution for the small islands.

76. It appeared from the opening statement of the United Kingdom representative that the United Kingdom had showed willingness to lead the Territories to self-government, but its efforts had not yet borne fruit because of the complexity of the situation.

77. In his delegation's view, the Territories and the administering Power should establish a close and sincere working arrangement so that, with the help of United Nations bodies, a satisfactory solution could be speedily arrived at.

78. Without prejudging the political future of the British Virgin Islands and the other small islands in the British West Indies, his delegation thought that it was for the population of the islands to decide their own future.

79. The representative of Iran said that for the time being, his delegation would merely indicate briefly its views on the question of the West Indies islands administered by the United Kingdom. On 29 April, the United Kingdom delegation had described to the Sub-Committee the political and constitutional evolution of the Territories, noting, *inter alia*, that since 1947 the aim of United Kingdom policy had been to encourage the Territories to form a federation and that the efforts made to achieve that aim by the establishment of the West Indian Federation in 1958, had resulted in failure in 1961. He had also noted the attempts at establishing a new federation at the conferences in London in 1961 and in Barbados in 1963.

80. One of the reasons for the repeated failures was to be found in the conclusions of an expert study on the economic aid which would be needed by an eventual federation. The amount of financial assistance which the United Kingdom should give them no doubt partly explained the failure of the conferences.

81. The representative of Trinidad and Tobago had given extremely useful information on the question in his statement on 7 May 1964. He had mentioned a study by his Government of the economic assistance that would be required for the development of the British West Indies, and had implied that all the grants which the administering Power planned to give the Territories were far from sufficient to meet their development needs.

82. His delegation would like to know whether the administering Power agreed with the representative of Trinidad and Tobago that the major obstacle to the establishment of a federation was the inadequacy of the proposed economic aid. If so, the administering Power should tell the Sub-Committee what steps it planned to take to overcome that obstacle. The Sub-Committee would be able to formulate recommendations for the Special Committee in the light of that reply.

83. The representative of Uruguay reserved the right to speak on the United Kingdom Territories in question after the statement by the United Kingdom representative, which would provide additional information.

84. Where the United States Virgin Islands were concerned, he would confine his comments to the law on the holding of a Constitutional Convention.

85. The administering Power had apparently decided to grant the Territory a greater degree of self-government. However, he wondered whether that self-government really reflected the type of self-government or political independence envisaged in the Declaration on the Granting of Independence to Colonial Countries and Peoples, which implied that the nature of the new ties between a Territory and the former metropolitan Power should be decided by the two parties acting as equals. The law passed by the Virgin Islands Legislature gave the impression that the administering Power would have the last word. It also provided that, although they would enjoy a greater degree of self-government, the United States Virgin Islands would remain a United States Territory. He therefore thought that the administering Power should be urged to follow the provisions of resolution 1514 (XV) more closely. The Sub-Committee could make recommendations to the Special Committee along those lines.

86. He recalled that on 29 April, he had expressed the opinion in the Sub-Committee that it was not necessary for a Territory first to accede to independence before it could exercise the right to self-determination but that, more strongly than any other resolution or than the Charter itself, resolution 1514 (XV) stressed the need to create conditions in which the peoples of the Territories could exercise their right to self-determination unconditionally and without reservations and could negotiate about their political future with the administering Power on a completely equal footing. Moreover, the administering Powers had participated in the drafting of resolution 1541 (XV), notably principles VII, VIII and IX, which presupposed an atmosphere he had not found in the law enacted by the Legislature of the United States Virgin Islands.

87. The representative of the United States in a subsequent statement provided additional information on income in the United States Virgin Islands. He corrected his statement at the 3rd meeting of the Sub-Committee that annual *per capita* income in the United States Virgin Islands had been \$1,370 in 1963. The fact was that *per capita* income in 1963 had been approximately \$1,500 as compared to \$814 in 1959. The increase from the 1959 level had been due to a rise in wage and salary rates, an increased percentage of persons working, and a movement from lower-paid to higher-paid occupations. For example, while 23 per cent of a total population of approximately 26,000 had been engaged in identifiable employment in 1950, the corresponding figure for 1963 had been about 35 per cent of a population of 35,000. There was now virtually no unemployment.

88. In the Virgin Islands there was a statutory minimum wage rate which varied according to the industry concerned. Industries which produced goods for sale outside the Virgin Islands came under the Federal Government's Fair Labor

Standards Act and were required to pay the minimum wage set by that Act for interstate commerce throughout the United States. The minimum wages paid under the Act were the following: \$1.25 per hour for those engaged in banking, real estate, accounting, communications, public utilities and shipping; \$1.15 for construction, trucking, and the clock, watch and watchband industries; and \$1.05 for retailing. Persons working in the fruit and vegetable packing business or in the assembling and handling of farm products were paid a minimum of \$0.75 an hour.

89. Industries not entering into interstate commerce were covered by the Insular Minimum Wage Law. Under that law, for example, the minimum wage for hotel workers varied, depending on the position held, between \$.60 and \$1.00 per hour, exclusive of tips. The minimum wage for agricultural workers, who formed only 2 per cent of the total number of employed persons, was \$.50 per hour. In practice, of course, the hourly wage was often considerably higher than the legal minimum.

90. The average yearly salary of a worker in the hotel industry, which, because of tourism, was one of the principal sources of employment in the Virgin Islands, had been \$2,233 in 1963, exclusive of tips. In 1963 the average annual wages of a factory worker and an agricultural worker had been approximately \$3,416 and \$2,000, respectively.

91. Income statistics kept on the Islands did not lend themselves to a breakdown by place of birth since they made no distinction between persons born in the Virgin Islands and other United States citizens residing or doing business there. However, the greater part of the income was received by the bulk of the employed persons, who were native Virgin Islanders, in the form of salaries and wages. Other native Virgin Islanders were self-employed and many of them derived their income from activities related to tourism.

92. The representative of the United Kingdom, in a subsequent statement, said that he was gratified by the fact that the debate on the nine Territories administered by the United Kingdom in the East Caribbean had been, for the most part, realistic and constructive. Some delegations had spoken of the need to accelerate economic and social development in the British Virgin Islands. United Kingdom financial aid to the ordinary administrative budget of the Territory had amounted to over half a million dollars in 1963, to which should be added a further sum of just under \$500,000 for development projects in the five-year period 1959-1964. In 1963, a local Development Advisory Committee had drawn up a three-year development plan based on the report published in 1962 by Dr. O'Loughlin (see paragraph 70 of this chapter), and under the 1963 Commonwealth Development Act, a sum of \$694,400 had been made available for the period 1963-1966, which would practically double the amount available for the preceding five-year period. The revised development plan concentrated mainly on improvement of the infra-structure (roads, electricity, water supply and water-front reclamation), the balance being devoted to social service projects.

93. Education in the British Virgin Islands, to which the representative of the Ivory Coast had referred, was free and compulsory up to the age of fifteen and a vigorous effort had been made to raise educational standards as recommended in the report of the Committee which had reviewed the education system. A post of Superintendent of Education had now been created and over 15 per cent of total Government expenditure in 1962 had been allocated to education.

94. A number of representatives had suggested that the West Indians should be given a greater role in the administration of the East Caribbean Territories. He had stated earlier that elections by universal suffrage were held in all the Territories and had stressed the broad responsibilities assumed by elected ministers answerable to the Legislative Councils. Moreover, in most cases, the senior officials were West Indians, including three Administrators, five Chief Secretaries (or their equivalent) and all the Attorneys General.

95. With regard to the future of the Territories, the representative of Iran had asked whether the basic obstacle to the establishment of a federation and the granting of independence was lack of financial assistance from the administering Power.

96. When it had reached agreement with the Governments of the eight Territories on a scheme of federation at the London Conference held in May 1962, the United Kingdom had recognized that such a federation would still need outside assistance and had stated its willingness to provide such aid within the limits of the resources it could make available. The Government of Trinidad and Tobago had estimated that the West Indies would need development grants amounting to a total of \$18.3 million a year. United Kingdom financial assistance to the former federation had amounted to about \$20 million a year for the first three years, a figure which took no account of contributions to bodies which had provided multilateral aid for the area, the \$9.4 million in development capital produced by loans raised on the London market, the indirect subsidies (worth on the average over \$25.5 million a year) under the Commonwealth Sugar Agreement, and the guaranteed markets which the United Kingdom provided for other agricultural products of the area.

97. Thus it was not correct to suggest that the only obstacle preventing the Territories from forming a federation was lack of assurances about economic aid. The real obstacles were political. The various Territories recognized that they stood to gain by coming together in a federation, but a proper balance between the central authority and the powers of each constituent State was difficult to achieve. Any federation should have the best possible chance, not only of survival but of healthy development. That explained why the Governments of the Territories had been re-examining some of the elements in the federal scheme, and the United Kingdom Government was not pressing for hasty agreement which might be regretted later.

98. The British Government was anxious to ensure that federation and independence did not result in any setback to political or economic development of the Territories. Since their economic resources were limited, a good infra-structure would not be sufficient to ensure development; in the end, that could only materialize as a result of an expansion in the private sector. The tourist potential of some of the islands would offer a field for investments yielding a relatively rapid return. There might be prospects of industrial development in some islands but they were limited by the smallness of local markets and the lack of ancillary services. Those islands which continued to be mainly dependent on agriculture would have to increase their farm output, although there were obstacles to the improvement of productivity of peasant farming, such as the land tenure system, the small size of farms, the insufficient use of fertilizers, shortage of credit facilities, etc. Finally, the lack of experts and the difficulty of recruiting skilled personnel presented additional problems.

99. All the Territories concerned now had development plans or were in the process of revising them. A federal government could most usefully undertake to co-ordinate those plans. When the many problems still outstanding had been solved, expanded development plans could be worked out and the United Kingdom could consider how great its contribution should be. The Regional Council of Ministers had considered the invitation extended to the West Indian ministers to come to London to discuss outstanding problems, and it would suggest a date for such a conference after its next meeting.

GENERAL CONCLUSIONS OF THE SUB-COMMITTEE

100. Generally speaking, it was emphasized that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples applied to all dependent Territories, irrespective of their size, population or other factors.

101. Nevertheless, the Sub-Committee was in agreement that such small Territories as those under consideration present peculiar problems because of size, population, economies and other deficiencies.

102. It was categorically emphasized that it was for the peoples of the small Territories, and for them alone, to express themselves freely with regard to the form they wished to adopt in order to achieve the objectives of resolution 1514 (XV). Moreover, the view was expressed that in a world characterized by the integrationist movement, it might be desirable for the peoples of these Territories to bear in mind the forms mentioned in resolution 1541 (XV) in their achievement of the objectives of resolution 1514 (XV).

103. The Sub-Committee asserted that the United Nations must be satisfied that the exercise of self-determination was undertaken in complete freedom, and in order to ensure that this was done the United Nations would seek the ways and means authorized to this end.

104. There was general agreement in the Sub-Committee that the information on the Territories before it was insufficient. Additional information was necessary for a proper appraisal of the political, economic and social situation obtaining in the Territories. In the circumstances, visits by the Sub-Committee to certain Territories might prove necessary.

CONCLUSIONS AND RECOMMENDATIONS CONCERNING THE VIRGIN ISLANDS OF THE UNITED STATES

Conclusions

105. In respect of the Virgin Islands of the United States, the Sub-Committee concluded that:

(a) According to information provided by the administering Power, it seemed that all the conditions existed for a progressive change in the constitutional and political status of the Territory.

(b) The Sub-Committee was informed by the representative of the administering Power that it was proposed to hold a Constitutional Convention in December 1964 which will be empowered to draft a new text of the Organic Act "fully expressive of the wishes of the people regarding their political future".

(c) In that regard, the Sub-Committee was of the opinion that, during the aforementioned Constitutional Convention, the people should be called upon to choose in complete freedom the form of their political future: full independence, free association or integration, without that freedom being subjected to any restriction whatsoever.

(d) In any case, the people should be consulted to ascertain their wishes without any restriction whatsoever. No legal, political, constitutional or other obstacles should be permitted to interfere with their freedom of choice in the exercise of their right to self-determination. It was said that the administering Power must respect the choice thus to be made by the population in accordance with the principles embodied in resolutions 1514 (XV) and 1541 (XV).

(e) The Sub-Committee expressed the hope that the administering Power would provide the Sub-Committee and the Special Committee with all the relevant information concerning the steps it has taken in pursuance of resolution 1514 (XV). The Sub-Committee also invited the administering Power to transmit to the General Assembly the information concerning the elections, the Convention and the resulting recommendations and developments, so as to enable the General Assembly to take suitable decisions.

(f) The Sub-Committee took note of the economic conditions in the Territory as described by the representative of the administering Power, and of the additional information he subsequently provided on the subject at the request of the Sub-Committee.

(g) The Sub-Committee also noted the projects planned by the administering Power in the social and educational fields.

(h) In the light of future developments, the Sub-Committee would consider the question of sending a visiting mission to the Territory.

Recommendations

106. In respect of the Virgin Islands of the United States, the Sub-Committee recommended the following:

(a) The Sub-Committee, after having considered the situation in the Virgin Islands under United States administration and taken note of the statements of the representative of the administering Power according to which a Constitutional Convention composed of elected representatives of the Virgin Islands will be convened on 7 December 1964, recommends that the Special Committee invite the administering Power to ensure that the elections and the Convention are so organized as to enable the people, in complete freedom and without any restrictions, to express their wishes concerning the future political status of the Territory.

(b) The Sub-Committee recommends that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples shall be fully applied to the Virgin Islands and that the will of the people of the Territory would be duly taken into account by the administering Power in accordance with the principles embodied in General Assembly resolutions 1514 (XV) and 1541 (XV).

(c) The Sub-Committee recommends that relevant additional information shall be obtained by ways and means considered appropriate by the Special Committee.

ESTABLISHMENT OF A WORKING GROUP CONCERNING BRITISH VIRGIN ISLANDS, ANTIGUA, DOMINICA, GRENADA, MONT-SERRAT, ST. KITTS-NEVIS-ANGUILLA, ST. LUCIA, ST. VINCENT AND BARBADOS

107. Having heard the statements of the representative of the administering Power and of the representative of Trinidad and Tobago, and having given consideration to the situation in the Territories of the British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados, the Sub-Committee noted that the information available on the Territories was not complete. In order to have a clearer view of the situation it therefore appointed, at its 21st and 23rd meetings on 1 and 3 July respectively, a Working Group composed of the representatives of the Ivory Coast, Madagascar and Venezuela, to make a thorough study, in collaboration with the Secretary-General, of the political, social and economic situation in the Territories, and requested the Working Group to report back to it.

108. The Working Group accordingly submitted a report to the Sub-Committee at its 32nd meeting on 30 September 1964. The report was examined at that meeting and at the 33rd, 34th and 35th meetings on 2, 5 and 8 October respectively. The report contained a summary of such new information as the Working Group had been able to obtain on the Territories and suggested conclusions and recommendations for the consideration of the Sub-Committee. The report of the Working Group forms the appendix to the present report. In presenting the report of the Working Group, the representative of Venezuela said that, as the Sub-Committee was certainly aware, the drafting of the report had been a heavy task and the conclusions had required very careful and prudent drafting. Neither the Working Group nor the Sub-Committee had heard any petitioners from those Territories, except for one from Antigua, and in some cases reliable data had been lacking. There had been little difficulty, however, in drawing conclusions about the economic situation in the islands, since economic conditions there were well known. It was easily seen that, taken together, the Territories possessed certain common characteristics which made them a homogeneous nation from the standpoint of their way of life, ethnic origin, language and culture. Their governmental and political structures were similar; their economic development followed a uniform pattern. The dispersion of the population over a number of islands made it more difficult to draw it together within the framework of a State in the normal way, but that objective did not seem impossible of achievement.

109. Commenting on the report, the representative of Bulgaria agreed with the Working Group that the additional material obtained, although considerable in volume, provided little more information than that already contained in previous documents on the Territories concerned. In fact, the Sub-Committee knew little about the state of mind of the population of those Territories; since no petitioner had been heard,

the best solution would perhaps be to visit the Territories. With regard to the Working Group's conclusion concerning economic and financial external assistance after independence (see appendix to this annex, paragraph 44), he said that justice demanded that reparation should be made to the countries which had been subjected to the ravages of colonialism, in order that they might overcome the difficulties and resolve the problems which they would inevitably encounter upon attaining their independence.

110. The representative of Iran considered that the Working Group had made a valuable contribution to the work of the Sub-Committee and generally endorsed its conclusions and recommendations.

111. The Chairman, speaking as the representative of Uruguay, said that the Working Group had perhaps been too modest in stating that the material assembled provided little more information than that contained in previous documents. Personally he attached great importance to the statements of political leaders which were not to be found in any other document.

112. The representative of Italy said that his delegation approved the conclusions and recommendations of the Working Group, whose report provided additional material of great interest concerning the Territories.

113. The representative of the United Kingdom congratulated the members of the Working Group on their fair and thorough report. His delegation had been glad that some members of the Sub-Committee had thought the additional information provided to the Working Group by his delegation of value. His Government had reservations about the procedure of sending visiting missions. Apart from the United Kingdom's well-known reservations on the point of principle involved, it seemed doubtful whether a visiting mission would achieve a great deal in the case under consideration. The Territories had fully representative and responsible Governments and a flourishing system of political parties. It was through the activities and organization of political parties and elected leaders and, ultimately, through the ballot box that the wishes of the population would be ascertained. The dispatch of a visiting mission would be no substitute for that domestic process.

CONCLUSIONS AND RECOMMENDATIONS CONCERNING THE BRITISH VIRGIN ISLANDS, ANTIGUA, DOMINICA, GRENADA, MONTserrat, ST. KITTS-NEVIS-ANGUILLA, ST. LUCIA, ST. VINCENT AND BARBADOS

114. The Sub-Committee took note of the report of the Working Group with appreciation and on the basis of the suggestions of the Working Group approved, at its 36th and 37th meetings on 12 and 14 October 1964, the following conclusions and recommendations on the above Territories for the consideration of the Special Committee. At the latter meeting the Sub-Committee also approved its present report on these Territories.

115. The Sub-Committee reaffirms that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples are fully applicable, and are to be applied by the administering Power in accordance with the fully expressed will of the population in the above Territories.

116. The Sub-Committee noted that from the social point of view the peoples of the British West Indies, although scattered over various islands and islets, form a homogeneous demographic unit; they are of the same ethnic origin and have a common language and culture. Notwithstanding certain slight differences, their social institutions and their way of life exhibit common features and similarities.

117. The Sub-Committee noted that from the economic point of view the situation is basically the same in all the islands. In each of them a well-known economic system, which had its origin in the cultivation of sugar-cane and has been shaped by the needs and the interests of the metropolitan country—i.e., the administering Power—is to be found. The communities grew up around the plantations and prospered or declined with them. In some of the islands the economy has advanced

and is thriving, while in others it has declined over the years and is today financially unsound or under-developed.

118. The Sub-Committee noted that from the political point of view, the islands have similar political institutions and administrative systems because of the fact that they have been administered by the same colonial Power. Their development towards self-government and independence has been parallel. The political aspirations of the people have been expressed in similar ways in the various administrative units.

119. It would seem that since these islands possess sufficient features in common, it should be possible to form a union among them, or at least among some of them, with a view to establishing an economically and administratively viable State.

Windward Islands, Leeward Islands and Barbados

120. With regard to the Windward and Leeward Islands administered by the United Kingdom (Antigua, Dominica, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados), which are known as the "little seven", there appears to be general agreement on the following points:

(i) Immediate independence;

(ii) Formation of a federation which would come into operation on the date of independence, as soon as general elections had been held.

121. The differences of opinion relate to the form such a federation would take, i.e., whether the federation should have a strong central Government in which the main powers would be vested, or whether, on the contrary, the power and functions of the Government should be decentralized so as to give a greater degree of self-government to the various constituent units. This lack of agreement is explained by the difference in the economic levels of the various islands. The question is whether, once independence had been attained, the federation would be able to meet its economic obligations, particularly with regard to administrative expenses and development programmes. It is clear that, at least for the first few years, the islands would need not only economic aid but also technical assistance for the solution of their problems.

122. The Sub-Committee wishes to point out that a more thorough investigation of facts and opinions, particularly the opinions of the leaders of the Territories, is still needed and that the whole question of the amount of assistance required after independence and the various external sources that might provide it deserves a more thorough study.

123. Consequently, the Sub-Committee recommends that the Special Committee request the administering Power to fulfil its obligations in accordance with the provisions of the Declaration contained in General Assembly resolution 1514 (XV), to take all measures necessary for finding an adequate solution to the above-mentioned problem and to facilitate the fulfilment of the freely-expressed wishes of the peoples and the constitutional solutions which they will choose so far as their future is concerned.

Grenada

124. With regard to Grenada, the Sub-Committee noted that negotiations were in progress between this island and Trinidad and Tobago with a view to its possible association with that new West Indian State. The Sub-Committee recommends that the Special Committee invite the United Kingdom to take appropriate steps to facilitate the achievement of any solution freely chosen by the people with regard to their future.

British Virgin Islands

125. With regard to the Virgin Islands under United Kingdom administration, there seem, according to available information, to be movements in favour of:

(i) Remaining outside the federation of the "little seven"; contrary,

(ii) Investigating instead the possibility of an association with other neighbouring Territories.

The Sub-Committee recommends that the Special Committee invite the United Kingdom to take immediate steps in order to accelerate the constitutional process, so that the people may decide the future of their Territory in accordance with their own wishes and within the framework of the Declaration.

Further information on the Territories

126. The Sub-Committee believes, in conclusion, that the best way to obtain direct information concerning the views and wishes of the people of the islands would obviously be to send a visiting mission to these Territories. This seems particularly justified since it has not been possible to hear petitioners from these Territories.

Appendix

REPORT OF THE WORKING GROUP ON THE BRITISH VIRGIN ISLANDS, ANTIGUA, DOMINICA, GRENADA, MONTserrat, ST. KITTS-NEVIS-ANGUILLA, ST. LUCIA, ST. VINCENT AND BARBADOS

INTRODUCTION

1. At its 21st meeting on 1 July 1964, Sub-Committee III decided to establish a Working Group of two (or three) members to make a thorough study, with the collaboration of the Secretary-General, of the political, social and economic situation in the Territories listed above.

2. At its 23rd meeting on 3 July 1964, the Sub-Committee decided that the Working Group should be composed of the representatives of the Ivory Coast, Madagascar and Venezuela.

3. The Working Group held four meetings on 3 July, and on 2, 21 and 28 September 1964.

4. At its 1st meeting the Working Group decided to request the Secretariat to collect additional material on the political, economic and social conditions in the Territories referred to it for consideration. It suggested that such material might be obtained from the United Nations Information Office and/or TAB Office in the area and from the United Kingdom Mission. The Working Group also suggested that informal talks might be arranged between members of the Working Group and any political or other leaders of the Territories who might be visiting New York.

5. Such a meeting subsequently took place on 21 August 1964, when Mr. Moise Aka (Ivory Coast) and Mr. René E. Ralison (Madagascar) held informal discussions with Mr. V. C. Bird, Chief Minister of Antigua, and Mr. S. Lake, Minister of Social Services, Antigua. Mr. D. Rose, Administrator of Antigua, accompanied Mr. Bird.

6. At the 2nd meeting of the Working Group, Mr. Díaz González (Venezuela) was elected Chairman. At the same meeting, the Working Group took note of the material obtained, in accordance with its request, by the Secretariat, and asked the Secretariat to prepare a working paper based on this material. A list of this material is given in annexes A and B to this appendix.

7. In this connexion, the Working Group draws the attention of Sub-Committee III to the fact that the material, although considerable in volume, provides little more information than that already given on these Territories (see paragraphs 32-236 of this chapter, and annex). New material consists of the views of certain leaders of some of the Territories concerned on their political future as expressed in their respective legislatures; a report of the Fiscal Commissioner, Mrs. Ursula Hicks, on the fiscal problems of the proposed federation of Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados; information on the progress towards union of Grenada and Trinidad and Tobago; and three unofficial contributions by private individuals.

8. The information which adds to or clarifies information already available to the Sub-Committee is summarized below.

9. At its 3rd and 4th meetings, the Working Group considered the working paper prepared by the Secretariat in

accordance with its request, and at the latter meeting approved this report together with the conclusions and recommendations contained in paragraphs 40-50 below.

POLITICAL CONDITIONS

The proposed federation of the "little eight" (Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados)

10. With the withdrawal of Jamaica and Trinidad and Tobago from the now defunct West Indies Federation, the Premier of Barbados and the Chief Ministers of the Leeward and Windward Islands held an exploratory conference in Barbados from 26 February to 3 March 1962, to consider whether or not the remaining eight Territories could form a new workable federation, and, if so, on what basis.

11. The Conference had before it, as a basis for discussion, technical papers prepared in the West Indies containing proposals for an Eastern Caribbean Federation of the eight Territories. These proposals outlined constitutional and financial considerations to show that a federation of the "little eight" could work. Consideration was also given to problems arising out of the present dependence on grants-in-aid from the administering Power as well as aid from other external sources, with speculations on possible ways and means of reducing this dependence after federation and independence. Following discussion, the Conference accepted the proposals with some notable modifications of those concerning the reduction of dependence on external aid.

12. Subsequently, the report of the Conference was debated in the respective legislatures and was generally approved. In the Antigua Legislative Council, for example, the Chief Minister stated that he felt strongly that the wind of change must also come to those shores and that the freedom of independence must be enjoyed by the people of the West Indies. He wholeheartedly supported the decisions and recommendations contained in the report of the exploratory Conference and introduced the following resolution, which was approved by the Legislative Council:

"Be it resolved that the Legislative Council of Antigua records its approval of the proposals contained in the report of the Conference held in Barbados (26 February to 3 March 1962) of Chief Ministers of Leeward and Windward Islands and Premier of Barbados, and support that the recommendations contained therein should constitute the basis upon which a new Federation of the eight Territories should be established."

13. As already reported (see paragraph 222 of this chapter), a Conference was held in London in May 1962 under the chairmanship of the United Kingdom Secretary of State for Commonwealth Relations and for the Colonies, attended by representatives from the eight Territories, to discuss the possibility of a federation of the "little eight" with the federal capital in Barbados. It may be assumed that the London Conference considered the question in terms of the proposals already accepted by the West Indian leaders at their exploratory Conference. Thus, agreement at the London Conference might be taken as an endorsement by the West Indian Governments concerned and the United Kingdom of the type of federation the West Indian representatives desired and had initiated themselves.

14. By early 1963, the recommendations contained in the report of the London Conference of May 1962^a were adopted by resolutions of the respective legislatures with the exception of Grenada, where new developments were taking place. Reference to the debates in the Legislatures of Antigua, St. Kitts and Barbados indicate unanimity of the respective Governments for the proposals.

15. In her report as Fiscal Commissioner, Mrs. Ursula Hicks made the following observation regarding the kind of federation envisaged in the report of the London Conference:

^a *Report of the East Caribbean Federation Conference, 1962* (London, Her Majesty's Stationery Office), Cmd. 1746.

"Although the agreements which emerged from the London Conference of May 1962 do not amount to the acceptance of a *tight* federation, with goodwill and co-operation and a realization on the part of the Units of the necessity for give and take, I believe enough has been accomplished to enable an *effective* federation to be established. In this respect I regard the federalization of the basic fiscal Departments to be of fundamental importance. It should henceforward be possible to have efficient assessment and collection of all taxes within the islands. The federal control of audit should contribute to ensure better management of Unit finances, coupled with other means for the control of public expenditure (discussed in chapter V) which can be devised within the terms of the White Paper."

16. A new Government took office in Grenada on 21 September 1962. Information now available^b reveals that during the electoral campaign of 1962, the present Government pledged that if elected they would immediately start negotiations with the Government of Trinidad and Tobago which, after the collapse of the now defunct Federation, had invited other Territories of the Eastern Caribbean to join in a Unitary State.

17. On 2 October 1962, the Executive Council of Grenada agreed to request the Trinidad and Tobago Government for the information necessary for Grenada fully to participate in discussions towards a Unitary State with that country.

18. On 4 October 1962, the then Administrator of Grenada, Mr. J. M. Lloyd, C.M.G., in his official address on the opening of the Legislative Council at York House, pointed out that the achievement of independence of Jamaica and Trinidad and Tobago affected in no small measure the future of the smaller Territories of the Caribbean. Mr. Lloyd went on to say:

"These Territories have now been left with a choice of two courses—a federation comprising Barbados and the Leeward and Windward Islands, or association with Trinidad and Tobago. My Government has received a Mandate from the electorate to pursue the latter alternative, firmly convinced that the future of the Territory will be safe in such a union. The first step has been taken through the Secretary of State for the Colonies to initiate discussions to this end. We are not unmindful of the fact that the acceptance of Unitary Statehood with Trinidad and Tobago will mean diminishing some of the direct power and authority over our people but my Government is convinced that this can be achieved without loss of dignity."

19. The response of the United Kingdom Government to this new development was contained in a reply by telegram from the Secretary of State for Commonwealth Relations and for the Colonies as follows:

"I have no objection to your Government having talks direct with the Government of Trinidad and Tobago on this subject, on the understanding that they are purely exploratory at this stage, and without commitment either to you or to the British Government. The question of the British Government's joining in any such talks can be considered later, in the light of the results of the initial talks."

20. Following a conference held in Port of Spain in December 1962 between the representatives of Trinidad and Tobago and Grenada (see paragraph 121 of this chapter), the Chief Minister of Grenada, on the return of his delegation from Trinidad, in a broadcast to the citizens of Grenada, Carriacou and Petit Martinique on 12 December 1962, among other things, said:

"We have made a good start on the talks with Trinidad and Tobago towards a Unitary State for the Territories of Grenada and Trinidad and Tobago. But, it is only a start and a great deal has yet to be done before the desired goal is reached. True, there is good ground for satisfaction for those people whose faith in a Unitary State was being tried from many directions by people who either did not understand what the whole thing is all about, or who simply

did not care. True, the success of the initial talks have confounded those gloomy prophets of failure who proclaimed that there would not even be any talks at all. All these things are true, and while, as I say, there is good reason for satisfaction, there is even more reason to realize that a start is not necessarily the end.

"For the fact that these first talks went so well we have to thank the Prime Minister and the Government of Trinidad and Tobago and, indeed, the people of Trinidad and Tobago themselves for creating the proper atmosphere in which delicate negotiations must take place. There was every evidence of genuine desire to find a common basis for discussion, and the atmosphere of courteous and considerate treatment accorded them throughout their stay in Trinidad..."

21. Since then, teams of experts have been established and, according to reports, have been active. As yet, however, their reports have not been released. On 27 May 1964 the Chief Minister of Grenada, reporting to the Legislative Council, made the following statement:

"Mr. Speaker, I should like to advise this honourable House that on the sixteenth inst. I had discussions with the Prime Minister of Trinidad and Tobago on the progress of the movement towards union of Grenada and Trinidad and Tobago. We examined the status of the reports and, recognizing that some time must elapse before the final investigations of these are completed, we both felt that there must be some areas in which immediate steps might be taken for closer economic collaboration between the two countries while these investigations are being conducted. An invitation has subsequently been received from the Government of Trinidad and Tobago for us to send a team of specialists to discuss this immediate economic collaboration in the fields of cocoa exports, electricity, livestock development, tourism and technical assistance to Grenada from Trinidad and Tobago. The Government of Grenada have gratefully accepted the invitation and have cabled Trinidad today informing them of the proposed team of persons to hold the discussions."

22. The office of the Prime Minister, Trinidad and Tobago, recently issued, on 27 June 1964, the following press release:

"A team of specialists from Grenada visited Trinidad at the invitation of the Government of Trinidad and Tobago to hold talks with senior officials in Trinidad on areas in which co-operation at the technical level could be mutually beneficial. Talks were also held on the kinds of technical assistance which Trinidad could give to Grenada to accelerate the rate of economic growth in that island.

"As a result of these talks the two Governments have agreed to establish close collaboration in the following specific fields—air travel, tourism, electricity development, livestock development and cocoa production and exports. Further, the Government of Trinidad and Tobago has agreed to provide facilities and technical assistance which the Government of Grenada believes will be of maximum usefulness to Grenada. Specifically, these are as follows:

"(i) Facilities for promoting Grenada's tourist trade will be provided in Trinidad; in particular, advertising facilities, office accommodation for tourist promotion officers from Grenada and assistance in obtaining Venezuelan consular representation in Grenada;

"(ii) The construction of the quarantine pens to receive pigs exported from Grenada will be accelerated and completed by the end of July;

"(iii) Subject to the obligations of Trinidad and Tobago under the provisions of GATT, consideration will be given towards reducing the import duty on small stock exported from Grenada;

"(iv) Technical studies will be undertaken in Trinidad on the possibilities of reducing the cost of electricity in Grenada;

^b Grenada. *Keeping Faith: A record of progress towards union of Grenada with Trinidad and Tobago* (St. Georges, Government Printer, 1964).

^c Grenada, *The Legislative Council Debates (Official Report)*, 27 May 1964.

"(v) Chemical analysis of certain products made in Grenada will be done free of charge in Trinidad;

"(vi) The design and preparation of bills of quantity of a large bridge required in Grenada will be done at no cost to the Government of Grenada;

"(vii) Technical assistance will be provided to Grenada both in the form of experts from Trinidad and Tobago to advise on special problems and also in the form of places and scholarships in courses and institutions operated in Trinidad and Tobago.

"Technical specialists from Trinidad and Tobago will visit Grenada, at the expense of the Government of Trinidad and Tobago, to advise on the following matters—airport development, upgrading livestock, cocoa marketing, red ring control, town planning, statistics and sewerage.

"Places will be provided for officers from Grenada in the following institutions and courses run in Trinidad—Eastern Caribbean Farm Institute, Mautica Teacher Training College, John S. Donaldson Technical Institute, Public Health Training Course, Hotel and Catering School, Air Traffic Control Training School, Statistics Training Course, and Income Tax Training School. In addition, special in-training facilities will be made available for officers from Grenada in the following fields: fisheries, maintenance of printing equipment, factory inspection, statistics, water control and nursing.

"Both Governments have agreed on the desirability of holding similar talks in the future to consider problems in the light of developments which may have a bearing on matters of mutual and general concern."^d

23. Despite the above, it should be mentioned that both in Trinidad and Tobago and Grenada sentiments have been expressed in the legislatures by members of the Opposition, as well as in certain articles in the local Press, in opposition to the idea of unification of the two countries.

24. After the withdrawal of Grenada, the "little eight" was reduced to the "little seven". Among the new material received is the following statement regarding federation of the seven East Caribbean Territories:

"From 20 to 24 May 1963, the Premier of Barbados and Chief Ministers of Antigua, Dominica, Montserrat, St. Kitts, St. Lucia and St. Vincent met at Government Headquarters, Bay Street, and reviewed the proposals for a Federation of the East Caribbean Territories as outlined in the White Paper Command 1746. The Ministers also considered the proposals contained in the report of the Fiscal Commissioner and Civil Service Commission.

"On Friday, 24 May, the Regional Council of Ministers commenced its meeting with Mr. Nigel Fisher, Parliamentary Under-Secretary of State for the Colonies, and the Council presented to Mr. Fisher a Statement embodying the areas of agreement which by and large had been reached by the Ministers at their preliminary meeting.

"The Conference unanimously recommend that the Federation of the West Indies be independent from its inauguration, with constitutional guarantees for the subjects set out in the Bill of Rights.

"That the Federal Government when established and the Unit Governments accept the arrangement that the Unit Governments will continue to administer the departments responsible for the collection of Income Tax, the provision of Postal Services and the local Police Forces for a period of five years from the inception of the Federation, at the end of which period the position will be reviewed by the Federal and Unit Governments, subject to the proviso by the Government of Antigua that any Unit Government not agreeing to transfer any of these services to the Federal Government should have the right to continue to administer such services.

^d Trinidad and Tobago, Office of Prime Minister, Trinidad and Tobago, Public Relations Division, Press Release No. 358 of 27 June 1964.

"That the Federal Government exercise legislative authority in relation to the subjects set out in the Exclusive Legislative List and concurrent Legislative power with the Unit Governments over matters in the Concurrent Legislative List.

"That the Federal Government administer the departments of Audit, Prisons, Customs, and Excise, the Police Training School and the Mobile Police Force, Overseas Commissions and Regional Services, Advisory Services, Federal Public Service Commissions and Telecommunications as limited in the Exclusive Legislative List.

"That a Federal Judiciary as proposed in the Report prepared by the Legal Committee of the Conference be established.

"That a Unified Service for Administrative, Technical and Professional Staff be established.

"That the terms of the financial assistance to be given to the Federal Government and Unit Governments by Her Majesty's Government during the ten-year period 1963-1973 be settled at the Conference to be held in June 1963 or later as the Secretary of State may decide, and should provide for open grants for administrative purposes, grants for establishing the Federation, Development Grants and Development Loans.

"The Conference further recommends that the steps to the establishment of the Independent Federation should be in the following order:

"(1) Appointment of Interim Federal Public Service Commission to appoint key Federal Officers;

"(2) Preparation of Constitutional instruments and organization of Federal Departments and Services;

"(3) Introduction of Independence Bill in House of Commons, June-July 1964;

"(4) Appointment of Governor-General and creation of Federal Council of Ministers into a body corporate with power to legislate by Regulations made by the Governor-General on the advice of the Federal Council limited to a number of subjects, such steps as are necessary for the launching of the Federation;

"(5) Federal Elections in 1965;

"(6) Inauguration and appointment of Prime Minister and other Ministers on advice of the Prime Minister;

"(7) Between July 1963 and the inauguration of the Federation, full internal self-government to be given to all Unit Territories."^e

25. The statement went on to say that before the conclusion of the meeting, Mr. Fisher presented a statement setting out the reactions of the United Kingdom Government to the above proposals varying the procedure for the establishment of a Federation as recommended in the White Paper (Cmd. 1746).

The statement was as follows:

"The Secretary of State for the Colonies last night issued the following statement in connexion with the East Caribbean Conference which it had been proposed to hold in June 1963:

"Following upon the break-up of the West Indies Federation and the decision to grant independence separately to Jamaica and Trinidad, a conference of the remaining eight West Indian Colonies was held in London in June, 1962. At this conference the representatives of these Territories agreed to form a Federation. The main features of the proposed Federation were set out in the Conference Report (Command 1746).

"Shortly afterwards there were elections in Grenada which resulted in a change of Government. The new Government decided to seek association with Trinidad in preference to joining the proposed Federation.

"In December, 1962, the Colonial Secretary, Mr. Duncan Sandys, took the opportunity of his visit to the Caribbean

^e Statement regarding Federation of East Caribbean Territories made in the Barbados House of Assembly by the Hon. H. A. Vaughan, Minister without Portfolio, on 11 June 1963.

to hold a joint meeting of the Chief Ministers of Antigua, Barbados, Dominica, Montserrat, St. Kitts, St. Lucia and St. Vincent. In a statement issued after this meeting the Ministers unanimously reaffirmed their conviction that Federation offered the best prospects for the economic and political progress of their peoples; and it was agreed that a conference should be convened in London in June, 1963, to reach final decisions about the form of the Federation.¹

"In preparation for this conference, the Under-Secretary of State for the Colonies had discussions in Barbados with the Chief Ministers of the seven Territories on 24 to 31 May. These discussions revealed a significant divergence of opinion between the Governments concerned. Some of the differences arose from further reflection upon the original proposals, while others arose from consideration of recent expert studies of the administrative and fiscal aspects and from reservations by three of the Territories.

"Since the suggestions in this statement involved radical changes in the proposals previously considered and since time would clearly be required to study them, it was agreed that the constitutional conference in London would have to be postponed until later in the year."

26. It may be recalled that the Secretary of State for the Colonies had informed the House of Commons on 16 April 1962 that the United Kingdom Government had reached the conclusion that a federation of Barbados and the Leeward and Windward Islands appeared to offer the best solution to the problems of the area, provided that the Constitution of the Federation was such as to provide adequate powers to the Federal Government and to offer a reasonable prospect of economic and financial stability. It would seem that the later proposals submitted by the Premier of Barbados and the Chief Ministers of the "little seven" have differed somewhat from the proposals agreed to at the London Conference in 1962, and from the United Kingdom's idea of a federation with a strong central government.

27. This divergence probably is responsible for the present statement. So far, two views have been given in explanation. The political is stressed in the following statements: "...significant divergence of opinion between the Governments concerned... [arising] from further reflection upon the original proposals" (see paragraph 25 above). In the statement of the representative of the United Kingdom before Sub-Committee III, he considered that the real obstacles were political (A/AC.109/L.125, para. 97).

28. The other explanation stresses the economic. This was expressed by the representative of Trinidad and Tobago in his statement before Sub-Committee III as follows: "If the requisite economic aid were forthcoming, there could be no doubt that the people of these islands would decide for themselves exactly what was the most appropriate political structure that would ensure the successful maintenance of their independence once it has been granted to them" (A/AC.109/L.125, para. 71).

29. Another statement in line with this explanation was given by Mr. V. C. Bird, Chief Minister of Antigua, during his informal discussion with members of the Working Group. He expressed himself as follows:

"To say that there is only political differences between the leaders is only to simplify the question. There is need for an assurance of the financial position of the poor Territories after federation. If we are not receiving grants-in-aid and we federate, and the British Government will not give grants for more than three or five years after, what will be our position if we cannot continue to balance our budget? Without this assurance, the poor Territories are afraid. Therefore I do not accept this statement that it is merely a political difference between the leaders. The political difference is coming from the lack of confidence for adequate financing after federation and if we settle this question of what will happen financially after federation, that would go a long way in helping all the leaders to feel that now we have no fear after three years we can get the federation started. I do not see the question as a political question

only; it is an economic and financial question. I think that the United Nations representatives could help in these fields."

30. The Administrator of St. Lucia, in his address to the Legislative Council on 25 February 1964 concerning the Budget, recalled that the policy of his Government towards the proposed Federation of the Eastern Caribbean Territories was set out in the resolution which was passed by the Council on 23 February 1963. That resolution, he said, approved in principle the recommendations of the London Conference of May 1962 (set out in Cmd. 1746), as a basis for final discussion of the proposed federation, and for the achievement of independence for the unit Territories within the Commonwealth. The resolution emphasized the need for substantial financial aid by Her Majesty's Government if the proposed federation came into being.

31. The Administrator went on to comment upon the postponement of the London Conference scheduled for June 1963, at which it was hoped that final agreement would have been reached. Then he continued:

"My Government would wish once more to reaffirm its belief that federation offers the most promising future for St. Lucia and for the other islands in the Eastern Caribbean. My Government considers that the recommendations of the Malborough House Conference provide a reasonable basis for the proposed federation, but is prepared to depart from those recommendations if this is unavoidable in achieving over-all agreement amongst the participating Governments. *My Government would, however, still wish to press the Colonial Office for an assurance of financial aid on the scale recommended by Dr. Carleen O'Loughlin.*"²

32. In the debate in the Barbados House of Assembly on 18 June 1963 on a resolution regarding the Federation of East Caribbean Territories, Mr. J. C. Tudor, Deputy Premier, in the course of his statement introducing the resolution, said:

"Now, it is clear, Sir, that we have not a trifling affair here between the thinking of the West Indian people and that of the United Kingdom Government. The United Kingdom Government, it is true, has always boasted that it has no obstacles to put in the way of dependent people achieving independence. As a theory and principle they may be doing that.

"But the biggest obstacle in the way of independent peoples achieving and maintaining independence is their inability to know beforehand what, or to what extent, their economic viability will hold. All the people of these Territories, through their leaders, having observed the trouble and inconvenience to which other dependent territories in similar circumstances have been put while on the threshold of independence, and especially immediately after the attainment of independence, these people through their leaders are not prepared to share that dreadful example. And, consequently, fully realizing the responsibility which they should discharge to their peoples, the leaders of the Caribbean Territories have solemnly decided that the new Federation of the West Indies must be an independent Federation from the time its elected Government is established, and for that good reason so insisted."³

33. The Premier of Barbados, during his intervention in the debate, said that the divergence of opinion was not among the leaders of these West Indian Governments. He continued:

"I want to make that clear. The divergence of opinion was between the delegations of officials headed by the Parliamentary Under-Secretary of State for the Colonies and the West Indian leaders. The divergence of opinion was not between us at all and that is the kind of tactics which I think is calculated to sow dissension amongst the people of the West Indies."⁴

¹ Dr. Carleen O'Loughlin was requested by the Colonial Office to undertake a survey of economic potential and capital needs of the Leeward Islands, Windward Islands and Barbados (see paragraph 70 of this chapter).

² Barbados, *The House of Assembly Debates (Official Report)*, Session 1962, pp. 18 and 19.

³ *Ibid.*, p. 22.

Unofficial views submitted by private individuals

34. The United Nations Information Office in the area, as requested by the Working Group, has given publicity to the establishment of Sub-Committee III and its Working Group. Presumably, in consequence of this publicity, views have been submitted to the Working Group from three unofficial sources. These unofficial contributions are briefly summarized as follows:

(a) In an article published in the *Voice of St. Lucia* of 3 June 1964, entitled "Sir Garnet Looks at the Future of 'The Seven'", the author Sir Garnet Gordon, stated with particular reference to St. Lucia that:

"There can be no reasonable entertainment of ideas of independence in isolation. The only practical hope, and this is minimum, is an association with the other Windward and Leeward Islands and Barbados. Even in this direction independence will be a somewhat pale affair unless launched in burning enthusiasm and a profound sense of national sacrifice."

However, Sir Garnet suggested that as an alternative "some form of integration with Britain with guarantees of social security, education, of markets, and opportunities for training and services in all fields of national life" might be explored. In support of this view, he cited the instances of the Netherlands and the Netherlands West Indies; the Commonwealth of Puerto Rico and the United States; and the French Antilles and French Guiana and their new relationship with France as Overseas Departments.

(b) In a memorandum to the Working Group, Mr. M. A. Caesar of St. Georges, Grenada, describes in his view how the "alleged withdrawal by Grenada from the agreed-upon Eastern Caribbean Federation" came about and contends that the United Kingdom claim that this withdrawal was one of the difficulties delaying the approval of Eastern Caribbean Federation, was a trick planned and implemented by the British Government. While apparently recognizing the fact that the present Government of Grenada is publicly committed to a policy of association with Trinidad and Tobago in a Unitary State as an alternative to joining a new federation, he argues that the elections were not ordered for the purpose of determining the political status of Grenada, and urges "the British Government to ensure that a referendum be held in Grenada as soon as possible, so that we, the people of Grenada, may decide our own destiny".

(c) Mr. C. Oliver James, a businessman of Roseau, Dominica, in submitting his "personal views" on the political future of the "little eight", stated in a letter to the Sub-Committee that:

"In the absence of a Federation, our people would prefer to remain within the framework of the Commonwealth, perhaps taking the shape of a confederation with the Dominion of Canada, but still retaining our ministerial form of government."

British Virgin Islands

35. The constitutional position with respect to the British Virgin Islands has already been covered (see paragraphs 34-37 of this chapter). With reference to the political future of the Territory, it may be added that, in response to a question in the British Parliament earlier this year, regarding some form of association between the British Virgin Islands and the Virgin Islands of the United States, Mr. Nigel Fisher, the Under-Secretary of State for the Colonies, said that this might be a possibility in the future but that Parliament must have regard to local opinion.

36. With the increased prosperity of the Virgin Islands of the United States, the people of the British Virgin Islands continue to benefit. The latter provides the much needed vegetables and other food crops for tourists staying at the hotels in the Virgin Islands of the United States. They also benefit from the employment opportunities tourism offers those Islands.

ECONOMIC CONDITIONS

37. It appears that there has been something of an economic boom in the East Caribbean Territories during the years 1961-1964. This has been largely due to the situation in Cuba, which has meant that more West Indian sugar could be sold at quite favourable prices. In Barbados, for example, additional profits of the 1963 sugar crop amounting to \$WI 6,812,251 fell to the industry, and agreement was reached between the Sugar Producers Federation of Barbados and the Barbados Workers Union to share this amount on a 60 to 40 per cent ratio. In some of the Leeward and Windward Islands, bananas also fetched a good price and provided favourable financial returns. To judge from reports, there seems to have been some improvement in tourism in the area from which a number of Territories have benefited. In addition, processing and other minor industries are increasingly being established and accordingly are strengthening the agricultural economy.

38. In consequence, revenues have risen and unemployment has been considerably reduced. The amount of grants-in-aid has been reduced in certain Territories and has even disappeared in others. However, while the economic prospects at the moment appear quite favourable, the damage one of the periodic hurricanes can do to the economy of most of these Territories is considerable and must still be taken into account.

39. In addition, the following table indicates the financial aspect of United Nations technical assistance for the Territories of this area for the years 1961-1963 and processed assistance for 1964 and 1965-1966. It will be noted that the over-all value of this aid amounts to \$US 340,178, and that over 70 per cent of this amount is concentrated on projects in health and agriculture. So far it has not been possible to determine the extent of assistance through bilateral agreements with friendly nations, although it is understood that the United States and Canada, for example, are providing aid to these Territories.

TABLE I. UNITED NATIONS TECHNICAL ASSISTANCE IN THE EASTERN CARIBBEAN
(United States dollars)

Territory	Year	UNTA	ILO	FAO	UNESCO	ICAO	WHO	ITU	WMO	IAEA
Antigua	1965-66		12,800				9,650			
British Virgin Islands....	1961-62						22,144			
	1965-66	9,600	1,600	1,600			4,200			
Dominica	1963-64						11,167			
	1965-66	3,200		3,200			7,200			
Grenada	1965-66	9,600	9,600	4,800		5,000	22,350			
Montserrat	1965-66	3,200		11,200			31,500	3,100		
St. Kitts	1961-62			19,445						
	1963-64			16,330						
	1965-66			27,200			9,300	1,550		

TABLE I. (continued)

<i>Territory</i>	<i>Year</i>	<i>UNTA</i>	<i>ILO</i>	<i>FAO</i>	<i>UNESCO</i>	<i>ICAO</i>	<i>WHO</i>	<i>ITU</i>	<i>WMO</i>	<i>IAEA</i>
St. Lucia	1961-62						10,418			
	1965-66	9,600	12,800	20,800			10,900	3,100		
St. Vincent	1961-62			12,024						
		35,200	36,800	116,599		5,000	138,829	7,750		

CONCLUSIONS AND RECOMMENDATIONS

40. In the light of the considerations put forward in this document, and on the basis of the information available to it, the Working Group submits the following conclusions and recommendations for the consideration of Sub-Committee III:

(1) From the sociological point of view, the peoples of the British West Indies, although scattered over various islands and islets, for a homogenous demographic whole; they are of the same ethnic origin and have a common language and culture. Notwithstanding certain slight differences, their social institutions and their way of life exhibit common features and similarities.

(2) From the economic point of view, the situation is basically the same in all the islands. In each of them a well-known economic system, which had its origin in the cultivation of sugar-cane and has been shaped by the needs and the interests of the metropolitan country—i.e., the administering Power—is to be found. Communities have grown up round the plantations, their prosperity or decline depending on that of the plantations. Some of the islands have a more advanced and thriving economy, while in others the economy has declined over the years and is today in deficit or under-developed. It is difficult to assess the economic potential of each of the islands as long as they retain their present status.

(3) From the political point of view, the fact that they have been administered by the same colonial Power means that they have similar political institutions and administrative systems. They have developed towards self-government and independence side by side and the political aspirations of the population have been expressed in the same way in the various administrative units.

41. It would seem that, since these islands possess sufficient features in common, it should be possible to form a union among them, or at least among some of them, with a view to establishing an economically and administratively viable State.

Windward Islands, Leeward Islands and Barbados

42. With regard to the Windward and Leeward Islands, administered by the United Kingdom (Antigua, Dominica, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados), known as the "little seven", there appears to be general agreement on the following points:

(i) Immediate independence;

(ii) Formation of a Federation which would come into operation on the date of independence, as soon as general elections have been held.

43. Opinions differ with regard to the form such a Federation should take: i.e., whether the Federation should have a strong central government in which the main powers would be vested, or whether the powers and functions of government should be decentralized so as to give the various constituent units greater self-government. This difference of opinion is due to the difference in the economic levels of the various islands. The question is whether, once independence has been attained, the Federation would be able to meet its economic obligations, particularly with regard to administrative expenses and development programmes. It is clear that, at least for the first few years, the islands will need not only economic aid but also technical assistance for the solution of their problems.

44. The Working Group wishes to point out that there is still need for a more thorough investigation of facts and opinions, particularly the opinions of the leaders, of the Terri-

tories. It is desirable to ascertain the extent to which preference is given to the idea of a Federation with a strong central government to begin with, or to that of a loose Federation which could be progressively strengthened. It would also be necessary to review the cost of the administrative services in the light of the external aid expected. It must be possible to determine to what extent the political leaders of the group of Territories, and especially those of the smaller Territories, are prepared to give up some of the ministerial posts or other prestige positions in return for firm guarantees of economic and financial external assistance over a given period. The whole question of the amount of assistance needed after independence and the various external sources that might provide it deserves a more thorough study.

45. It has been maintained before the Working Group that, owing to the uncertainty about the formation of a Federation of the "little seven", the situation has begun to deteriorate and that this might lead to a rejection of any idea of federation; if, therefore, the United Nations could take any action, this is the moment for it to do so.

46. It would consequently seem appropriate to ask the administering Power to convene a fresh Constitutional Conference with a view to finding a solution to the above-mentioned problems and to facilitating negotiations prior to the formation of a Federation. The proposed meeting of the Council of Ministers in Barbados on 19 October 1964 should also facilitate negotiations leading to federation and independence. All those concerned should be represented at the Conference, in accordance with the provisions of resolution 1514 (XV).

47. Lastly, the Working Group considers that the best way of obtaining direct information about the opinion and aspirations of the people of the islands would obviously be to send a visiting mission to the Territories. This seems all the more urgent in that there has been no opportunity to hear any petitioners from these Territories.

Grenada

48. With regard to Grenada, the Working Group noted that negotiations are in progress between this island and Trinidad and Tobago with a view to its possible association with that new West Indian State. The Working Group recommends that the United Kingdom should be asked to facilitate, as it has indeed done so far, the continuation of these talks in accordance with the aspirations of the people of the island. However, this should be done without prejudice to Grenada's possible re-entry into the proposed Federation should the talks fail to reach agreement in establishing a unitary State with Trinidad and Tobago.

British Virgin Islands

49. With regard to the Virgin Islands under United Kingdom administration, the Working Group finds that there is a fairly strong movement in favour of:

(i) Remaining outside the Federation of the "little seven";

(ii) Investigating, instead, the possibility of an association with other neighbouring Territories.

50. The Working Group recommends that the United Kingdom should be asked to guarantee the principle of self-determination for the inhabitants of these islands, so that they may be able to decide the future of the Territory in accordance with their own aspirations and in keeping with the Declaration.

ANNEX A

List of material furnished by the United Kingdom Mission to the United Nations

<i>Territory</i>	<i>Description of material</i>	<i>Date received</i>
Antigua	Report for the years 1959 and 1960	(2 copies) 30 July 1964
Grenada	Report for the years 1957 and 1958	(2 copies) 30 July 1964
St. Vincent	Report for the years 1960 and 1961	(2 copies) 30 July 1964
Montserrat	Report for the years 1959 and 1960	(2 copies) 30 July 1964
Leeward Islands	Colonial Office Reports for the years 1953 and 1954	(2 copies) 30 July 1964
Federation of East Caribbean Territories	<i>Report of the Civil Service Commission</i> , vol. I, Cmnd. 1992	(2 copies) 30 July 1964
Federation of East Caribbean Territories	<i>Report of the Fiscal Commissioner</i> , Cmnd. 1991	(2 copies) 30 July 1964
Federation of East Caribbean Territories	<i>Report of the Civil Service Commission</i> , vol. II	(2 copies) 30 July 1964
British Virgin Islands	Report for the years 1959 and 1960	(2 copies) 30 July 1964
Barbados	Report for the years 1960 and 1961	(2 copies) 30 July 1964
Dominica	Report for the years 1959 and 1960	(2 copies) 30 July 1964
St. Kitts, Nevis and Anguilla	Report for the years 1959 and 1960	(2 copies) 30 July 1964
St. Lucia	Report for the years 1959 and 1960	(2 copies) 30 July 1964
<i>Report of the East Caribbean Federation Conference, 1962</i> (Cmnd. 1746)		(2 copies) 30 July 1964
<i>Keeping Faith: A record of progress towards union of Grenada with Trinidad and Tobago</i> (St. Georges, Government Printer, 1964)		(1 copy) 30 July 1964
<i>A Survey of Economic Potential and Capital Needs of The Leeward Islands, Windward Islands, and Barbados</i> (London, Her Majesty's Stationery Office, 1963)		(2 copies) 30 July 1964
Information transmitted to the Secretary-General of the United Nations by Her Majesty's Government in the United Kingdom in accordance with the provisions of Article 73 e of the United Nations Charter, concerning the Territory of Montserrat for the year 1963, Part II, Economic Conditions.		4 August 1964
Extract of Minutes of Meeting of Legislative Council of 29 March 1962		4 August 1964
Statement regarding Federation of East Caribbean Territories (made by the Honourable H. A. Vaughan, Minister without Portfolio, on 11 June 1963)		(2 copies) 4 August 1964
The House of Assembly Debates (Official Report) Session 1962: 18 June 1963, 25 June 1963, 9 July 1963, 9 August 1963, 13 August 1963, 3 September 1963, 5 September 1963		(2 copies each)
Extract from Address by His Honour the Administrator at the Opening of the First Session of the Second Legislative Council on 14 July 1964 (St. Lucia)		(1 copy) 10 August 1964
Extract from Address by His Honour the Administrator at the Budget Meeting of the Legislative Council on 25 February 1964 (St. Lucia)		(1 copy) 10 August 1964
Parliamentary Debates—Official Report (Hansard) Legislative Council of St. Lucia—Proceedings and Debates of the Meeting held in the months of January and February 1963		10 August 1964

ANNEX B

*Information from other sources**Official:*

1. By letter dated 21 July 1964 from the Deputy Permanent Representative and *Chargé d'affaires* of the Trinidad and Tobago Mission to the United Nations, Press Release No. 358, issued on 27 June 1964 by the Government of Trinidad and Tobago regarding current discussions between that Government and the Government of Grenada.
2. By Memorandum dated 16 August 1964 from the Director, Programme Division, United Nations Technical Assistance Board, information regarding approved technical assistance programmes for the Territories of the proposed West Indies Federation was received.

Unofficial:

3. Article entitled "Sir Garnet Looks at the Future of 'The Seven'" published in the *Voice of St. Lucia*, 3 June 1964, by Sir Garnet Gordon of St. Lucia.
4. Memorandum on the "Political situation obtaining in the Eastern Caribbean, etc., etc." By Mr. M. A. Caesar of St. Georges, Grenada, dated 19 August 1964.
5. By letter dated 31 August 1964 from Mr. C. Oliver James of Roseau, Dominica, submitting his "personal views" on the political future of the "Little Eight Group" in the Windward and Leeward Islands of the West Indies.
6. Informal discussions with Mr. V. C. Bird, Chief Minister of Antigua, on 21 August 1964.

CHAPTER XXVI

BRITISH HONDURAS

GENERAL

1. British Honduras lies on the Caribbean coast of Central America, bounded on the north and north-west by Mexico and on the south and south-west by Guatemala. Its land area is 8,866 square miles (22,963 square kilometres), which includes a number of islets, known as "cayes", lying off the coast. The coastline is, for the most part, flat and swampy, but the country rises gradually towards the interior. In the south the land rises sharply to the Maya Mountains, which average 2,000 to 3,000 feet in height, the highest point being a ridge called the Cockscombs, which reach a height of 3,700 feet. The northern districts are also hilly except towards the coast, but contain considerable areas of low table land. There are many rivers, some of them navigable for varying distances by shallow-draught craft. The largest and most important, the Belize River, is navigable for about 120 miles.

2. At the census taken in April 1960, the total population was 90,505. Most of the population is of African descent; the next largest community is that of the Maya Indians (17 per cent) and the Caribs (7 per cent). There is also a small community of East Indian origin and a very small number of Europeans. The capital is Belize which, at the 1960 census, had a population of 32,867.

Status

3. The first recorded European settlement, at the mouth of the Belize River, was made in 1638 by shipwrecked British seamen. By the Treaty of Paris of 1763, Spain, while retaining sovereignty over Belize, conceded to the British settlers the right to engage in the logwood industry there. Further treaties were entered into in 1783 and 1786, concerning the right of British subjects to carry on logwood operations and defining the area of such operations. In due course, the British settlers extended themselves over roughly the area of present British Honduras.

4. In 1859, a treaty was concluded between Guatemala and the United Kingdom defining the boundary between Guatemala and British Honduras.

5. In 1862, the territory was formally declared a British colony and a Lieutenant-Governor, under the Governor of Jamaica, was appointed. In 1884, administrative connexion with Jamaica ceased and the title of the Lieutenant-Governor was changed to Governor.

6. In 1893, the United Kingdom Government signed a treaty with Mexico defining the latter's boundary with British Honduras.

7. The Government of Guatemala has continued to maintain that sovereignty over British Honduras (Belize) belongs exclusively to Guatemala and that the Territory is an integral part of Guatemala. This was reiterated by the representative of Guatemala at the eighteenth session of the General Assembly (1267th plenary meeting, paras. 4 and 5).

8. The representative of the United Kingdom has stated in reply that Her Majesty's Government has no doubts as to its sovereignty over British Honduras.

9. The Government of Mexico has declared that, in the event of changes in the international status of British Honduras (Belize), the historic and juridical

rights of Mexico over the Territory should not be ignored. This was re-stated by the representative of Mexico at the eighteenth session of the General Assembly. He further declared that Mexico could not, for its part, disregard the right of self-determination which the people of British Honduras (Belize) could exercise to achieve independence through the expression of their free will (*ibid.*, para. 171).

POLITICAL AND CONSTITUTIONAL DEVELOPMENT

Constitution

10. Since 1862, when British Honduras was formally declared a British colony, the Constitution of the Territory has undergone a series of changes. In 1961, a new Constitution was introduced, which gave a greater measure of responsible government, with a full ministerial system and an enlarged legislature. Under this Constitution the Territory had an Executive Council presided over by the Governor, who was required generally to consult the Council. It consisted of two *ex officio* members (the Chief Secretary, responsible *inter alia* for defence, security and external affairs, and the Attorney General) and six unofficial members (all local inhabitants) holding various departmental portfolios as ministers. Of the latter, five were elected members and one was a nominated member of the Legislative Assembly.

11. The Legislative Assembly consisted of twenty-five members, under the chairmanship of a Speaker, of whom eighteen were elected by universal adult suffrage, five were nominated members appointed by the Governor and two were *ex officio* civil servants (the Chief Secretary and the Attorney General). The laws passed by the Legislative Assembly required the assent of the Governor.

12. In July 1963, a constitutional conference was held in London. It was attended by four delegates of the People's United Party, which held all the elected seats in the Legislative Assembly. The Opposition National Independence Party was invited to the Conference, but refused to attend unless it could have the same number of delegates as the People's United Party. The Conference agreed to proposals for a self-governing constitution.

13. On 6 January 1964, Mr. George Price, leader of the People's United Party, was sworn in by the Governor under the new Constitution as British Honduras' first Premier, together with six other ministers.

14. The main provisions of this new Constitution are set out below.

Governor

15. With certain specified exceptions, the Governor is required to act in accordance with the advice of ministers, the main exception being his special responsibilities under the Constitution. These special responsibilities are defence, external affairs, internal security and the safeguarding of the terms and conditions of service of public officers. The Governor also has special responsibility in the sphere of finance for as long as the Government of British Honduras continues to receive budgetary aid from the United Kingdom Government.

Cabinet

16. The Cabinet consists of a Premier and other ministers. Ministers are appointed by the Governor on the advice of the Premier. Only members of the Legislature are eligible for appointment as minister. The person likely to command the support of the majority in the House of Representatives is appointed Premier.

17. The Constitution provides for a Security Council and a Consultative Committee on External Affairs, to advise the Governor and to give ministers the opportunity of familiarizing themselves with matters for which they will ultimately be responsible.

Legislature

18. The Legislature, called the National Assembly, is bicameral and consists of a Senate and a House of Representatives.

19. It was agreed at the 1963 Conference that the changes in the Legislature should not take place until after the next general election, except that the two official seats in the Legislature should be abolished upon the introduction of the new Constitution.

20. An ordinance (the British Honduras Constitution Ordinance of 1963) giving effect to the constitutional arrangements agreed to by the conference was passed by the Legislative Assembly on 14 December 1963. All parts of the Ordinance except those dealing with the Legislature and finance were brought into force by proclamation on 1 January 1964.

21. The Senate, which will come into existence after the next general election, will consist of eight members appointed by the Governor. Five will be appointed on the advice of the Premier, two on the advice of the Leader of the Opposition and one after consulting such persons as are considered by the Governor to be appropriate. The President of the Senate will be elected by the Senate from among its own number or from outside the Senate, but the Vice-President will be elected by the Senate from among its own number. The provisions governing the tenure of office of members of the Senate are the same as for the House of Representatives. The Senate will have power to initiate legislation other than financial bills. In respect of money bills, the Senate's power of delay will not exceed one month. In respect of other bills, the power of delay will be restricted to a period not exceeding six months, provided the bill in question has been sent forward in two successive sessions.

22. The House of Representatives consists of eighteen members (the same as under the 1961 Constitution) elected by universal adult suffrage. There are no nominated or *ex officio* members. The Speaker is elected by the House from among its own number or from outside the House.

Electoral system

23. The new Constitution requires the holding of a general election at intervals of not less than five years. Members of the House of Representatives are elected on the basis of universal adult suffrage.

Judiciary

24. British Honduras has a Supreme Court which is a Superior Court of Record and has similar jurisdiction to that of the High Court of Justice in England. Sessions are held quarterly in Belize and in Corozal.

Appeal lies in certain instances from the Supreme Court to the Judiciary Committee of the Privy Council. There are also courts of summary jurisdiction, which deal with criminal and quasi-criminal matters, and district civil courts which deal with civil matters. The judiciary consists of a Chief Justice, a puisne judge and two magistrates. Some district villages have an *alcalde* (in effect, a headman) appointed by the Governor from among the villagers. Each *alcalde* has a limited jurisdiction in criminal and civil matters.

25. The new Constitution provides for a Judicial and Legal Service Commission with which the Governor must consult on matters relating to the appointment, removal and discipline of certain judicial officers. It consists of the Chief Justice as Chairman, the puisne judge and the Chairman of the Public Service Commission.

Public Service

26. Provision is made in the new Constitution for the establishment of a Public Service Commission, which consists of a Chairman and four other members appointed by the Governor after consultation with the Premier. The Governor must consult with the Commission on matters relating to the appointment, removal and discipline of officers in the Public Service, including senior officers in the police force.

27. At the end of 1962, there were twenty-three pensionable and eighteen non-pensionable overseas officers. The total number of local and other non-overseas officers, excluding daily paid staff, was forty-two.

Local government

28. There are six administrative districts—Belize, Corozal, Orange Walk, Cayo, Stann Creek and Toledo. Each district, except Belize, is under a district commissioner, who has wide duties and who is *ex officio* a member of the town boards in his district, and in some cases also chairman. The seven main towns of the Territory have town boards, most of whose members are elected, while Belize has a wholly elected City Council. Legislation has been passed providing that town boards in future shall consist only of elected members. The Belize City Council and the various town boards exercise the normal local government functions such as maintenance of markets, baths, roads, street lighting, electricity services, etc. They derive their revenue from property taxes, licences, fees and income from electricity supply and other utilities.

Political parties

29. At the last general election, held in March 1961, the People's United Party (PUP) contested and won all eighteen elected seats in the Legislative Assembly. The other parties contesting the 1961 election were: the National Independence Party (NIP), which put up seventeen candidates, and the Christian Democratic Party (CDP), which put up ten candidates. There were also two independent candidates.

30. The PUP, with Mr. George Price as its leader, has been active in the Territory since shortly after the Second World War. Its aim is stated to be the attainment of full independence for British Honduras within the British Commonwealth.

31. The NIP, now led by Mr. H. C. Fuller, came into being in 1958 as the result of a merger of two parties, the National Party and the Honduran Inde-

pendence Party, which itself was founded in 1956 by Mr. Leigh Richardson as a breakaway movement from the PUP. The CDP, now led by Mr. Denbigh Jeffery, was also founded in 1958 as the Democratic Agricultural and Labour Party under the leadership of Mr. Nicholas Pollard, a former member of the PUP and a trade-union leader.

32. Although it did not win any elected seats in the Legislative Assembly at the 1961 election, the NIP had one nominated member. It is reported that the NIP is opposed to internal self-government.

ECONOMIC CONDITIONS

33. The economy has traditionally been based on timber and other forest products, but in recent years there has been a notable increase in agricultural production.

34. Of the total land area of 8,866 square miles, about 46 per cent or 4,070 square miles are regarded as best suited for forestry. Forest reserves constitute some 2,000 square miles on 22.9 per cent of the total land area. Mahogany, cedar and pine are the main timbers at present exploited, supplemented by other woods such as Santa Maria and rosewood, while chicle is tapped from the Sapodilla tree. In recent years, production and export of timbers and chicle have decreased substantially, mainly because of the depletion of accessible resources and competition from neighbouring countries.

35. It is estimated that there are some 300,000 acres of hilly land suited to orchard crops and grass and about 1,036,000 acres of land of gentle relief with good soils. The main crops grown for local consumption are maize, rice, beans and root crops such as yam and cassava. By far the most valuable agricultural exports are citrus fruit and sugar, which accounted for 31 and 36 per cent of the Territory's exports in 1961 respectively. Other export crops are bananas, coconuts and maize. There is a livestock industry, at present mainly for the local market. Efforts are being directed towards building up the Territory's fisheries, and an export trade, chiefly in lobsters, is being developed.

36. Secondary industries and the tourist trade are believed to offer possibilities for expansion and diversification of the economy, but are as yet still in the initial stages of development. Though oil exploration has taken place over a wide area, the geological survey of the southern half of the Territory has so far revealed few minerals of any economic importance. Of secondary industries, saw-milling is the most important. The only large-scale factories are the Corozal sugar factory and the factory for the processing of citrus fruit in the Stann Creek Valley.

37. Recent trade figures continue to show an excess of imports over exports. The chief imports are vehicles, motor spirits, machinery, textile fabrics, cereals, dairy products, lard and margarine. The most important exports are sugar, oranges and orange products, pine and mahogany. In 1962, 24.7 per cent of imports came from the United Kingdom, 12.42 per cent from other Commonwealth countries and 63.84 per cent from foreign countries. In the same year, 43.09 per cent of exports went to the United Kingdom, 11.13 per cent to the other Commonwealth countries and 45.88 per cent to foreign countries. Recent trade figures may be summarized as follows:

Year	Imports	Domestic exports (British Honduras dollars) ^a	Re-exports
1960	18,783,607	10,164,943	1,062,512
1961	22,517,922	11,186,538	1,215,769
1962	31,202,647	8,251,986	2,912,765

38. The Territory's economic problems were aggravated by the devastation caused by a hurricane in October 1961, from which the economy has still not recovered. In the circumstances, the Territory will rely on aid from abroad. Although the United Kingdom Government has made substantial contributions, the funds available have fallen short of what has been required. Mainly because of the shortage of funds, the Government has not been able to implement its programme for planned immigration aimed at the creation of an agricultural economy based on large-scale enterprises (i.e. plantations) and individual small holdings.

39. The financial position of the Territory during the period 1960-1962 is summarized as follows:

Year	Revenue (British Honduras dollars)	Expenditure
1960	8,947,958	9,795,852
1961	10,450,525	9,044,140
1962	12,011,351	13,293,958

40. The principal items of revenue are customs duties and internal taxation, which totalled \$BH 4,780,800 and \$BH 2,790,800 respectively in 1962. Other main sources of revenue are Colonial Development and Welfare allocations, which amounted to \$BH 838,500 in 1962, and United Kingdom grants-in-aid which totalled approximately \$BH 2 million in the same year.

41. The major items of expenditure in 1962 were \$BH 4,409,100 for administration, \$BH 3,687,400 for hurricane rehabilitation, \$BH 2,085,300 for social services (education, health, prisons and welfare) and \$BH 1,069,300 for Colonial Development and Welfare schemes.

42. Following the 1961 hurricane, a general programme of reconstruction, estimated to cost some £3.25 million over four years, was approved in 1962. In May 1962, the United Kingdom Government decided to provide aid totalling approximately £5 million to British Honduras; about £1 million of this had already been spent on emergency assistance immediately after the hurricane. Of the balance of £4 million, which will be spread over four years, £2.5 million was allocated to the general programme of reconstruction and £1.5 million to the cost of building a new capital, subject to the approval of a satisfactory plan.

43. A Reconstruction and Development Corporation has been set up to manage funds allocated to the general reconstruction programme and to secure the laying out and the development of new towns.

44. In addition to the £6.2 million contributed from the Colonial Development and Welfare Fund during the period 1945-1964, a further allocation of £1.2 million has been made to British Honduras under the 1963 Commonwealth Development Act. The bulk of the funds received is being spent on projects which will improve the general economy of the Territory, in particular, agriculture, forestry and communications. Part of these funds is also being spent on education, social welfare, medical services and housing.

^a The unit of currency is the British Honduras dollar, which is exchanged at four to the pound sterling or the equivalent of \$US0.70.

45. Under the Development Loan Ordinance, 1952, and the Loans (General Development) Ordinance, 1957, loans totalling \$BH 2,257,400 had been raised by the end of 1961, a large part of this by inter-Colonial Loan. A Development Finance Corporation, with an authorized share capital of \$BH 4 million, is being established to provide financial assistance and investment guidance to new enterprises.

46. As a means of encouraging the investment of overseas capital, an Incentive Ordinance was enacted in 1960. Under this ordinance, a number of concerns have been granted relief from customs duties and income tax—the largest being a company operating a resin extraction plant representing an investment of \$BH 5 million. However, the inflow of private capital is reported to have been slow.

47. An annual export quota of 10,000 tons of sugar to the United States has been granted to the Territory. This is in addition to the 25,000-ton quota under the Commonwealth Sugar Agreement, which British Honduras filled for the first time in 1961.

48. An Economic Survey Mission, organized and financed by the United Nations Technical Assistance Board, visited British Honduras between August 1962 and January 1963 to prepare a report on the future economic development of the Territory. The report, which was published on 17 June 1963, has been adopted by the Government as the basis for the Territory's new seven-year Development Plan, 1964-1970.

49. The Plan, tabled in the Legislative Assembly on 23 December 1963, envisages a total expenditure of \$BH 52,995,500. Of this sum, \$BH 21,481,500 is to be financed by loans, part of which (\$BH 6.8 million) is likely to be raised locally. The balance of \$BH 31,514,000 is to be found from grants made available by the United Kingdom and, the Government hopes, from other external sources as well.

50. The main items in this Plan comprise: agriculture (including fisheries, forestry and livestock), lands and surveys, \$BH 7,753,500; communications, \$BH 15,345,000; education and training, \$BH 9,862,600; housing, \$BH 11,082,600; medical and health, \$BH 1,446,000; and water and sewage, \$BH 5,050,000.

SOCIAL CONDITIONS

Labour

51. The greater part of the population is engaged in agriculture and for try or in processing industries associated with these occupations. The total number of persons in employment during 1962 was 12,667. The daily rates of wages paid to workers varied from between \$BH 1.25 and \$BH 1.75 for coconut plantation labourers to between \$BH 2.92 to \$BH 8.00 for cabinet-makers.

52. Much of the work is seasonal and there is a constant movement of workers from one area to another. Some workers also seek seasonal employment in neighbouring countries, and under special arrangements workers are recruited for employment in the United States. In 1961 there were 216 persons working in the United States under these arrangements.

53. A survey conducted in 1961 found the incidence of unemployment to be 14 per cent of the estimated labour force of 26,000. It also found that unemployment was mainly in Belize City and much of it was chronic; the largest category among the unemployed (numbering 2,335) was the unskilled. The Government was giving

preliminary consideration to steps by which some form of social security measures could be attempted.

54. Membership in trade unions totalled 2,803 (declared membership) at the end of 1961. There are six trade unions in the Territory.

Public health

55. The Territory is relatively free from endemic disease. Malaria, which was most prevalent, has shown a substantial decrease in incidence owing to the semi-annual spraying with DDT undertaken by the Government.

56. In 1962, the birth-rate was 47.9 and the death-rate 8.9 per 1,000 population. Infant mortality was 68.6 per 1,000 live births.

57. The Medical Department is responsible for the Government's activities in respect of public health and sanitation. All town boards are invested with certain executive powers in the field of public health and are responsible for the removal and disposal of refuse.

58. The principal general hospital, which is in Belize City, and the small hospital in each of the five districts are maintained by the Government and have a total bed capacity of 320. There is also a 25-bed private hospital in the capital. Some sixteen government and mission rural dispensaries in the more important villages are each in charge of a qualified rural health nurse. A tuberculosis hospital, a venereal disease unit, an infirmary and a mental hospital are also maintained by the Government in Belize City.

59. Medical and health staff employed in the Territory during 1962 were as follows:

	Government	Private
Registered physicians	9	3
Licensed physicians	5	2
Nurses of senior training	3	3
Certified nurses	95	8
Partially trained nurses	16	—
Midwives of senior training	3	—
Certified midwives	95	149
Public health inspectors	12	—
Laboratory technicians	3	—
Pharmacists	13	18
Radiographers	2	—

EDUCATIONAL CONDITIONS

60. Education is compulsory for children between the ages of 6 and 14. In 1962, there were 158 primary schools (most of them operated by missions with financial assistance from the Government), 13 secondary schools (managed and financed by missions), 1 government-run technical college, and 2 teacher-training colleges (one maintained by the Government and the other by a mission).

61. At the end of 1962, school enrolment was 28,124, of which 25,893 were in primary schools, 2,099 in secondary schools, 98 in the technical college and 34 in teacher-training colleges. In 1962, 1,345 students passed the examinations for the Primary School Certificate, 68 passed for the Cambridge School Certificate, 52 passed for the General School Certificate of Education, London, and 2 passed for the High School Certificate.

62. The number of teachers employed in 1962 was 557; 407 were in primary schools, 137 in secondary schools, 13 in the technical college, and in addition 7 were in teacher-training colleges.

63. There are no facilities for higher education in the Territory. In 1962, seventy-nine British Honduran

scholarship holders were studying at institutions in the British Commonwealth countries and in the United States.

64. Government expenditure on education in 1962 was \$BH 1,582,700, of which \$BH 286,600 came from United Kingdom funds and \$BH 1,296,100 from general revenue, representing 14 per cent of the total expenditure.

65. The educational programme of the Territory is designed to improve the existing school system. Increased grants for denominational school buildings, sanitation, and the supply of books, stationery and

equipment to primary schools have been approved by the Government. Plans for the further reorganization of the technical college have been put into effect, including the expansion of its facilities and the recruitment of qualified staff.

66. Steps have also been taken to ensure an adequate supply of local persons, technically and professionally qualified to hold higher technical posts in the Public Service and to assist in the development of the natural resources of the Territory. Four technical scholarships are being offered annually for training in various science professions.

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ANNEXES

ANNEX I

Letter dated 20 October 1964 from the representative of the United Kingdom of Great Britain and Northern Ireland to the Chairman of the Special Committee

I have the honour to enclose with this letter a calendar of constitutional advance summarizing the main developments in overseas Territories for which the United Kingdom Government are responsible covering the period September 1963 to October 1964. Your Excellency will remember that in each of the last two years my delegation has addressed a letter to the Chairman of the Special Committee enclosing a calendar of this kind for the preceding year, and that these letters and calendars of constitutional advance have been circulated as documents of the Special Committee^a and included in the Special Committee's reports to the General Assembly.

Once again my delegation are able to present a calendar which shows substantial steps forward in Territories under British administration in the last twelve months. In particular, Nyasaland, with a population of nearly 3 million people, became independent as Malawi on 6 July 1964; the State of Malta, with a population of about 330,000, became independent on 21 September 1964; and Northern Rhodesia, with a population of more than 2½ million, will have become independent as the Republic of Zambia on 24 October 1964, before the end of the current session of the Committee.

I have the honour to request that this letter and the enclosed calendar be circulated to members of the Committee as a Committee document, and also that they form part of our report to the General Assembly.

CALENDAR OF CONSTITUTIONAL ADVANCE, SEPTEMBER 1963 TO
OCTOBER 1964

September 1963

At discussions between the Governor and Prime Minister of Nyasaland and the British Government it was agreed that Nyasaland would become independent on 6 July 1964.

October 1963

At the British Guiana constitutional conference in London, the British Government announced their decisions on outstanding constitutional issues at the request of the British Guiana leaders.

A new Constitution for the Gambia was introduced including full internal self-government.

At a general election in Mauritius, Dr. Ramgoolam's Mauritius Labour Party won 19 seats, the Parti mauricien, 8, the Independent Forward Bloc, 7 and independents and others, 6. Dr. Ramgoolam was reappointed Chief Minister.

The new Advisory Council in the Gilbert and Ellice Islands Colony held its first meeting.

November 1963

A Select Committee of both Houses of the Bermuda Legislature was appointed to consider what constitutional changes were desirable.

January 1964

In British Honduras, Bahamas and Northern Rhodesia constitutions for internal self-government were introduced.

The new Executive Council in the Gilbert and Ellice Islands Colony held its first meeting.

March 1964

A number of amendments were made to the Constitution of Nyasaland affecting electoral qualifications and other matters.

Constitutional changes were introduced in Mauritius and the Executive Council became the Council of Ministers. The title of the Chief Minister was changed to Premier. The Financial Secretary ceased to be an *ex officio* Minister.

April 1964

The Minister of State for Colonial Affairs visited Gibraltar for talks with local leaders and agreed with them on constitutional changes involving greater local responsibility.

May 1964

At the Basutoland constitutional conference, agreement was reached between Basutoland representatives and the British Government on the provisions of a new Constitution, with independence a year later if the desire for independence in Basutoland is confirmed.

The Northern Rhodesia independence conference took place in London. It was agreed that Northern Rhodesia would become an independent Republic in October.

June 1964

At talks in Nassau between the Governments of the Turks and Caicos Islands, the Bahamas and the United Kingdom, proposals were framed for developing co-operation between the Bahamas and the Turks and Caicos Islands. These are now being studied by the Governments concerned.

Proposals by local leaders in the Bechuanaland Protectorate for a revised Constitution providing for internal self-government were approved by the British Government and published.

At the general elections in Swaziland, ten national roll seats were won by the Imbokodo Party and two by the United Swaziland Association; four European roll seats were won by the United Swaziland Association; and eight members were elected by traditional Swaziland methods.

The St. Lucia elections were won by the United Workers Party, with six seats. The Labour Party won two and independents two.

^a A/AC.109/26 and A/AC.109/54.

July 1964

The "membership" system of government was introduced in Fiji. There are now six non-official members of the Executive Council in all. Three of these are associated with the formation and presentation of policy in respect of groups of government departments. All six observe the doctrine of "collective responsibility".

The London conference on South Arabia agreed on constitutional changes in the Federation of South Arabia, including the introduction of a democratically elected National Assembly and the appointment of a Prime Minister. Further talks would be held as soon as practicable after the Aden general election in October 1964 to agree to arrangements for the relinquishing of British sovereignty over Aden. It was decided that a further conference would be convened to fix a date for the independence of the Federation not later than 1968.

Nyasaland became independent under the name of Malawi.

The Gambia independence conference ended with agreement on the Constitution for independence on 18 February 1965.

Talks between the Prime Minister of Malta and the British Government ended with agreement on the Malta Constitution for independence. The Malta Independence bill was approved by the British Parliament.

August 1964

The Gibraltar Legislative Council was dissolved in readiness for elections under a new Constitution which came into effect on 6 August.

A reconstituted Advisory Council in the New Hebrides held its first meeting.

The Government of Brunei announced proposals for the election of members of the Legislative Council and the introduction of a ministerial system.

In Mauritius, the post of Attorney-General ceased to be held by an official and was occupied by an elected minister.

September 1964

Malta became independent.

It was announced that a general election based on proportional representation would be held in British Guiana on 7 December 1964.

The Swaziland Legislative Council held its first meeting.

Elections were held in Gibraltar and the changes in the Executive announced in April became fully effective.

Approval was given to proposals for a decrease in the official and nominated unofficial representation on the Falkland Islands Legislative and Executive Councils.

October 1964

Northern Rhodesia became independent under the name of Zambia.

A general election for the Aden Legislature was held.

Proposals by the British Solomon Islands Protectorate Legislative Council for introducing elections to the majority of the non-official seats in the Council were approved and implemented by Order-in-Council.

ANNEX II

List of Delegations

AUSTRALIA

Representative:

H.E. Mr. D. O. Hay, C.B.E., D.S.O.

Alternate Representative:

Mr. Dudley McCarthy, M.B.E.

Adviser:

Mr. T. W. White

BULGARIA

H.E. Mr. Milko Tarabanov

Mr. Matey Karasimeonov

Mr. Ivan Peinirdjiev

CAMBODIA

Representative:

Mr. Vocunsai Sonn

Alternate Representative:

Mr. Thoutch Vutthi

CHILE

Representative:

H.E. Mr. Carlos Martínez Sotomayor

Alternate Representatives:

Mr. Javier Illanes

Miss Leonora Kracht

DENMARK

Representatives:

H.E. Mr. Aage Hesselund Jensen

H.E. Mr. Hans R. Tabor

Alternate Representatives:

Mr. Kjeld Mortensen

Mr. Skjold G. Mellbin

Advisers:

Mr. Martin Kofod

Mr. Bent Skou

ETHIOPIA

Representative:

H.E. Dr. Tesfaye Gebre-Egzy

Alternate Representatives:

Mr. Girma Abebe

Mr. Ayelework Abebe

INDIA

Representative:

H.E. Mr. B. N. Chakravarty

Alternate Representative:

Mr. K. Natwar Singh

Attaché:

Mr. J. J. Therattil

IRAN

Representative:

H.E. Dr. Medhi Vakil

Alternate Representative:

Dr. Mohied, Din Nabavi

IRAQ

Representative:

H.E. Dr. Adnan M. Pachachi

Alternate Representatives:

Mr. Alauddin H. Aljubouri

Mr. Abdul Hussein Alisa

ITALY

Representative:

H.E. Mr. Piero Vinci

Alternate Representatives:

Mr. Ludovico Carducci-Artenisio

Mr. Vincenzo Zito

IVORY COAST

Representative:

H.E. Mr. Arsène Assouan Usher

Alternate Representatives:

Mr. Moïse Aka
Mr. Julien Kacou

MADAGASCAR

Representative:

H.E. Mr. Louis Rakotomalala

Alternate Representatives:

Mr. Gabriel Rakotoniana
Mr. René G. Ralison

MALI

H.E. Mr. Sori Coulibaly
Mr. Ahmadou Baba Dicko
Mrs. Jeanne Rousseau

POLAND

Representative:

H.E. Mr. Kazimierz Smiganowski

Alternate Representative:

Mr. Jan Slowikowski

SIERRA LEONE

Representative:

H.E. Mr. Gershon B. O. Collier

Alternate Representative:

Mr. George Coleridge-Taylor

Adviser:

Mr. Frank P. Karefa-Smart

SYRIA

Representative:

H.E. Mr. Rafik Asha

Alternate Representative:

Mr. Adnan Omran

TUNISIA

H.E. Mr. Taïeb Slim
Mr. Mahmoud Mestiri
Mr. Sadok Bouzayen
Mr. Mohamed Gherib

UNION OF SOVIET SOCIALIST REPUBLICS

Representative:

H.E. Dr. N. T. Fedorenko

Alternate Representative:

Mr. P. F. Shakhov

Advisers:

Mr. N. R. Makarevich
Mr. Y. E. Fotin

Experts:

Mr. V. I. Gapon
Mr. V. I. Shokin

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Representatives:

H.E. Sir Patrick Dean, K.C.M.G.
H.E. the Rt. Hon. Lord Caradon, G.C.M.G., K.C.V.O.

Alternate Representative:

Mr. C. E. King, C.M.G.

Advisers:

Mr. J. A. Sankey
Mr. D. J. Swan
Mr. B. L. Barder
Mr. P. A. H. Hodgson
Mr. A. G. Butler

UNITED REPUBLIC OF TANZANIA

H.E. Chief E. A. Mang'anya
Mr. C. Y. Mgonja
Mr. Mohammad Ali Foum
Mr. A. B. C. Danieli
Mr. E. P. Mwaluko

UNITED STATES OF AMERICA

Representatives:

H.E. Mr. Sidney R. Yates
H.E. Mrs. Marietta P. Tree

Alternate Representatives:

Mr. Dwight Dickinson
Mr. Christopher Thoron

Advisers:

Mr. John A. Baker, Jr.
Mr. Ernest C. Grigg, III
Mr. Edward W. Pell

URUGUAY

Representative:

H.E. Mr. Carlos María Velázquez

Alternate Representative:

Mr. Mateo Marques Seré

VENEZUELA

Representative:

H.E. Dr. Carlos Sosa Rodríguez

Alternate Representative:

Dr. Leonardo Díaz González

YUGOSLAVIA

Representative:

H.E. Mr. Danilo Lekić

Alternate Representative:

Mr. Milos Melovski

Adviser:

Mr. Nikola Cicanović

SPECIALIZED AGENCIES

International Labour Organisation

Mr. Henri Raymond, Mr. D. Farman-Farmaian

Food and Agriculture Organization of the United Nations

Mr. Joseph L. Orr, Mr. Morris A. Green

United Nations Educational, Scientific and Cultural Organization

Mr. Arthur Gagliotti, Mr. Asdrúbal Salsamendi

World Health Organization

Dr. Rodolphe L. Coigney, Dr. Olivier Leroux, Mrs. Sylvia Meagher

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1330th plenary meeting, on 18 February 1965, the General Assembly noted that the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/5800/Rev.1) had been received.

CHECK LIST OF DOCUMENTS

Document No.	Title	Observations and references
A/5160 and Add.1 and 2	Report of the Special Committee on Territories under Portuguese Administration	<i>Official Records of the General Assembly, Seventeenth Session, Annexes</i> , addendum to agenda item 54
A/5238	Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	<i>Ibid.</i> , addendum to agenda item 25
A/5446/Rev.1	Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	<i>Ibid.</i> , <i>Eighteenth Session, Annexes</i> , addendum to agenda item 23
A/5514	Report of the Committee on Information from Non-Self-Governing Territories	<i>Ibid.</i> , <i>Eighteenth Session, Supplement No. 14</i>
A/5664	Report of the Secretary-General	<i>Ibid.</i> , <i>Eighteenth Session, Annexes</i> , agenda item 75
A/5673	Report of the Fourth Committee	<i>Ibid.</i> , agenda items 49-50-51-52-53-54
A/5690 and Add.1-3	Note by the Secretary-General and replies from governments	<i>Ibid.</i> , <i>Nineteenth Session, Annexes</i> , annex No. 15
A/5719	Letter dated 7 May 1964 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General	Mimeographed
A/5725 and Add.1-7	Consideration of principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations: comments received from governments	Ditto
A/5763	Letter dated 28 October 1964 from the Permanent Representative of the United Arab Republic to the United Nations addressed to the Secretary-General, transmitting the text of the Declaration entitled "Programme for Peace and International Co-operation" adopted by the Second Conference of Heads of State or Government of Non-Aligned Countries, held in Cairo from 5 to 10 October 1964	Ditto
A/5800 and Corr.1, Add.1 and Add.1 part II, Add.2-7	Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Replaced by A/5800/Rev.1
A/5804	Report of the Trusteeship Council (27 June 1963-29 June 1964)	<i>Official Records of the General Assembly, Nineteenth Session, Supplement No. 4</i>
A/5840	Implications of the activities of the mining industry and of the other international companies having interests in South West Africa: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	<i>Ibid.</i> , <i>Nineteenth Session, Annexes</i> , annex No. 15
A/AC.35/L.373	Elimination of illiteracy in the Non-Self-Governing Territories: draft report prepared by the United Nations Educational, Scientific and Cultural Organization	Mimeographed
A/AC.109/...	Documents of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Documents in this series are mimeographed
A/AC.109/SR.219 to 319	Summary records of the meetings held in 1964 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Ditto
A/AC.115/...	Documents of the Special Committee on the Policies of <i>apartheid</i> of the Government of the Republic of South Africa	Ditto
A/C.4/620	Statement issued by the African Group on 6 November 1963	<i>Official Records of the General Assembly, Eighteenth Session, Annexes</i> , agenda item 23
A/C.5/999	Financial implications relating to the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/5446/Rev.1): note by the Secretary-General	<i>Ibid.</i>
A/L.325	Guatemala: amendment to document A/L.323	<i>Ibid.</i> , <i>Fifteenth Session, Annexes</i> , agenda item 87
E/3871/Rev.1	Annual report of the Technical Assistance Board to the Technical Assistance Committee	<i>Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 5</i>
S/5276	Letter dated 5 April 1963 from the Secretary-General to the President of the Security Council transmitting the text of the resolution on Territories under Portuguese administration adopted on 4 April 1963 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Mimeographed. For the text of the resolution, see <i>Official Records of the General Assembly, Eighteenth Session, Annexes</i> , addendum to agenda item 23, chapter II, para. 251

Document No.	Title	Observations and references
S/5347	Letter dated 11 July 1963 from the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta, addressed to the President of the Security Council	<i>Official Records of the Security Council, Eighteenth Year, Supplement for July, August and September 1963</i>
S/5356	Letter dated 19 July 1963 addressed to the President of the Security Council by the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, transmitting the report of the Special Committee concerning the Territories under Portuguese administration	Mimeographed. For the text of the report, see <i>Official Records of the General Assembly, Eighteenth Session, Annexes</i> , addendum to agenda item 23, chapter II
S/5378	Letter dated 26 June 1963 addressed to the President of the Security Council by the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, transmitting the report of the Special Committee concerning Southern Rhodesia	<i>Idem</i> , chapter III
S/5382	Letter dated 2 August 1963 from the representatives of Ghana, Guinea, Morocco and the United Arab Republic to the President of the Security Council	<i>Official Records of the Security Council, Eighteenth Year, Supplement for July, August and September 1963</i>
S/5409	Letter dated 30 August 1963 from the representative of the Congo (Brazzaville) to the President of the Security Council	<i>Ibid.</i>
S/5438 and Add.1-6	Report by the Secretary-General in pursuance of the resolution adopted by the Security Council on 7 August 1963	<i>Ibid.</i> , Supplement for October, November and December 1963
S/5448 and Add.1-3	Report by the Secretary-General in pursuance of the resolution adopted by the Security Council on 31 July 1963	<i>Ibid.</i>
S/5460	Letter dated 13 November 1963 from the representatives of Algeria, Burundi, Cameroon, Central African Republic, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta addressed to the President of the Security Council	<i>Ibid.</i>
S/5470	Letter dated 3 December 1963 from the President of the General Assembly to the President of the Security Council transmitting the text of General Assembly resolution 1913 (XVIII)	<i>Ibid.</i>
S/5572 and Add.1	Report by the Secretary-General to the Security Council on the functioning of the United Nations Yemen Observation Mission and the implementation of the terms of disengagement covering the period from 3 January to 3 March 1964	<i>Ibid.</i> , Nineteenth Year, Supplement for January, February and March 1964
S/5618	Letter dated 20 March 1964 from the representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council	<i>Ibid.</i>
S/5628	Letter dated 28 March 1964 from the representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council	<i>Ibid.</i>
S/5727	Report of the Secretary-General submitted in pursuance of the resolution adopted by the Security Council on 11 December 1963 concerning the question of Territories under Portuguese administration	<i>Ibid.</i> , Supplement for April, May and June 1964
S/5783	Report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands covering the period from 27 June 1963 to 29 June 1964	<i>Ibid.</i> , Nineteenth Year, Special Supplement No. 1
T/1595 and Add.1	Report on Nauru submitted by the United Nations Visiting Mission to the Trust Territories of Nauru and New Guinea, 1962	<i>Official Records of the Trusteeship Council, Twentieth Session, Supplement No. 2</i>
T/1597 and Add.1	Report on New Guinea submitted by the United Nations Visiting Mission to the Trust Territories of Nauru and New Guinea, 1962	<i>Ibid.</i> , Supplement No. 3
T/1620	Report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1964	<i>Ibid.</i> , Thirty-first Session, Supplement No. 2
T/PET.../...		Documents in this series are mimeographed