

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL
A/5446*
30 October 1963
ORIGINAL: ENGLISH

Eighteenth session
Agenda item 23 ✓

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

Rapporteur: Mr. K. NATWAR SINGH (India)

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- III. LIST OF REPRESENTATIVES

LETTER OF TRANSMITTAL

[Original: French]

New York, 25 October 1963

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 1810 (XVII) of 17 December 1962. This report covers the work of the Special Committee during 1963.

Accept, Sir, the assurances of my highest consideration.

(Signed) Sori COULIBALY
President of the Special Committee

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. At its sixteenth session, the General Assembly considered the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples contained in resolution 1514 (XV) of 14 December 1960.^{1/} On 27 November 1961, the General Assembly adopted resolution 1654 (XVI) by which it decided to establish a Special Committee of seventeen members to be nominated by the President of the General Assembly. 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.

2. On 23 January 1962, the President informed the General Assembly that, pursuant to resolution 1654 (XVI), he had nominated the following to be members of the Special Committee:

Australia	Tanganyika
Cambodia	Tunisia
Ethiopia	Union of Soviet Socialist Republics
India	United Kingdom of Great Britain and Northern Ireland
Italy	United States of America
Madagascar	Uruguay
Mali	Venezuela
Poland	Yugoslavia
Syria	

3. The Special Committee of seventeen members established under General Assembly resolution 1654 (XVI) held 117 meetings during the period 20 February to 19 September 1962. The work accomplished by the Special Committee in 1962 is described in detail in its report to the seventeenth session of the General Assembly.^{2/}

^{1/} For background and text, see A/5238, chapter I, paragraphs 1 to 8.

^{2/} A/5238.

4. At its seventeenth session, the General Assembly, following its consideration in plenary meetings of the report of the Special Committee established under resolution 1654 (XVI), adopted resolution 1810 (XVII) on 17 December 1962 by which it decided to enlarge the membership of the Special Committee by the addition of seven new members to be nominated by the President of the General Assembly. The text of resolution 1810 (XVII), which sets out the terms of reference of the enlarged Special Committee, is reproduced below:

"The General Assembly,

"Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the granting of independence to colonial countries and peoples, and its resolution 1654 (XVI) of 27 November 1961 by which it established a Special Committee of seventeen members on the implementation of the Declaration,

"Conscious of the fact that the Declaration on the granting of independence to colonial countries and peoples and the subsequent establishment of the Special Committee have raised great hopes everywhere, in particular among peoples which have not yet attained independence, for the elimination of all forms of colonialism and foreign domination without delay,

"Having considered the report of the Special Committee,

"Noting with profound regret that, in spite of the efforts of the United Nations, the provisions of the Declaration have not been fully implemented in a large number of territories and that, in certain cases, even preliminary measures have not yet been taken to realize its objectives,

"Deeply concerned by the negative attitude and the deliberate refusal of certain Administering Powers to co-operate with the Special Committee,

"Reaffirming its conviction that any delay in the implementation of the Declaration constitutes a continuing source of international conflict, seriously impeding international co-operation and creating in many regions of the world increasingly dangerous situations likely to threaten international peace and security,

"1. Expresses its appreciation to the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for the work it has accomplished;

"2. Takes note with approval of the methods and procedures which the Special Committee has adopted for the discharge of its functions;

"3. Solemnly reiterates and reaffirms the objectives and principles enshrined both in the Declaration contained in resolution 1514 (XV) and in resolution 1654 (XVI);

"4. Deplores the refusal of certain Administering Powers to co-operate in the implementation of the Declaration in territories under their administration;

"5. Calls upon the Administering Powers concerned to cease forthwith all armed action and repressive measures directed against peoples who have not yet attained independence, particularly against the political activities of their rightful leaders;

"6. Urges all Administering Powers to take immediate steps in order that all colonial territories and peoples may accede to independence without delay in accordance with the provisions of paragraph 5 of the Declaration;

"7. Decides to enlarge the membership of the Special Committee established by resolution 1654 (XVI) by the addition of seven new members to be nominated by the President of the General Assembly;

"8. Invites the enlarged Special Committee:

"(a) 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;

"(b) To propose specific measures for the complete application of the Declaration;

"(c) To submit to the General Assembly in due course, and not later than its eighteenth session, a full report containing its suggestions and recommendations on all the territories mentioned in paragraph 5 of the Declaration;

"(d) To apprise the Security Council of any developments in these territories which may threaten international peace and security;

"9. Requests all Member States, especially the Administering Powers, to afford the Special Committee their fullest co-operation;

"10. 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. On 20 December 1962, the President informed the General Assembly that the additional members of the Special Committee would be announced at a later date. Subsequently, the President of the General Assembly informed the Secretary-

/...

General^{3/} that the following Members had accepted his invitation, under the terms of operative paragraph 7 of resolution 1810 (XVII), to serve on the Special Committee:

Bulgaria	Iraq
Chile	Ivory Coast
Denmark	Sierra Leone
Iran	

6. In addition to resolution 1810 (XVII), the General Assembly at its seventeenth session adopted a number of other resolutions concerning Territories to which the Declaration on the granting of independence to colonial countries and peoples applies. These resolutions are dealt with in the appropriate chapters of this report.

B. OPENING OF THE SPECIAL COMMITTEE'S MEETINGS IN 1963

7. The first meeting of the Special Committee in 1963 (118th meeting) was opened by the Secretary-General. In his opening address, the Secretary-General recalled that, at its fifteenth session, the General Assembly had adopted the historic Declaration on the granting of independence to colonial countries and peoples, which was regarded as a landmark in the efforts of the United Nations towards the realization of the high principles and objectives of the Charter. At its sixteenth session the General Assembly had established the Special Committee and at the Committee's opening meeting, on 20 February 1962, he had emphasized the importance of the task entrusted to it and had expressed the belief that its members would conduct their discussions in a spirit of co-operation, particularly in view of the fact that there was unanimity with regard to the final objective, namely the well-being of the inhabitants of the Territories to which the Declaration applied. The report of the Special Committee to the seventeenth session of the General Assembly^{4/} was a testimony to the constructive spirit in which its members had approached their task and to their untiring efforts.

8. During the past year there had been a number of other bodies also dealing with matters concerning dependent territories. In the introduction to his

^{3/} A/5397.

^{4/} A/5238.

annual report^{5/} he had suggested that all work in that field might usefully be combined and brought under the Special Committee of Seventeen, and he was glad to note that the work performed by the other bodies had now to a large extent been entrusted to the enlarged Special Committee. That decision should avoid duplication of effort on the part of delegations and of the Secretariat.

9. The desire of the Members of the United Nations to bring about the final end of colonialism as speedily as possible by peaceful means was well known. It was generally recognized that the emancipation of all peoples still living in dependent status would not only remove one of the major obstacles to the maintenance of peace but would greatly contribute to the realization of the principles of equality enshrined in the Charter.

10. The Secretary-General earnestly hoped that the endeavours of the Special Committee would be fruitful and that it would play a useful and constructive role in speeding up the process of decolonization. He wished the Committee success in the difficult task it was about to undertake.

C. ELECTION OF OFFICERS

Chairman

11. At its 118th meeting, the Special Committee elected by acclamation Mr. Sori Coulibaly (Mali) as Chairman.

Vice-Chairmen

12. At its 120th meeting, the Special Committee decided to elect two Vice-Chairmen. Following that decision, it elected by acclamation Mr. Carlos María Velázquez (Uruguay) as First Vice-Chairman and Mr. Voeunsai Sonn (Cambodia) as Second Vice-Chairman.

Rapporteur

13. At the same meeting, the Special Committee elected by acclamation Mr. Najmuddine Rifai (Syria) as its Rapporteur.

14. At the 205th meeting, on 6 September 1963, the Chairman informed the Special Committee that Mr. Rifai had been assigned by his Government to a post in his

country and that therefore he would not be able to continue as Rapporteur. Members of the Special Committee expressed regret at Mr. Rifai's departure and paid tributes to him for his valuable services, both as the representative of Syria on the Committee and as the Committee's Rapporteur since its beginning in 1962.

15. At the 206th meeting on 9 September 1963, the Special Committee elected by acclamation Mr. K. Natwar Singh (India) as Rapporteur.

D. SESSIONS AND MEETINGS

16. The Special Committee held 101 meetings during 1963, as follows:

First session, 118th-169th meetings, 19 February to 10 May

Second session, 170th-202nd meetings, 10 June to 26 July

Third session, 203rd-218th meetings, 5 September to 21 October.

17. The Sub-Committee on Petitions held 17 meetings (26th to 42nd). In addition, the Special Committee established a Working Group, which held nine meetings, and Sub-Committees on Southern Rhodesia, Aden and British Guiana.

E. METHODS OF WORK AND PROCEDURES

18. Following extensive discussions at the beginning of the Special Committee's work in 1962, it agreed on its methods of work and procedures. These are described in the Special Committee's report to the seventeenth session of the General Assembly.^{6/} In the same report, the Special Committee stated that, on the basis of its experience during the year, it was satisfied that the methods and procedures it had followed were most appropriate and effective in the discharge of its functions.^{7/}

19. The General Assembly, in operative paragraph 2 of its resolution 1810 (XVII), took note "with approval of the methods and procedures which the Special Committee has adopted for the discharge of its functions".

^{6/} A/5238, chapter I, paragraph 112.

^{7/} A/5238, chapter I, paragraph 148.

20. At its 120th meeting, on 28 February 1963, the Special Committee decided to continue to follow these methods and procedures in the discharge of its functions.

F. SUB-COMMITTEE ON PETITIONS

21. At its 121st meeting, on 1 March 1963, the Special Committee decided that the Sub-Committee on Petitions should continue to be composed of the same seven members as during 1962, namely, Australia, Ethiopia, India, Madagascar, Poland, Tunisia and Venezuela.

Elections of officers

22. The Sub-Committee elected the following officers by acclamation:

Chairman: Mr. Mahmoud Mestiri (Tunisia)

Vice-Chairman: Mr. Leonardo Díaz González (Venezuela)

Meetings of the Sub-Committee

23. During the period covered by this report, the Sub-Committee on Petitions held 17 meetings and submitted 17 reports^{8/} to the Special Committee. These reports dealt with the Sub-Committee's consideration of 306 written communications, which included 26 requests for hearings.

G. PROGRAMME OF WORK

24. At its 123rd meeting, the Special Committee decided to begin its work with the consideration of Territories under Portuguese administration, Southern Rhodesia and South West Africa in that order.

Establishment of the Working Group

25. At the same meeting, the Special Committee decided to establish a Working Group, composed of the officers of the Committee and other representatives to be nominated by the Chairman, to consider and to make recommendations on the list of Territories to be considered by the Special Committee and the order of priority for their consideration. At the 126th meeting, the Chairman informed the Special Committee that he had nominated Bulgaria, Iraq, Italy and Sierra Leone to be members of the Working Group in addition to the officers of the Committee (Mali, Uruguay, Cambodia and Syria).

^{8/} A/AC.109/L.39-43, L.45, L.48-51, L.57, L.59, L.64, L.66, L.79, L.87 and L.93.

Recommendations of the Working Group

26. During the period covered by this report, the Working Group held nine meetings and submitted six reports^{9/} in addition to an oral report submitted by the Chairman.^{10/}

List of Territories to which the Declaration applies

27. The first report of the Working Group^{11/} to the Special Committee contains the following statements concerning the list of Territories to which the Declaration contained in resolution 1514 (XV) applies:

"4. The Working Group noted that General Assembly resolution 1810 (XVII) invites the Special Committee to submit to the General Assembly not later than its eighteenth session 'a full report containing its suggestions and recommendations on all the territories mentioned in paragraph 5 of the Declaration'. It also noted that in order to comply with this request, it would be necessary to have a list of the territories referred to in paragraph 5 of the Declaration, namely, 'Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence'. In the course of its consideration of this question, the Working Group recognized that the drawing up of a complete list of territories would involve detailed consideration by it of various factors requiring additional meetings of the Group. It therefore decided that, as a first step, a preliminary list of territories to which the Declaration applies should be prepared, which should include territories coming under the following categories:

"(a) Trust Territories;

"(b) The Territory of South West Africa;

"(c) Territories which have been declared by the General Assembly as Non-Self-Governing Territories within the meaning of Chapter XI of the Charter, but on which information is not transmitted under Article 73 e by the Administering Powers concerned;

"(d) Non-Self-Governing Territories on which information is transmitted by the Administering Powers concerned.

^{9/} A/AC.109/L.44, L.60, L.69, L.76, L.84 and L.86.

^{10/} A/AC.109/SR.179.

^{11/} A/AC.109/L.44.

"5. The preliminary list of territories drawn up by the Working Group in accordance with this decision is annexed to this report.

"6. The representative of Bulgaria reserved the position of his Government with regard to the inclusion of Macao and dependencies and Hong Kong in the list referred to in paragraph 5 above. He stated that his Government regarded these territories as integral parts of the People's Republic of China forcibly occupied in the past by Portugal and the United Kingdom respectively.

"7. The Working Group further decided that it should consider the list of 'all other territories which have not yet attained independence' to be added to the preliminary list at its future meetings and report to the Special Committee."

28. At its 141st meeting, the Special Committee approved the preliminary list of Territories prepared by the Working Group. The preliminary list of Territories approved by the Special Committee is attached to this report as Annex I.

29. With regard to the list of "all other territories which have not yet attained independence", the Working Group in its sixth report^{12/} submitted to the Special Committee on 16 September 1963, stated as follows:

"6. The Working Group also considered its previous decision^{13/} to consider at a future date the list of 'all other territories which have not yet attained independence', to be added to the preliminary list of territories to which the Declaration applies. The Working Group decided to inform the Special Committee that because of lack of time it had been unable to consider this list. It also decided to suggest to the Special Committee that it consider this question at its meetings next year."

30. At its 211th meeting, the Special Committee approved this suggestion of the Working Group.

Priorities for the consideration of Territories

31. The order in which the Special Committee considered various individual Territories, following the consideration of Territories under Portuguese administration, Southern Rhodesia and South West Africa, to which the Special

^{12/} A/AC.109/L.86.

^{13/} A/AC.109/L.44, paragraph 7.

Committee itself had decided to give first priority, was determined on the basis of the recommendations contained in the reports of the Working Group referred to in paragraph 26 above.

H. CONSIDERATION OF INDIVIDUAL TERRITORIES

32. During the period covered by this report, the Special Committee considered the following Territories:

	<u>Territory</u>	<u>Meetings</u>
1-7	Territories under Portuguese administration: Angola, including the Enclave of Cabinda, Mozambique, Guinea called Portuguese Guinea, The Cape Verde Archipelago, Sao Tomé and Príncipe and their dependencies, Macau and dependencies, Timor and dependencies 124-130, 139-142
8	Southern Rhodesia	130-140, 143-144, 146, 168, 171-177
9	South West Africa	142, 145, 149, 167-169
10	Aden	149-164, 169, 170, 187-189, 191, 193, 194, 196, 197
11	Malta	165-167, 169
12	Fiji	183-187, 193-197
13	British Guiana	125, 160, 170, 171, 174-190
14-17	Kenya, Northern Rhodesia, Nyasaland and Zanzibar . .	187-193, 196-198
18-20	Basutoland, Bechuanaland and Swaziland	198-202
21	Gambia	205-210
22	Gibraltar	206, 208, 209, 211-215
23-26	Fernando Póo, Ifni, Río Muni and Spanish Sahara	206, 213-215

33. Details of the Special Committee's consideration of the above Territories and its conclusions and recommendations thereon are given in the chapters which follow.

34. In a letter dated 10 September 1963 addressed to the Chairman of the Special Committee,^{14/} the representative of the United Kingdom stated that, in the past

^{14/} A/AC.109/54.

twelve months, constitutional and political progress in the Non-Self-Governing Territories under British administration had continued. Enclosed with this letter was a calendar of constitutional advance summarizing the main developments in the past twelve months. At the request of the representative of the United Kingdom, the Special Committee, at its 218th meeting, decided to reproduce this letter and its enclosure as an annex to the present report (annex II).

I. RELATIONS WITH OTHER UNITED NATIONS BODIES

The Security Council

35. The General Assembly in its resolution 1810 (XVII) invited the Special Committee to apprise the Security Council of any developments in the Territories coming within the scope of its work which might threaten international peace and security.

(a) Territories under Portuguese Administration

36. The Special Committee by operative paragraph 4 of its resolution on the Territories under Portuguese administration, adopted at its 142nd meeting on 4 April 1963, decided "To draw the immediate attention of the Security Council to the present situation with the view to its taking appropriate measures, including sanctions, in terms of paragraph 8 of General Assembly resolution 1807 (XVII) of 14 December 1962 and paragraph 9 of General Assembly resolution 1819 (XVII) of 18 December 1962, to secure compliance by Portugal with the relevant resolutions of the General Assembly and of the Security Council". Operative paragraph 5 of the resolution requested the Secretary-General "to bring this resolution to the immediate attention of the Security Council and to transmit to the Council the records of the debate on this question in the Special Committee".

37. By letter dated 5 April 1963, the Secretary-General brought this resolution and the records of the debate on the question to the attention of the Security Council.^{15/} By letter dated 19 July 1963, the Chairman transmitted to the Security Council the report of the Special Committee on the Territories under Portuguese administration.^{16/}

^{15/} S/5276.

^{16/} S/5356.

(b) South West Africa

38. By operative paragraph 5 of the resolution on South West Africa adopted by it at its 169th meeting on 10 May 1963, the Special Committee decided "to draw 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". In operative paragraph 6, the Special Committee recommended "to the General Assembly and to the Security Council to invite all Member States to lend their support for the application of the measures advocated in this resolution and in the previous resolutions".

39. By letter dated 14 May 1963, the Secretary-General transmitted the text of this resolution to the Security Council.^{17/} By letter dated 26 July 1963, the Chairman transmitted to the Security Council the report of the Special Committee on South West Africa.^{18/}

(c) Southern Rhodesia

40. By operative paragraph 5 of the resolution on Southern Rhodesia adopted by it at its 177th meeting on 20 June 1963, the Special Committee drew "the attention of the Security Council to the deterioration of the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia".

41. On 21 June 1963 the text of the resolution was transmitted to the Security Council.^{19/} By letter dated 26 June 1963, the Chairman transmitted to the Security Council the report of the Special Committee on Southern Rhodesia.^{20/}

The Trusteeship Council

42. 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, by letter dated 26 June 1963^{21/} addressed to the Chairman, informed the Special Committee, that the Council at

^{17/} S/5322.

^{18/} S/5375.

^{19/} S/5337.

^{20/} S/5378.

^{21/} A/AC.109/46.

its thirtieth session had 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 Council representing their individual opinion only, were contained in its report to the Security Council^{22/} (on the Trust Territory of the Pacific Islands) and in its report to the General Assembly^{23/} (on Nauru and New Guinea).

Committee on Information from Non-Self-Governing Territories

43. In paragraph 8 of resolution 1654 (XVI), the General Assembly requested the Committee on Information from Non-Self-Governing Territories to assist the Special Committee in its work. In paragraph 5 of resolution 1700 (XVI), the General Assembly requested the Committee on Information from Non-Self-Governing Territories to transmit to the Special Committee its report to the General Assembly and to provide it with the pertinent material available to it. The question of assistance by the Committee on Information from Non-Self-Governing Territories is also referred to in General Assembly resolution 1847 (XVII) by which the Assembly decided to continue the Committee on Information from Non-Self-Governing Territories on the same basis as that established by General Assembly resolution 1700 (XVI), particularly paragraphs 2 to 5 of that resolution, and to review at its eighteenth session the question of continuation of the Committee.

J. FUTURE WORK

44. The General Assembly, in resolution 1810 (XVII), invited the Special Committee to submit to it in due course, and not later than its eighteenth session, a full report containing its suggestions and recommendations on all the Territories mentioned in paragraph 5 of the Declaration, namely, "Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence".

45. The historic Declaration on the granting of independence to colonial countries and peoples was adopted by the General Assembly almost three years ago on 14 December 1960. As was pointed out by the Special Committee in its first report to the General Assembly, the Declaration was a declaration of faith, an inspiration

^{22/} S/5340.

^{23/} Official Records of the General Assembly, Eighteenth Session, Supplement No. 4 (A/5504).

to the people who were still under colonial rule and an expression of the universal desire to expedite the process of the liberation of colonial peoples. While taking note of the progress made since then in the field of decolonization, the Special Committee is aware that decolonization in parts of Africa and elsewhere is not proceeding at a satisfactory pace. It is especially concerned at the dangerous situations existing in the Territories under Portuguese Administration, in South West Africa and in Southern Rhodesia. It should be noted that the refusal of the Administering Members concerned to implement the relevant resolutions of the General Assembly, the Security Council and the Special Committee has helped to aggravate this situation. The Special Committee notes that this was a matter of particular concern to the Heads of African States and Governments during their recent historic conference at Addis Ababa and that it had led them to adopt important decisions. The Special Committee hopes that its report will be of some assistance to the General Assembly in its consideration of this question which is one of serious concern to all Member States.

46. The task assigned to the Special Committee by the General Assembly was to continue to seek the most suitable ways and means for the speedy and total application of the Declaration to "Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence". Accordingly, the Special Committee, on the recommendation of its Working Group, approved a preliminary list of Territories comprising Trust and Non-Self-Governing Territories, including the Territory of South West Africa.^{24/}

47. However, because of lack of time, the Special Committee was unable to consider "all other Territories which have not yet attained independence" to be added to the preliminary list and thus to complete the list of Territories coming within the scope of its work. The Special Committee decided to do this at its meetings in 1964, subject to any further directives which the General Assembly might wish to provide at its eighteenth session.^{25/}

48. As stated in paragraph 32 above, the Special Committee, in the course of its work in 1963, examined the implementation of the Declaration in respect of

^{24/} See paragraphs 27 and 28 of this chapter and Annex I.

^{25/} See paragraphs 29 and 30 of this chapter.

twenty-six Territories. However, for lack of time, the Special Committee was not able to complete its consideration of five of them, namely, Gibraltar, Fernando Póo, Ifni, Río Muni and Spanish Sahara.^{26/} It is proposed to complete consideration of these Territories as a matter of priority in 1964.

49. The Special Committee recognizes that it has not completed the task assigned to it by the General Assembly, although it has met almost continuously from February to October 1963. It will be realized that in view of the importance of its task, the Special Committee had to give thorough consideration to the situation in each of the Territories examined by it. In many cases the Committee heard and questioned petitioners, and, in the cases of Southern Rhodesia, Aden and British Guiana, it was necessary to establish Sub-Committees. Moreover, the Special Committee has had to reopen its discussions on particular Territories on account of the non-implementation by the Administering Powers of the General Assembly's resolutions in regard to those Territories. All these were time-consuming processes.

50. However, in relation to the Territories already considered by the Special Committee, it is appropriate to point out the following:

(a) The Special Committee has considered all the Territories in the Continent of Africa included in the preliminary list approved by it. As already pointed out in the Special Committee's report to the seventeenth session of the General Assembly, it is in Africa that the largest number of people are still living under colonial regimes, it is in Africa that the largest colonial Territories still exist and it is in Africa that some of the most difficult colonial problems are encountered;

(b) Although the Special Committee was able to consider only twenty-six of the sixty-four Territories included in the preliminary list, these Territories together have an area of 2,377,229 square miles (6,167,315 sq. km.) and a population of almost thirty-seven million while the remaining Territories together have an area of 225,747 square miles (584,586 sq. km.) and a population of almost 8 million.

51. With regard to the Territories which still remain to be considered by the Special Committee, it is the intention of the Special Committee to consider them

^{26/} See chapter XIII, paragraphs 110-113, and chapter XII, paragraph 99.

as a matter of priority in 1964. In order to facilitate such consideration, the Secretariat has been asked to prepare the necessary documentation giving background information on the Territories included in the preliminary list which have not yet been considered by the Special Committee and make them available to members of the Committee as soon as possible.

52. The Special Committee, in the performance of the task assigned to it by the General Assembly, continued to follow the methods and procedures it adopted in 1962 and which the General Assembly took note of with approval in resolution 1810 (XVII). As in the previous year, the Special Committee found that these methods and procedures were most appropriate and effective in the discharge of its functions.

53. One of the procedures approved by the General Assembly is the sending out of visiting groups, if necessary, in respect of particular Territories and concrete situations at the appropriate time. In accordance with this, the Special Committee, during 1963, established the following:

- (i) A Sub-Committee on Southern Rhodesia, composed of six members to visit London and to have discussions with the United Kingdom Government concerning Southern Rhodesia. This Sub-Committee visited London from 20 to 26 April 1963 and had discussions with the Ministers of the United Kingdom Government concerning the situation in Southern Rhodesia in the context of the resolutions on Southern Rhodesia adopted by the General Assembly.^{27/}
- (ii) A Sub-Committee on Aden, composed of five members, to visit Aden and, if necessary, other neighbouring countries to ascertain the views of the population concerning the situation in that Territory and to hold talks with the Administering Power. This was the first occasion on which the Special Committee had authorized a group of its members to visit one of the Territories with which it was concerned. However, the Sub-Committee was unable to visit the Territory because of the refusal of the United Kingdom to co-operate with it in such a visit. The Sub-Committee therefore visited neighbouring countries during the period 25 May to 7 June 1963 and heard over fifty petitioners concerning Aden.^{28/}

^{27/} For the report of the Sub-Committee on Southern Rhodesia, see A/5446/Add.3, Appendix.

^{28/} For the report of the Sub-Committee on Aden, see A/5446/Add.4, Appendix.

- (iii) A Sub-Committee on British Guiana, composed of five members to seek together with the interested parties the most suitable ways and means of enabling the Territory to accede to independence without delay. The Sub-Committee was authorized by the Special Committee to proceed to any place it considered appropriate for the successful performance of its work. The Sub-Committee considered that the most effective way of carrying out its task was to visit British Guiana and to hold talks with the leaders of the country there. However, the United Kingdom Government refused to agree to a visit to British Guiana by the Sub-Committee, although the leaders of the two major political parties had expressed themselves in favour of such a visit. Consequently, it was necessary for the Sub-Committee to invite the leaders to come to New York.^{29/}

54. The Special Committee wishes to express its appreciation to the United Kingdom for the opportunity afforded to the Sub-Committee on Southern Rhodesia to discuss the question of Southern Rhodesia with the responsible Ministers and for the courteous reception afforded to it. However, it notes with regret that the refusal of the United Kingdom Government to agree to the visit by a group of the Special Committee to Aden and British Guiana. In both cases the refusal of the United Kingdom Government was based on its position that the presence of a visiting mission in a Territory constitutes an interference in the affairs of that Territory and that it could not share its responsibilities with the United Nations. The majority view in the Special Committee has been unable to accept the argument that a visiting mission, whose function is to ascertain the views of the population concerning a Territory's future or is one of good offices in bringing together the different political elements in a Territory and thus to assist them in achieving their independence, amounts to interference in the internal affairs of a Territory. Nor can it accept the assertion that by agreeing to such a visit, the Administering Power is sharing its responsibility for the internal administration of the Territory: The United Nations has responsibilities with regard to Non-Self-Governing Territories deriving from the provisions of the

^{29/} For the report of the Sub-Committee on British Guiana, see chapter X, Appendix.

Charter concerning these Territories and from the Declaration on the granting of independence to colonial countries and peoples adopted by the General Assembly.

55. The Special Committee wishes to point out that by refusing access to a visiting group of the Special Committee to a Territory coming within the scope of its work, the Administering Power concerned is denying it one of the most effective means of carrying out the task assigned to it by the General Assembly, namely the examination of the implementation of the Declaration on the granting of independence to colonial countries and peoples.

56. The Special Committee therefore expresses the hope that all Administering Powers will co-operate fully with the Special Committee in its work in the future and in particular will enable visiting groups to go to Territories where such visits are considered necessary and useful by the Special Committee.

57. In this connexion, the Special Committee wishes to draw the attention of the General Assembly to the need for making the necessary budgetary provisions to cover the expenses arising from its activities including the expenses of visiting missions. It will be recognized that decisions concerning visiting missions are taken by the Special Committee in the course of its examination of the conditions in each Territory. For that reason, it is not possible to provide in advance exact details of the expenditures that may arise on this account.

58. It may be recalled that, in connexion with the adoption of resolution 1810 (XVII), the Secretary-General had proposed that an amount of \$150,000 be provided in the 1963 budget estimates to meet expenditures arising from the activities of the Special Committee. However, on the recommendation of the Advisory Committee, the Fifth Committee recommended to the General Assembly that, in the absence of any specific details to serve as a basis for firm cost estimates, the Committee was unable to comment on the figure of \$150,000 submitted by the Secretary-General and that, therefore, any expenditure resulting from the adoption of a draft resolution should be incurred solely under the terms of the resolution relating to unforeseen and extraordinary expenses with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions.

59. The Special Committee, taking into account the importance of the tasks still to be carried out, recommends to the Secretary-General and to the General Assembly to make adequate provisions in order to facilitate the implementation of the mandate of the Special Committee. The Special Committee requests them particularly to make provisions in the 1964 budget to cover the expenses of the activities of the Committee, including the cost of sub-committees or visiting groups.

60. In view of the valuable experience gained by the Special Committee during the last two years of its work and taking into account the fact that it was not possible to consider the situation in all the Territories covered by the Declaration contained in General Assembly resolution 1514 (XV), the Special Committee considers that it would be desirable that its mandate be continued.

K. APPROVAL OF THE REPORT

61. The various chapters of this report were adopted by the Special Committee as indicated below:

<u>Chapter</u>	<u>Draft</u>	<u>Meeting</u>	<u>Date</u>
I. Introductory chapter	A/AC.109/L.92 and Add.1	217th and 218th	18 and 21 Oct. 1963
II. Territories under Portuguese administration	A/AC.109/L.67	196th	18 July 1963
III. Southern Rhodesia	A/AC.109/L.72	201st	25 July 1963
IV. South West Africa	A/AC.109/L.71	200th	25 July 1963
V. Aden	A/AC.109/L.82	213th	18 Sept. 1963
VI. Malta	A/AC.109/L.77	205th	6 Sept. 1963
VII. Fiji	A/AC.109/L.78	205th	6 Sept. 1963
VIII. Northern Rhodesia, Nyasaland, Kenya and Zanzibar	A/AC.109/L.80	205th	6 Sept. 1963
IX. Basutoland, Bechuanaland and Swaziland	A/AC.109/L.81	213th	18 Sept. 1963
X. British Guiana	A/AC.109/L.83	217th	18 Oct. 1963
XI. Gambia	A/AC.109/L.89	217th	18 Oct. 1963
XII. Fernando Póo, Ifni, Río Muni and Spanish Sahara	A/AC.109/L.90	217th	18 Oct. 1963
XIII. Gibraltar	A/AC.109/L.91	217th	18 Oct. 1963
XIV. Other matters considered by the Special Committee	A/AC.109/L.94	217th	18 Oct. 1963

62. The report as a whole was adopted by the Special Committee at its 218th meeting on 21 October 1963.

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CHAPTER II

TERRITORIES UNDER PORTUGUESE ADMINISTRATION

(already issued as A/5446/Add.1 and Corr.1 and 2)

CHAPTER III

SOUTHERN RHODESIA

(already issued as A/5446/Add.3 and Corr.1 and 2)

CHAPTER IV

SOUTH WEST AFRICA

(already issued at A/5446/Add.2 and Corr.1)

CHAPTER V

ADEN

(already issued as A/5446/Add.4 and Corr.1)

CHAPTER VI

MALTA

A. INFORMATION ON THE TERRITORY

General

1. The Maltese Islands comprising Malta, Gozo to its north-west, the small island of Comino and the uninhabited islets Filfla and Cominotto are situated in the Mediterranean Sea to the south of Sicily.
2. The total area of the Maltese Islands is 122 square miles, comprising: Malta, 94.9 square miles (245.7 square kilometres); Gozo, 25.9 square miles (67.1 square kilometres) and Comino, 1.1 square miles (2.8 square kilometres).
3. In December 1962 the population of the Territory was estimated at about 328,500. With an average density of nearly 2,700 to the square mile, Malta is one of the most densely populated Territories in the world.

Government

Status

4. Malta was surrendered to the United Kingdom by France in 1800, and in 1802 the representatives of the Maltese people petitioned the Throne asking for the island to be placed under the Crown in the United Kingdom. In 1814 Malta was annexed to the United Kingdom by the terms of the Treaty of Paris.

Previous Constitutions

5. In 1947 Malta was granted full internal self-government with a popularly elected Legislative Assembly of forty members.
6. Following general elections in February 1955 at which the Labour Party won twenty-three seats and the Nationalist Party seventeen seats, talks were held in London in June and July 1955 with representatives of these two political parties. The Nationalist Party favoured eventual full autonomy for Malta, while the Labour Party demanded either self-determination and the negotiation of a twenty-year treaty of friendship regulating relations with the United Kingdom, or a twenty-year plan to turn Malta into an integral part of the United Kingdom with representatives in the United Kingdom Parliament and safeguards for the Roman Catholic Church in Malta. Both parties demanded substantial financial assistance.

7. The outcome of the constitutional talks was the convening of a Round Table Conference, representing all political parties in the United Kingdom Parliament, to consider constitutional questions arising out of the Maltese Prime Minister's proposals for integration. The Conference's report concluded that the unusual circumstances entitled the people of Malta to a special road to political equality, which should be by representation in the United Kingdom Parliament if they so wished.

8. The proposed integration was put before the Maltese people in a referendum in February 1956. At this referendum 59 per cent of the electorate voted and, of those who voted, 74 per cent were in favour of the proposals and 22 per cent were against them. Negotiations with the United Kingdom Government followed to work out practical means of implementing the proposals, but then ran into difficulties and finally broke down in March 1958. A main point of disagreement was concerned with the amount of financial assistance that should be provided by the United Kingdom Government.

9. Disagreement over economic matters continued and in April 1958 the Maltese Labour Government resigned. This, together with the refusal by the Opposition to form a Government and the outbreak of civil disturbances led to the declaration of a state of emergency. Efforts to secure a return to normal Government, including the holding of an all-Party conference in London during November and December 1958, proved fruitless and, by Order in Council of 24 March 1959, the 1947 Constitution was revoked and replaced by an interim Constitution.

10. The interim Constitution placed the administration in the hands of the Governor. In the formation of policy and in the exercise of the powers conferred on him he was required, with certain specified exceptions, to consult an Executive Council which consisted of three ex officio members and such other nominated members, of whom not fewer than three were to be persons holding public office, as were appointed by the Governor.

Present Constitution

11. The present Constitution is based on the proposals of a Constitutional Commission under the Chairmanship of Sir Hilary Blood which was appointed in 1960. By its terms of reference, this Commission was requested to formulate detailed

constitutional proposals after due consultation with the representatives of the Maltese people and local interests, bearing in mind the United Kingdom Government's intention that the Maltese people should be given the widest measure of self-government consistent with the United Kingdom Government's responsibility for defence and foreign affairs and their undertakings in respect of the public service, police and human rights generally. The Commission reported in March 1961 and the United Kingdom Government accepted its recommendations. The Malta (Constitution) Order in Council, 1961, was then promulgated. The new Constitution came into force in part on 1 November 1961, the remainder coming into force on 3 March 1962 when the Government elected under it took office. The main provisions of the new Constitution are set out below.

(i) United Kingdom Commissioner

12. Responsibility for defence and external affairs is vested in the United Kingdom Government and is exercised through a United Kingdom Commissioner in Malta. The Constitution provided that in order to discharge these responsibilities the United Kingdom shall have full right to occupy, control and use bases and installations in Malta. The Government of Malta is expected to comply with any request of the United Kingdom Government concerning its responsibility for defence and external affairs. If the Government of Malta does not comply with such a request within the time specified, the United Kingdom Commissioner may make an order giving effect to the request of the United Kingdom Government, which shall have the force of law. The United Kingdom Commissioner may also advise the Governor to reserve for the consideration of the United Kingdom Government any Bill introduced into the Legislative Assembly which he considers would affect the United Kingdom Government's responsibility in these fields. Provision is made for the Government of Malta to have the authority for conducting trade relations and for such other matters relating to external affairs as may be delegated to it.

(ii) Governor

13. The Governor is the Queen's representative and the Head of State. He is appointed by the United Kingdom and has such powers as are conferred

upon him including that of assenting to Bills of the Legislature. On most matters he is obliged to consult with the Cabinet and to act on its advice. Under the Constitution the Governor was given exclusive functions in relation to the Public Service (including the Police Force) and the Judiciary. By subsequent amendments certain of the Governor's powers in relation to the Public Service, including ultimate control of the police, were transferred to the Prime Minister.

(iii) Cabinet

14. The Cabinet has the general direction and control of the Government of Malta and is collectively responsible to the Legislative Assembly. It consists of the Prime Minister and not more than seven other Ministers appointed by the Governor on the advice of the Prime Minister. The Prime Minister is appointed by the Governor as the member of the Assembly who appears to him to be best able to command the confidence of a majority of the members.

(iv) Consultative Council

15. Provision is made for a Consultative Council which consists of the Governor as chairman, the Prime Minister, the United Kingdom Commissioner, three members appointed by a Secretary of State and three members appointed by the Prime Minister. The Consultative Council consults and exchanges information on questions of policy relating to defence and external affairs, and on any matters affecting relations between the United Kingdom Government and the Government of Malta that may be referred to it by either Government.

(v) Legislative Assembly

16. The Legislative Assembly consists of fifty members and has power to make laws for the peace, order and good government of Malta. The Legislative Assembly may deal with any Bill or motion introduced by its members. However, except on the recommendation of the Governor, signified by a Minister, the Assembly may not proceed on any Bill or motion which imposes taxes or increases any charges on the revenues. Bills passed by the Legislature are presented to the Governor who, in accordance with the provisions covering the exercise of his power, may assent to a Bill, refuse his assent or reserve the Bill for the

consideration of the United Kingdom Government. Bills which must be so reserved include those which affect internal security; amend the constitution; affect legislation concerning the police, broadcasting, and the dockyard; and provide for the raising of loans. The power of the United Kingdom Government to disallow Acts is limited to Acts which it considers adversely affect the interests of holders of Malta Government Stock.

(vi) Electoral System

17. The Constitution provides for elections to be held on the basis of universal adult suffrage under a system of proportional representation. The fifty members of the Legislative Assembly are elected from ten electoral divisions, including one for the island of Gozo, each returning five members.

(vii) Public Service Commission and Judicial Service Commission

18. In the exercise of his functions in matters affecting the public service and the judiciary, the Governor acts on the recommendation of a Public Service Commission and a Judicial Service Commission respectively which are established by the Constitution. The members of the Public Service Commission are appointed by the Governor after consultation with the Prime Minister. The Governor may delegate his powers in relation to offices in the public service carrying an annual emolument of less than £600.

(viii) Protection of fundamental rights and freedoms

19. The Constitution contains provisions for the protection of fundamental rights and freedoms of the individual which are enforceable through the Courts.

1962 elections

20. The first elections under the electoral arrangements set out in the new Constitution took place on 17-19 February 1962. In a poll of more than 90 per cent of those qualified to vote and after a keenly contested election the Nationalist Party secured a majority of the seats. The results of the elections were as follows:

<u>Party</u>	<u>Seats</u>
Nationalist Party	25
Malta Labour Party	16
Christian Workers Party	4
Democratic Nationalist Party *	4
Progressive Constitutional Party	1

* One Democratic Nationalist Party member subsequently joined the Nationalist Party.

21. After the elections, Dr. Giorgio Borg Olivier, the leader of the Nationalist Party, accepted office as Prime Minister and was sworn in on 3 March 1962, the remainder of the new Constitution being brought into force on the same day.

Recent constitutional developments

22. Shortly after he became Prime Minister, Dr. Borg Olivier entered into negotiations with the United Kingdom Government in London for certain amendments to the Malta Constitution of 1961. As a result, ultimate control of the police was transferred from the Governor to the Malta Government; similarly the Prime Minister of Malta, rather than the Governor, was made responsible for appointments in the Public Service acting on the recommendations of the Public Service Commission.

23. Further discussions between the Prime Minister of Malta and the United Kingdom Government were held in July and August 1962 on financial and economic matters. These were held against the background of pending reductions in the United Kingdom Services' establishments in Malta and the need for greater efforts to develop and diversify the Maltese economy. The United Kingdom Government was unable to agree to any increase in the financial aid already being provided (£29.25 million in grants and loans for the five years 1959-1964) but accepted the need for some redeployment of the balances available for expenditure during the remaining two years of the five-year development plan. It was also agreed that Malta should be free to seek economic and financial aid in foreign countries, and should have authority to negotiate directly with the European Economic Community with a view to membership of that organization. At the conclusion of the talks, the Prime Minister of Malta formally requested Malta's independence within the Commonwealth and that a meeting should be arranged as soon as practicable. Informal talks between the Prime Minister of Malta and the United Kingdom Secretary of State for the Colonies were held in December 1962 and agreement was reached on the steps necessary to enable an independence conference

Judiciary

24. There are four superior courts in Malta, namely, the Civil Court, the Commercial Court, the Criminal Court and the Court of Appeal. The superior courts and magistrates' courts are exclusively vested with civil and criminal jurisdiction, except for appeal to the Privy Council in London as allowed by law in certain cases. There are eight judges, including the Chief Justice, who is also President of the Court of Appeal.

25. The eight magistrates sit in the inferior courts, which are the Court of Magistrates of Judicial Police for the Island of Malta and the Court of Magistrates of Judicial Police for the islands of Gozo and Comino.

26. The judges and magistrates are all of local origin.

Local Government

27. There is no local government on the island of Malta itself, all matters coming under the direct control of the central Government. On the island of Gozo, there is a Civil Council which, inter alia, carries out functions delegated to it by the central Government. To enable it to exercise these functions the Government allocates funds to it. The Council consists of fourteen members, one member being elected by each of the fourteen elected district committees.

Political Parties

28. There are five political parties represented in the Legislative Assembly, the Nationalist Party, the Malta Labour Party, the Christian Workers Party, the Democratic Nationalist Party, and the Progressive Constitutional Party. Both of the two major parties, the Nationalist Party and the Malta Labour Party, seek full independence.

29. The Nationalist Party came into existence towards the end of the nineteenth century. From the outset the Party's aim has been self-government for Malta and the preservation of Malta's cultural traditions and Latin civilization. Its immediate policy is directed towards full independence within the Commonwealth. The party has been led by the present Prime Minister, Dr. Borg Olivier, since December 1950.

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30. The Malta Labour Party was in existence before the Second World War. The party has always had as a major item of its internal policy the social and economic betterment of the Maltese workers, and a number of measures towards this end were introduced during the period 1955-1958 when the party was in office. At one stage the Malta Labour Party advocated a policy of either independence or the integration of Malta with the United Kingdom. Integration was dropped from the Party's policy in 1958, and it now seeks full independence for Malta. The party has been led by Mr. Dom Mintoff since its reconstitution in 1949.

31. The Progressive Constitutional Party has as its aim the attainment of a Royal State of Malta which envisages complete internal self-government with other matters becoming a joint responsibility of the United Kingdom and Malta. The party is led by Miss Mabel Strickland.

32. The Democratic Nationalist Party aims at solidarity with the Christian Democratic Movement in Europe. It advocates independence within the Commonwealth as an ultimate aim but only after the economy has first been put on a sound footing. The party has been led since its formation by Dr. H. Ganado.

33. The Christian Workers Party was formed in March 1961 by a break-away group from the Malta Labour Party. It has as its basic aims the economic security and social betterment of the Maltese people as a whole. It regards independence as the ultimate aim but its immediate aim is to secure for Malta the greatest measure of political freedom consistent with Malta's economic possibilities. The party was formed and is led by Mr. A. Pellegrini.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

34. The Special Committee considered Malta at its 165th-167th and 169th meetings between 6 and 10 May 1963.

Written petitions

35. The Special Committee circulated the following petitions concerning Malta:^{1/}

<u>Petitioner</u>	<u>Document No.</u>
(a) <u>Petition circulated in 1962</u>	
Mr. Albert Carthy, Secretary, Socialist International	A/AC.109/PET.13
(b) <u>Petitions circulated in 1963</u>	
Mr. Albert Carthy, Secretary, Socialist International	A/AC.109/PET.94 and Add.1 and 2
Mr. Anton Buttigieg, Deputy Leader, Malta Labour Party	A/AC.109/PET.107
Mr. Dom Mintoff, Leader, Malta Labour Party	A/AC.109/PET.130 and Add.1 and 2
Two petitions from the Leaders of the Christian Workers Party, the Democratic Nationalist Party and the Progressive Constitutional Party	A/AC.109/PET.175

General statements by members

36. The representative of the United Kingdom said that under the present Constitution, which had come into force in March 1962, Malta was no longer known as a colony but as the State of Malta and was fully self-governing in its internal affairs. The Constitution provided for representative government through a Legislative Assembly of fifty members elected by universal adult suffrage. The Government was in the hands of an elected Maltese Cabinet, consisting of a Prime Minister and seven other Ministers. The Governor was required to act in accordance with the advice of the Cabinet, except in certain specified circumstances.

^{1/} Of these petitions, the following were distributed after the Special Committee had concluded its consideration of Malta: A/AC.109/PET.94/Add.2, A/AC.109/PET.130/Add.2 and A/AC.109/PET.175.

37. The Maltese Government was responsible for all aspects of internal affairs. It also had concurrent powers with the United Kingdom Government in matters of foreign affairs and defence. The responsibilities of the United Kingdom Government for those matters were exercised by its representative in Malta, who was known as the United Kingdom Commissioner. There was a Consultative Council, of which the Governor was Chairman; the purpose of the Council, which had equal Maltese and United Kingdom representation, was to ensure that decisions on foreign affairs and defence were based on adequate information and discussion and to facilitate the solution of any problems that might arise.

38. Elections for the Legislative Assembly under the new Constitution had taken place in February 1962. They had been held on the basis of universal adult suffrage, with a system of proportional representation, each voter having a single transferable vote. Over 90 per cent of the electorate had voted. The Nationalist Party had won twenty-five seats, the Labour Party sixteen seats and the remaining nine seats had been divided among three other parties. As a result of the elections, Mr. Borg Olivier had become Prime Minister.

39. After the elections, the Maltese Prime Minister had entered into negotiations with the United Kingdom Government for certain amendments to the Constitution. As a result of those negotiations ultimate control of the police had been transferred to the Maltese Government and the Prime Minister had been made responsible for appointments in the Public Service, acting on the recommendations of a Public Service Commission. Further discussions between the Government of Malta and the United Kingdom had been held in July and August 1962 on financial and economic matters.

40. At the conclusion of those talks the Prime Minister of Malta had formally requested that Malta should become independent within the Commonwealth and that a meeting should be held between the Maltese and United Kingdom Governments to discuss the question. Informal talks between the Prime Minister of Malta and the Secretary of State for the Colonies had accordingly been held in December 1962 and agreement had been reached on the preparatory steps required to enable a conference to be held to consider the Maltese request for independence. It had been announced at the time that the conference would be convened in London as soon as the preparatory work had been completed and that representatives of all parties in the Malta Legislature would be invited to attend. No date had yet been set but it was expected that the Maltese Government would be ready to take part in the conference within the next few months.

41. It would therefore be evident, he stated, that the United Kingdom Government was placing no obstacles in the way of considering the request of the Maltese Government for independence. It would not do, however, to minimize the problems of establishing an independent Malta, in view of the special circumstances of its history and its past relationship with the United Kingdom. It would be necessary, among other things, to consider very carefully the ability of an independent Malta to ensure the economic well-being of the Maltese people and the arrangements that would have to be made to that end. In that connexion he informed the Committee that a United Nations technical assistance expert, Mr. Stolper, had been in Malta recently to advise the Maltese Government on economic planning and had just completed his investigation. He trusted that in its discussion the Committee would recognize those two salient facts: the willingness of the United Kingdom Government to consider the independence of Malta, and the need to surmount the real difficulties that faced Malta.

42. The representative of Cambodia thanked the United Kingdom representative for the additional information he had given on the situation in Malta. He explained that his own statement had been prepared before he had heard that information.

43. In his opinion, in view of the fact that the Committee was taking up the question of Malta for the first time, it should start by reviewing the various sources of information available to it on the Territory. All it had before it was a document^{2/} giving political and constitutional information provided by the Administering Power, and the Conference Room Paper prepared by the Secretariat. After hearing the particulars the United Kingdom representative had just given, the Committee would no doubt now like to hear representatives of the present Maltese Government and representatives of the opposition parties, the latter speaking as petitioners.

44. On the basis of the information available to it, the Committee would note that a Constitutional Commission had been appointed and had submitted a report in March 1961, that a new Constitution had gone into force in March 1962, that elections had been held in February 1962, that there had been negotiations and conversations during that year and that it had been agreed to hold a conference in 1963 on the question of independence.

45. Among all that information it was possible to distinguish certain positive factors which would enable the Committee to find some practical measures for the application of the Declaration appearing in resolution 1514 (XV). Those factors were the following: the Territory of Malta had now become the State of Malta, enjoying internal self-government; it had a Legislative Assembly elected by universal adult suffrage, with a system of proportional representation; the Constitution included provisions for human rights, based on the principles laid down in the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms; agreement had apparently been reached on the arrangements for the holding of a conference in 1963 on the question of independence.

46. Unfortunately there had also been some negative factors in the developments that had taken place. Reservations in the matter of the status of the Territory had led to disturbances in 1958 and, in particular, the regularity of the 1962 elections had been strongly challenged by the opposition parties; some disturbing facts had been reported in a communication sent by a petitioner. Moreover, although there had been some improvements in, for example, the control of the police and appointments to the Public Service, some powers were apparently still held by the United Kingdom Government, in view of the "British Government's responsibility for defence and foreign affairs".^{3/}

47. In the light of those considerations, and subject to the explanations that the parties concerned might provide, the Cambodian delegation thought that the following concrete measures might be recommended. The Committee should first affirm that the Declaration was applicable to the Territory of Malta, which had not yet attained independence, and that the people of the Territory had the right to self-determination and independence. It could then invite the Administering Power to hold a conference on the question of independence as soon as possible, to be attended by all the competent representatives of the political parties represented in the Legislative Assembly. The Committee should fix a date by which the Territory should attain full independence, which in his delegation's opinion might be 31 December 1963. Lastly, the Committee could consider the possibility of fresh elections, either before or after the granting of independence, according to the report of a committee of inquiry, which would be set up on the basis of conversations held between the Special Committee and the Administering Power.

48. The Cambodian delegation was well aware of all the United Kingdom had done in the way of decolonization and it would not think of denying the United Kingdom's responsibilities as Administering Power, but it was equally aware of the responsibilities of the Special Committee in the matter. The Cambodian delegation fervently hoped that the United Kingdom Government, which so far had displayed good sense and realism, would give its full co-operation and that the territory of Malta would soon attain independence. It reserved the right to speak on the question again in the light of the explanations which might be given and the proposals which might be put forward.

49. The representative of the Union of Soviet Socialist Republics said that the people of Malta had a history that was virtually unique. Since earliest times, the tiny island had been coveted by neighbouring States because of its strategic position. It had been conquered in turn by the Carthaginians, the Romans, the Ostrogoths, the Byzantines, the Arabs and the Normans and had been annexed to the Kingdom of Sicily. In 1530, Charles V had handed it over to the Knights of St. John who had thenceforth called themselves the Knights of Malta. After being conquered by Napoleon, Malta had become a British colony following the 1815 Congress of Vienna.

50. The United Kingdom had fortified the island and turned it into a military base. The history of Malta's numerous population had been a difficult one, and the island deserved to win its freedom, after a century-and-a-half long struggle against British rule. It had often suffered harsh oppression, and such reforms as had been secured had proved comparatively ineffective. Malta's former Constitution had been abolished in 1936, and the Administering Power had then promised the islanders their independence.

51. Malta's civilization was a very ancient one, and the island had been under the influence of Greek culture at a time when England was still uncivilized. What had the British presence brought in its train? The essential economic problems confronting Malta after 150 years of colonial rule could be seen at a glance. The island's economy had been developed only to serve the bases established by the United Kingdom; the agricultural yield was poor, and widespread unemployment was forcing the population to emigrate. The Governor had broad authority; he controlled the Civil Service and had, until recently also been Chief of Police. The island's foreign policy was, of course, in the hands of the British.

52. Malta's economy could be described as entirely subordinated to the interests of the British Ministry of Defence. The magazine Statist asserted in its 7 December 1962 issue that the economic policy pursued by Whitehall with respect to Malta during the present century had completely disregarded the interests of the population and had been dictated purely by military considerations. The island of Malta had, in fact, been turned into a military extension of the United Kingdom. Although its strategic significance had changed, it remained an advance base of NATO in the Mediterranean. A glance at the map made it clear whom the threat was directed against. The August 1962 issue of Topic magazine and the Times of 13 February 1963 had reported that the United States was trying to obtain a Mediterranean base for Polaris submarines of the U.S. Sixth Fleet in Malta. According to the Daily Mail of 19 February 1962, the Bethlehem Steel Corporation had conducted negotiations in 1962 with a British company which at that time had been administering the Malta dockyards.

53. Malta's total subordination to British strategic interests was a great tragedy. The island's economy was in a constantly depressed state; with a third of the labour force employed at the military bases and unemployment rife among the rest of the population, the welfare of the Maltese was wholly dependent on the orders received by the dockyard.

54. Industrialization had not been fostered. Irrigation was badly carried out and had been neglected, with a consequent decline in crop yields. Relatively little food was produced, so that the island had to use its scanty reserves of foreign exchange to import food products in large quantities.

55. It was reasonable to ask what the British had done to extricate the island from its difficulties. An attempt had been made to encourage emigration, which was already substantial (4,000 persons per annum). A five-year plan had proved a complete failure, since the United Kingdom had refused to advance the funds required to offset deficits. Tourism had been developed to only a small degree and could not compete with the well-equipped Mediterranean resort towns.

56. It was not by chance that these conditions prevailed in Malta. The closer colonial territories came to independence, the more their deficit increased and the more dependent they became on the Administering Power. After independence, the deficit usually increased further, so that the newly independent States found

themselves obliged to seek assistance from the Power which had formerly ruled them. That was the method currently being employed by the colonial Powers. Malta found itself in a situation of that kind, which was made still worse by the fact that its economy was subordinated almost entirely to military needs. It was only natural that the population should no longer be willing to bow beneath the colonial yoke.

57. Although the people of Malta had been struggling for independence since the nineteenth century, the United Kingdom had consistently refused to accede to their demands. The reasons for that were easy to grasp. As was pointed out in the March 1962 issue of Tribune, Malta was a stronghold of NATO, whose flag fluttered over the island's capital; that was why the people were being denied the right to self-determination.

58. When popular pressure finally forced the United Kingdom to give up Malta, it would try to maintain control by other means. It was said, of course, that there must be no interference in questions that were purely within the province of countries destined to become independent! That was a logical point of view, since sovereignty resided in the people of those countries and was not subject to any limitation. That fact was recognized in the Declaration on the granting of independence to colonial countries and peoples, wherein it was stated that all peoples had an inalienable right to the exercise of their sovereignty. However, attempts were being made by the colonial Powers to impose agreements that restricted their sovereignty on the colonial peoples before they attained independence; it was being done on the pretext of establishing "new relations" - which in fact were intended only to prolong the period of colonial domination - between the former Administering Power and the new State. Malta was no exception to the rule. It was a colony, and the United Kingdom, taking advantage of that fact, was imposing upon it an agreement concerning the military base which limited its sovereignty. An article in the Statist of December 1962, pointing out that the base in Malta was of vital importance to NATO, had urged that Malta's attainment of political independence should be accompanied by agreements under which the United Kingdom would retain responsibility for the base.

59. To be sure, the people of Malta would be entitled to repudiate at a later date any agreements thus concluded. However, the United Kingdom could be

expected to resist by force, using for that purpose the very base which it still held on the island. Surely, then, it would be better to prevent that situation from arising. It was not the Special Committee, but rather the United Kingdom, which was limiting the sovereignty of the Maltese people. It was therefore the Committee's duty to protest against the United Kingdom's manoeuvres.

60. The struggle of the colonial peoples was, of course, a complex matter; it was sometimes brought to a conclusion by compromises and concessions, and not all colonial peoples attained complete freedom and sovereignty. As far as the Committee was concerned, however, the Declaration on the granting of independence set out a clear path for it to follow and required it to proclaim firmly that sovereignty must not be limited by any agreement, especially one tainted with inequality from the start. If, when it attained independence, Malta was bound by agreements from which it could not easily free itself, it would find itself involved in wars of aggression against neighbouring countries. His delegation therefore considered that the Committee should state unequivocally that the Administering Power had no right to subject Malta's independence to any limitation or condition.

61. The question of United Nations assistance in Malta's development had been raised, and it was indeed the duty of the United Nations to offer its help. It must be borne in mind, however, that any such assistance would be minute in comparison with the benefits that the colonialists had extracted - and might continue to extract - from the island. The solution to Malta's economic problems was to transfer to the people that which belonged to them. The United Kingdom had been occupying Malta illegally for 150 years by right of conquest, and it could therefore be justly asked to pay compensation, so that at least part of what had been taken might be returned. Furthermore, technical assistance could be effective only if capital goods provided to Malta were used for the benefit of the population rather than of United Kingdom nationals. There, too, the solution lay in full implementation of the Declaration on the granting of independence, without conditions, reservations, or prior agreements.

62. Furthermore the Declaration must be implemented at once; there was no reason for delay. His delegation agreed with the Cambodian delegation that Malta should not be given less favourable treatment than other countries.

63. His delegation thought that the possibility of sending a special mission to Malta should not be ruled out. Although it would not press the suggestion, it felt that the Sub-Committee which was to visit Southern Arabia might make a stop on the island.

64. He concluded by expressing the hope that Malta would come to serve as a peaceful link between the Mediterranean peoples. Therein lay the solution to the problem of the island - a solution which was in the interests of all the peoples of the Mediterranean basin.

65. The representative of Yugoslavia said that, in placing stress on the entry into force of the new Maltese Constitution, the United Kingdom representative had no doubt meant to imply that everything which had preceded and everything which had followed the entry into force of that Constitution, including the recent elections, was an unqualified blessing.

66. In a statement remarkable for its brevity and its optimism, the United Kingdom representative had said nothing about the events which had occurred in Malta since the Second World War. It should, however, be recalled that in 1959 the repeal of the 1947 Constitution and its replacement by an interim Constitution had been preceded by disturbance and by the declaration of a state of emergency. The new Constitution, which had become fully applicable in March 1962, was based on the proposals of a Constitutional Commission under the chairmanship of Sir Hilary Blood, the recommendations of which had been accepted by the United Kingdom Government in 1961. Those recommendations had, however, been rejected by the most important Maltese parties - the Labour and Nationalist Parties - and had been accepted only by the Progressive Constitutional Party, which had won only one seat in the recent elections. Neither the Nationalist Party nor the Labour Party had taken part in the work of the Blood Commission. Speaking on behalf of the Nationalist Party, Mr. V.E. Ragomese had said at the time that the Constitution was far from being acceptable to his Party, that it in no way reflected the political aspirations of the people of Malta and that the way in which the members of the Constitutional Commission had been appointed and the work of the Commission were the quintessence of hypocrisy. That was how the Constitution had been judged by the party at present in power. The Executive of the Labour Party had also rejected the recommendations of the Constitutional Commission on 11 March 1961 and had said that they were worthless.

67. A cursory reading of the new Constitution sufficed to show why it had been rejected by the Maltese political parties, especially if one considered the provisions concerning the powers of the United Kingdom Commissioner. The first elections under the new electoral provisions had been held from 17 to 19 February 1962. The unfair position in which the Labour Party had been placed could be seen from the memorandum sent by the Malta Labour Party to the Secretary of State for the Colonies and published in The Voice of Malta on 4 March 1962. There had been numerous instances in which the freedom of the voters had been violated, and, in addition, the Malta Labour Party had complained that it had been denied the use of radio facilities which had been granted to the other political parties, that a police official who had previously been dismissed by the Maltese Labour Government had been put in charge of the elections and that the officials entrusted with the organization of the elections had been carefully chosen by the colonial administration from among the opponents of the Labour Party. Those were serious accusations, considering that they had been made by a party which, despite those obstacles, had won sixteen seats in the elections.

68. That being so, the question was what action should be taken by the Committee. There was no doubt that there had been considerable progress in Malta. In view of the role played by Malta during the last war, however, it might have been thought that it should have been one of the first United Kingdom colonies to gain independence. Yet even the statement by the United Kingdom representative held out no hope of speedy independence. Although there had been an agreement that a conference would be held in 1963 to examine Malta's request for independence, no date had yet been fixed for the conference. The United Kingdom representative had merely said that it was expected that the Maltese Government would be ready to take part in the conference within the next few months. However, the first half of the year was already drawing to a close.

69. In the view of the Yugoslav delegation, there were no grounds for further delaying the independence of a Territory which already bore the name State of Malta. His delegation supported the suggestions of the representative of Cambodia but thought that fresh elections should be held before independence. The Committee should also take into account the request for an investigation on

the spot made by the leader of the Labour Party.^{4/} In addition, as stated in another petition,^{5/} the Third Afro-Asian Peoples Solidarity Conference had on 11 February 1963 adopted a resolution requesting the Committee to carry out such an investigation and to ensure that fresh elections were held under United Nations supervision. The Yugoslav delegation thought that the Declaration on the granting of independence should be fully implemented in Malta as soon as possible and at the latest before the end of the year, and that the people of Malta should be given independence at that time. It also thought that independence should be preceded by fresh elections in which the free expression of the will of the people would be guaranteed.

70. The representative of Iraq felt that there was still a lack of complete and verified information in regard to Malta. Reviewing the information contained in the documents submitted by the Secretariat and by the United Kingdom and in the statement made by the representative of the Administering Power, he noted first that, according to the Conference Room Paper prepared by the Secretariat, the Maltese Labour Party had won twenty-three seats in the 1955 elections, and the Nationalist Party seventeen, a situation which had subsequently been reversed. He further noted that the negotiations begun in 1958 had broken down because of a disagreement over the total of United Kingdom financial assistance. The resignation of the Maltese Labour Government, subsequent to that disagreement, had been followed by disturbances. The Constitution in force had been replaced in 1959 by an interim constitution placing the administration in the hands of the Governor, who was required to consult an Executive Council the majority of whose members had been appointed by him. The new Constitution which had entered into force in part on 1 November 1961 had vested responsibility for defence, external affairs, the public service and the police force in the United Kingdom. It had provided that the United Kingdom would have the right to occupy and use bases and installations in Malta, the United Kingdom Commissioner being given power, in that regard, to counter any resistance by the Government of Malta with an order having the force of law. Under that Constitution, the powers of the Legislative Assembly were limited by the need to secure the consent of the Governor on a number of questions. When the new Constitution had entered fully into force in 1962, the new Prime Minister

^{4/} A/AC.109/PET.130.

^{5/} A/AC.109/PET.107.

had initiated negotiations with a view to obtaining certain amendments, but he had succeeded only in gaining control over the police and the right to appoint officials. The United Kingdom Government had rejected a request by the Prime Minister for an increase in financial assistance. Such were the facts as they appeared from the Conference Room Paper, in which it was also said that the two major Maltese parties were both asking for independence, one within the Commonwealth, and the other outside it.

71. Information similar to that contained in the Conference Room Paper could be found in document A/5401/Add.11. The United Kingdom representative had repeated most of the information contained in those documents in his statement to the Committee. Nevertheless, he had presented the facts in his statement in such a way that the situation appeared more encouraging. He had stated, for example, that the Maltese Government was fully self-governing in its internal affairs, whereas, according to the Conference Room Paper, the Prime Minister's authority extended only to the police and to the appointment of officials. With regard to independence, he had stated that no date had been set for the holding of a conference. The Committee was unaware of the circumstances in which that conference would take place and of the amount of discretion which the representatives of the Maltese people would have in the negotiations at the conference. The United Kingdom representative had, in addition, referred to the problems which independence would raise for Malta but had not specified what those problems were.

72. In the world Press, and in particular the United Kingdom Press, information could be found on certain facts which appeared neither in the Secretariat documents nor in the statement of the United Kingdom representative. It could be seen, for example, that the number of unemployed in Malta had doubled since 1961 and that that number would again double or even triple during the next four years. The Maltese were hearing it said that the naval base at Malta had no further strategic value for the British and that there was no other means of assuring the island's economic stability. Malta's development possibilities had thus been neglected over the years because of the existence of the base and the temporary income which the population had derived from it. The people, however, would not have agreed to the establishment of the base if their opinion had been asked. It

was not inconceivable that in fact Malta might still be considered strategically important and that a plan had been drawn up for granting it independence while safeguarding certain interests. That was by no means unlikely in the light of all the bargaining which had up to now accompanied the conversations between the Administering Power and the representatives of Malta.

73. His delegation recognized, however, that the situation contained certain positive elements: the Territory was now called the State of Malta; that State enjoyed a certain amount of internal self-government; there was a Legislative Assembly elected on the basis of universal adult suffrage; human rights were guaranteed under the Constitution; and, lastly, it had been agreed that in 1963 a conference would be held for the purpose of considering the question of independence. Nevertheless, his delegation thought that it was important for the Committee to verify certain facts by endeavouring to learn the views of the people of Malta and their leaders, and particularly the leaders of the opposition.

74. The Declaration on the granting of independence to colonial countries and peoples was certainly applicable to Malta. The people of Malta had the right to self-determination and independence, and it was the duty of the Committee to determine the most appropriate means by which Malta could attain independence as quickly as possible. With a view to attaining that objective, his delegation thought that the Committee should take the following measures. It should affirm that the Declaration applied to the Territory of Malta. It should then request the Administering Power, first, to hold as quickly as possible a conference on independence with the participation of representatives of all the political parties of the Territory, and, secondly, to set a date for the attainment of complete independence. Such date should be no later than the end of 1963.

75. The representative of Poland recalled that the United Kingdom representative, in his statement on the question of Malta, had stressed the importance of the Constitution which had come into force in March 1962. It was well to recall in that regard that that Constitution had been based on the proposals of a Constitutional Commission which had been rejected by the two main political parties of Malta, which had refused to take part in the Commission's work, and that the Constitution had therefore been promulgated by the Administering Power over the opposition of the Maltese people.

76. That Constitution, which was reputed to grant to the Maltese people the fullest possible degree of self-government, in fact preserved power in the hands

of the United Kingdom authorities. It denied to the people the right to decide on their external relations, on their internal and external security and on the nature of their national economy and their administrative institutions. On such questions, the Maltese Government exercised powers held in common with the United Kingdom Government but only to the degree that its decisions did not run counter to the wishes of the latter. The Maltese Government must comply with the requests of the United Kingdom Government in matters of defence and external affairs, for if it did not, the United Kingdom Commissioner could issue a decree giving the requests of his Government the force of law. The United Kingdom Commissioner also had the right to advise the Governor, who was the chief United Kingdom authority in the State of Malta, in order to ensure that any bill which, in his opinion, might affect the interests of the United Kingdom in those matters would be submitted to the United Kingdom Government for consideration. Moreover, the Constitution guaranteed to the United Kingdom the right to occupy and to use the bases and institutions of Malta, which served at the same time as a base of operations for the NATO Command in the Mediterranean region.

77. Thus, the 1962 Constitution and the institution of powers exercised concurrently in matters of foreign affairs and that of defence - the views of the United Kingdom Government having precedence in the event of a difference of opinion - constituted a sort of diarchy which, in the opinion of the Blood Commission, should have been abandoned. Under the Constitution, the Colonial Office had its own administration parallel to the Maltese administration, and the Administering Power had the power to impose its views on the Maltese Government through the United Kingdom Commissioner. It was obvious, therefore, that the Constitution did not satisfy the aspirations of the Maltese people or the provisions of the Declaration on the granting of independence to colonial countries and peoples.

78. During the elections conducted under the new Constitution in February 1962 the two chief political parties, which had obtained 76 per cent of the votes of the electorate, had made independence the theme of their electoral campaign. Yet more than a year later, no date for Malta's attainment of independence had yet been fixed.

79. The United Kingdom representative had asserted in his statement that his Government was placing no obstacles in the way of considering Malta's request

for independence, but he had added that it would not do to minimize the problems of establishing an independent Malta, in view of the special circumstances of Malta's history and its past relationship with the United Kingdom and that it would be necessary, among other things, to consider very carefully the ability of an independent Malta to ensure the economic well-being of the Maltese people. Such arguments were invoked by the Administering Power with respect to all colonies which were struggling for independence. Yet the Administering Power alone was to blame for the economic problems to which it referred. In the statement which he had broadcast on the eve of his departure for London for discussions on economic and financial matters, the Prime Minister of Malta had said, among other things, that since the beginning of the nineteenth century the economy of Malta had been organized to serve the needs and requirements of defence. That was the reason why the country had been unable to build an industrial economy or to develop its opportunities, particularly those which the tourist industry might have offered.

80. That situation was in violation of the obligation assumed by the United Kingdom under Article 73 of the United Nations Charter to promote to the utmost the well-being of the inhabitants of the Territories. For over 150 years the Administering Power had disregarded Malta's interests and had developed the Territory's economy only in so far as it had benefited the United Kingdom Government. As a consequence of that policy, no less than 80,000 Maltese, or one quarter of the present population, had left the country between 1946 and 1961. The number of unemployed had doubled in 1961, and in that same year the rate of growth of the national income had fallen from 6 to 3 per cent per annum. As the Prime Minister of Malta had stated on 30 September 1962, the colonial Administration, which had found £840,000 in the Treasury, had left behind it a deficit of £45,000. It was evident that the Maltese people faced various obstacles, but it was equally evident that those obstacles were the effect of a long period of colonial domination and that they would only be multiplied if colonialism were maintained in one form or another. Only independence would enable Malta to overcome its economic problems, and only a national and independent Government could develop a diversified and planned economy.

81. The Maltese people, which had suffered for centuries under the colonial yoke, could not be expected to wait patiently for yet more years for independence to be granted to it. That would be too much to ask in an era which was experiencing an unprecedented development of technology and productive forces and which saw a gigantic movement of national liberation arising everywhere. In the opinion of the Polish delegation the Committee should urge the Administering Power to carry out the provisions of the Declaration on the granting of independence immediately and fully. It agreed with the Cambodian representative that a target date no later than the end of 1963 should be fixed for Malta's attainment of independence. Independence should be granted in accordance with the spirit and letter of the Declaration, without any military or other conditions.

82. Since the Committee was considering the question of Malta for the first time, his delegation thought that it might be useful to send a sub-committee to the Territory to meet the representatives of the people and the Administering Power, to consider the situation and to submit a report making recommendations for the most appropriate and rapid ways of putting the Declaration into effect. For practical reasons, the task might be entrusted to the Sub-Committee which was to visit Aden.

83. The representative of Bulgaria observed that Malta had been a British colony for over a century and a half. Because of the strategic importance of its position in the Mediterranean it had become a powerful military and naval base. The Territory's development had been entirely subordinated to the military requirements of British imperialist policy. Nothing had been done by the Administering Power to develop the economy of Malta, to promote industry or to improve agriculture; the British colonizers had also neglected the cultural advancement of the Maltese people. Thousands of Maltese were therefore forced to leave the island in order to earn a living elsewhere.

84. In the opinion of the Bulgarian delegation the United Kingdom, by trying to distort the truth and to conceal the inhuman character of colonialism, was defying the United Nations, which had long since denounced the colonialist regime. The struggle of the Maltese people for independence had been brutally crushed by the British colonizers and in recent years the Administering Power had been trying to maintain its domination by all sorts of political manoeuvres. Under the new Constitution which had come into force in 1962, the responsibility

for defence and external affairs was in the hands of the United Kingdom Government and was exercised through a United Kingdom Commissioner in Malta. The United Kingdom had the full right to occupy, control and use bases and installations in Malta. The Government of Malta was expected to comply with the requests of the United Kingdom Government in the matter of defence and external affairs; should it decline to do so the Commissioner could issue an order giving effect to the request of the United Kingdom Government which would have the force of law. The provisions of the Constitution of 1962 had been rejected by all the major political parties in Malta, which demanded full independence for their country. The introduction of the Constitution was evidence of the intention of the United Kingdom Government to secure the maintenance of its military bases in Malta, which also served the military needs of NATO.

85. The provisions of General Assembly resolution 1514 (XV) were fully applicable to the territory of Malta and the Committee should therefore endeavour to secure the implementation of that resolution as speedily as possible. The Bulgarian delegation whole-heartedly supported the proposals made in the Committee by the representative of Cambodia and other representatives that positive steps should be taken immediately with a view to the achievement of independence by Malta in the shortest possible time and in any event not later than 31 December 1963. It also supported the proposal that a visiting mission should go to Malta for the purpose of supplying the Committee with up-to-date information on the situation in the Territory and of holding talks with the Administering Power and the leaders of the Maltese people so that the Committee would be in a position to assist in the solution of the problem of Malta.

86. The representative of Italy said that he was glad to take part in the debate in view of the special relationship that through the centuries had linked Italy and the island of Malta. The Italian people had followed with interest and sympathy the constitutional developments that were taking place in Malta and welcomed the prospect of the Territory's early achievement of freedom and independence. The people of Malta through the years had established countless ties with Italy in the cultural and commercial fields; Malta's glorious history was an integral part of the Mediterranean civilization and the Italians appreciated the qualities which the Maltese had always shown during their long history.

87. The United Kingdom representative's statement had confirmed that a constitutional conference, with the participation of all the Maltese political parties, was to be convened before the end of 1963 in order to reach agreement on the modalities for the transfer to the local Government of all the powers which were still vested in the United Kingdom. The Italian delegation hoped that the constitutional conference would be held as soon as possible and that a date would be fixed for the granting of independence to the island. It also hoped that the constitutional conference would help to settle the differences between the major parties and would provide the Maltese and United Kingdom Governments with an opportunity to agree on a basis for the continuance of economic assistance to the island, so that the change in Malta's status would not affect the welfare of the inhabitants.

88. His delegation would be interested to learn the conclusions and recommendations of the United Nations Technical Assistance mission in Malta; it considered that the United Nations should pay close attention to that problem and give further consideration, through its specialized agencies, to the possibility of helping the Maltese to overcome their economic difficulties.

89. The Italian delegation hoped that the people of Malta would shortly join the society of free and independent nations and contribute to the activities of the United Nations.

90. The representative of Tunisia stressed the geographical proximity and other links which throughout history had united the Maltese and the Tunisians, including in particular their fierce opposition to the colonial system. There was no need to dwell on Malta's colonial history, since the colonial regime was at its last gasp in the Territory. The Maltese people would owe their emancipation not only to the continuous struggle they had waged but also to the wisdom of the United Kingdom, which had decided to recognize their right to independence.

91. The problem now was when the final transfer of powers to the genuine representatives of the Maltese people should take place. That transfer of powers, in accordance with resolution 1514 (XV), must take place in the best possible conditions and the holding of a constitutional conference was undoubtedly an admirable way of achieving that end, provided that the political parties were adequately represented. There was no doubt that there were two main political parties in Malta, of virtually equal strength, and it would be unfair to decide on the Territory's future in consultation with only one of them.

92. It was also of the utmost importance that fresh elections should be held in Malta before the proclamation of independence. The Maltese Labour Party had made very serious accusations in connexion not with the actual conduct of the elections but with the methods used during the electoral campaign. The purpose of the fresh elections would be either to confirm and strengthen the party now in power or to elect new representatives whom the people regarded as better able to carry out the transfer of powers. The Tunisian delegation therefore urged the United Kingdom to hold fresh elections in Malta before independence and to agree that the Secretary-General of the United Nations should send two or three international observers to supervise the elections, both during the electoral campaign and during the actual polling.

93. The representative of Tanganyika said that, since the situation in Malta had already been described in detail by a number of delegations, he would merely stress that Malta had been under foreign rule for over a century, that it was a small territory and one of the most densely populated in the world, that it had great economic problems and that constitutionally it now enjoyed internal self-government based on universal adult suffrage. The Administering Power had expressed its willingness to grant independence to Malta in the very near future and the delegation of Tanganyika hoped that that declaration would be followed by immediate action. The achievement of independence should not be delayed for economic reasons.

94. The members of the Committee were aware that one of the arguments advanced by national leaders during the struggle for independence was that only a Government elected by the people could meet the aspirations of the people in the economic and other spheres. The mercantile system, which had deep roots in a colonial economy, made the colonial Power and its representatives the foremost beneficiaries; thus the economy of most newly independent countries was often dangerously dependent on a few crops and enterprises which had been encouraged by the colonial Power. Only after independence could a country plan a coherent and balanced economy which benefited the population as a whole. National reconstruction after independence required devotion and self-denial on the part of all the people. The Tanganyika delegation believed that when once free the people of Malta, like any other people under foreign domination, could work hard and thereby rebuild their country.

95. The representative of Syria said that he did not intend to speak of the evolution of Malta or of the economic difficulties which the territory faced on the threshold of independence, since those were already well known facts. The United Kingdom Government had stated that it did not want to place any obstacles in the way of the attainment of independence by the territory of Malta. One constructive element to be noted was that the United Kingdom Government was holding consultations with the Maltese Government for the purpose of reaching agreement on the principle of a conference, to which delegates of all the political parties would be invited, with a view to setting a date for the transfer of power to the population. The Syrian delegation hoped that the question of the elections would be handled with care and that a serious effort would be made to examine any remaining grievances on the subject. Syria was a sponsor of the draft resolution and was ready to consider favourably any ideas which might assist in securing the desired objective.

96. The representative of Mali said that a happy solution could be found to the question of Malta by the granting of independence to the territory before the end of 1963. His delegation thought that independence should be granted to a Government which was truly representative of the people and that it was therefore important that the possibility of fresh elections should be discussed at the constitutional conference.

97. The representative of the United Kingdom, exercising his right of reply, stated that for reasons which he was at a loss to understand the representative of the Union of Soviet Socialist Republics had thought fit to go back to the beginning of history and to conjure up a procession of ancient peoples. The Soviet representative had also contended that the United Kingdom Government had reduced its dependent Territories to penury before granting them independence. He would not go into the details of the economic situation of each of the sixteen former United Kingdom Territories at the dates at which they had attained independence; he would simply recall that, while some of those Territories had been more economically developed than others because of more abundant national resources, all had made economic progress in various degrees. In some cases, in East Africa and in Malaya for example, the progress had been spectacular. Thus, West Africa at the end of the nineteenth century had exported practically no

cocoa from Ghana or cocoa, groundnuts or cotton from Nigeria; exports of palm oil and palm kernel from Nigeria had represented only one-tenth of the volume of such exports at the date of that country's independence. For both Nigeria and Ghana the value of both imports and exports at the beginning of the century had been about £1 million a year; when those countries had attained independence the figure had reached £188 million for Ghana and £381 million for Nigeria.

98. In the nineteenth century Malaya had been covered by jungle, scarcely populated, with only a few villages and fishing harbours. Thanks to the introduction of rubber by the British, Malaya had been transformed into a country with large towns and modern ports, a flourishing trade and an excellent road system. At the date of its independence Malaya had enjoyed - and it still enjoyed - the highest level of living in all South-East Asia.

99. Lastly, he referred to the Indian subcontinent, with which his country had so long been associated. In 1947, the year in which India and Pakistan had become independent, the assessment of the subcontinent to the United Nations had been 3.95 per cent. That had been higher than Canada's assessment of 3.20 per cent and half the USSR's assessment of 6.34 per cent. The assessments approved for Malaya and Nigeria in the first year that those countries had been Members of the United Nations had been higher than that of Bulgaria. Those assessments had now been fixed according to the countries' capacity to pay, determined on the basis of their national income.

100. It was true that several countries such as Tanganyika, Sierra Leone, Malaya, Uganda, Jamaica and others, which had become independent after the war, were developing countries which, as such, needed technical assistance and other financial aid to carry out their development projects. The same might be said, however, of some countries of Latin America and Europe, of Poland for example, and it would be a distortion of economic facts to ascribe that state of affairs to the legacy of colonial rule.

101. Turning to the subject of Malta, he recalled that the total area of the Maltese islands was 122 square miles and the area of Malta itself was 95 square miles; the population was 328,000, representing an average density of 2,700 persons per square mile. Malta had no natural resources and no oil wells and its chief advantages lay in its climate and its port. The island had come under the rule

of the United Kingdom at the beginning of the nineteenth century, when the representatives of the Maltese people had requested the United Kingdom's protection. The establishment of his Government's presence and the gradual development of its base had not been imposed upon the Maltese population but were welcomed by them. The loyalty the Maltese people had shown towards the United Kingdom during the last war was well known, and thousands of Maltese had gone to the United Kingdom to live.

102. The most obvious proof of the close ties between Malta and the United Kingdom had been the Maltese Government's request for integration in 1955. That evidence clearly and finally disposed of the Soviet representative's allegations that the Maltese people were struggling against colonial rule. The request for integration had been accepted in principle by his Government, but, primarily for financial reasons, it had not been possible to act upon it.

103. The Soviet representative had displayed an equal lack of understanding of the true situation in connexion with the question of the base. Far from desiring the elimination of the base, the Maltese Government was afraid that the military installations were being dismantled too rapidly. His Government was doing its utmost to reduce the effects on the Maltese economy. For that purpose the naval dockyards had been converted into civilian shipyards which, it was hoped, would provide employment. During the five-year period between 1959 and 1964 his Government was to place \$81 million at Malta's disposal to assist in its development. In the meantime twenty-four new industries had been established in Malta, thirteen new factories had been built by the Government and grants had been made for the building of nine hotels. During the past few weeks the Government had made a grant of \$1,700,000 for the establishment of a large textile mill and a grant of \$1 million for the building of a new hotel. Those were positive measures designed to assist the Maltese economy, and they spoke louder than the Soviet representative's destructive criticism.

104. With respect to political development, he recalled that a conference was to be convened in London as soon as the preparatory work was finished with a view to examining Malta's request for independence. It should be noted in that connexion, with reference to the Yugoslav delegation's remarks, that such preparatory work was the responsibility of the Maltese Government, and that it would be for that Government to declare when it was ready for the conference.

105. The last elections had been held on the basis of universal suffrage and 90 per cent of the electorate had voted. Certain allegations had been made by the party which had lost the elections, which was not unusual in countries where more than one party had the right to contest elections. None of those allegations had however been brought before a court, as was permitted by the electoral ordinance, and that showed that they had had scant foundation. In the future the elected Government of Malta would organize the elections.

106.. Lastly, with regard to sending a mission of investigation to Malta, he recalled that his delegation had already stated clearly, in connexion with Aden, that his Government could not for reasons of principle, permit the sending of such groups into the Territories under its administration.

107. The representative of the Union of Soviet Socialist Republics, exercising his right of reply, stated that the fact that the Soviet people had appreciated the Maltese people's contribution to the struggle against fascism during the Second World War did not mean that they considered the United Kingdom's rule over Malta to be justified. The determination of freedom-loving peoples to strive for independence was still making itself felt in their efforts to cast off the colonial yoke, and it was useless to oppose that evolution. No one could claim that the militarization of Malta was beneficial to the Maltese or that the United Kingdom presence in Malta could in any way be justified.

108. Whatever the United Kingdom representative might say concerning the economic situation of many colonial countries before the achievement of independence, it was a fact that independence was a great stimulant to a country's economy. As for the export figures quoted by the United Kingdom representative with respect to Ghana, Nigeria and Malaya, it seemed hardly necessary to recall that those countries had derived practically no benefit from their exports. The United Kingdom's fabulous profits were sufficient proof that its presence in those overseas territories had not been for the sole purpose of ensuring the development of their economies. It would probably have been more correct to say that those colonies had received only a thousandth part of the profits.

109. In discussing the history of Malta in detail, his delegation had simply wished to point out that it was time for Malta to know better days at last. Whatever the United Kingdom representative might claim, history had already condemned the

colonial system, and the fact that the United Kingdom did not recognize the Declaration on the granting of independence to colonial countries and peoples had had some very unfortunate effects with regard to the achievement of independence by certain peoples.

110. The representative of Bulgaria, also exercising his right of reply, said that the United Kingdom representative had attempted, by his allegations regarding the Socialist States, to divert the Committee's attention from its true task. The remarks made concerning Bulgaria were completely inadmissible. The United Kingdom was not unaware of the great economic progress made by Bulgaria since the Second World War; industrial production had been increased thirteen-fold, and the present output of electrical power was greater than those of Greece and Turkey combined.

111. The representative of India said that he did not intend to express any view on the results of British rule in India, since the opinions of the colonized differed from those of the colonizers. The contributions of Member States to the United Nations could not be considered a true reflection of reality. He would merely say that the average life expectancy in India in 1947 had been twenty-seven years and was now forty-eight years.

112. The representative of Tanganyika said that the fact that his delegation was not replying to the United Kingdom representative did not mean that it agreed with what he had said.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

113. At the 169th meeting, the representative of Cambodia introduced a draft resolution^{6/} jointly sponsored by Cambodia, Ethiopia, Iraq, Ivory Coast, Madagascar, Mali, Syria, and Tanganyika.

114. The representative of Cambodia, introducing the draft resolution, said that the sponsors had noted that constitutional progress had been achieved in the Territory and that the United Kingdom had stated its intention to consider favourably Malta's request for independence. According to the communications submitted by the petitioners, the conditions under which the general elections of February 1962 had taken place had given rise to controversy, which had even been reflected in British public opinion, and it would be well to have some explanations on the subject. Operative paragraph 1 of the draft resolution referred to the principle of the Declaration on the granting of independence to colonial countries and peoples appearing in resolution 1514 (XV), whose application the Special Committee had been instructed to examine. Paragraph 2 concerned the conference to be held very shortly on the question of independence. In that connexion, it should be noted that agreement had been reached on the necessary preparatory steps. The representative of the Administering Power had said that the conference would be convened in London as soon as the preparatory work had been completed and that delegates of all the parties represented in the Maltese Parliament would be invited to attend. The phrase "all other related questions" referred to the fact that the delegates of various parties had discussed the possibility of fresh elections, before or after the granting of independence, and would perhaps wish to speak of the conditions under which the elections of February 1962 had been held. Paragraph 3 recommended that the Administering Power should set the earliest possible date for the attainment of independence. The Cambodian delegation and a number of other delegates thought that the latest date should be 31 December 1963.

115. At the same meeting the representative of Tunisia proposed an oral amendment to the draft resolution whereby the following new operative paragraph would be added:

"Considers that general elections to the Legislative Assembly should be held without delay in the presence of international observers."

116. Additional oral amendments were proposed by the representative of Italy whereby,

- (1) The following new paragraph would be added to the preamble:

"Bearing in mind the economic situation prevailing in Malta, which has already been investigated by a United Nations Technical Assistance Mission,".

- (2) The following new paragraph would be inserted between operative paragraphs 3 and 4:

"Requests the United Nations Special Fund, the Technical Assistance Board and other United Nations bodies, as well as the specialized agencies, to give special consideration to the economic needs of Malta after independence;".

- (3) The words "and to the Economic and Social Council" would be added at the end of operative paragraph 4 so as to transmit the resolution to that body.

117. The representative of Italy also suggested that operative paragraph 2 of the draft resolution and the paragraph proposed in the Tunisian oral amendment be replaced by the following paragraph:

"2. 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."

118. The representative of Mali said that, in his delegation's view there was little reason for the amendments proposed by the Italian representative regarding the economic situation of Malta. While not opposing any assistance the United Nations specialized agencies might decide to grant to any country which was to be or had been freed from colonial rule, his delegation feared that the Committee might be establishing a precedent by accepting such amendments. The State of Malta would attain independence directly, and when it became a sovereign State, it would have the right to apply to the specialized agencies of the United Nations for aid in its economic development, as many other countries had done previously. His delegation therefore appealed to the Italian delegation to withdraw those amendments.

119. The representative of Iraq said that his delegation regarded the Italian amendments, inviting the Special Fund and other agencies to give special consideration to Malta's economic needs, as premature. As the representative of Mali had pointed out, a request for assistance should come from the Government of an independent country; the adoption of those amendments would prejudice the issue and might unintentionally prejudice the sovereignty of the newly independent State. Moreover, he doubted whether the Special Committee, which was a subsidiary organ of the General Assembly, was in a position to ask the Special Fund and the Technical Assistance Board to take steps and examine certain questions. That was really the prerogative of the General Assembly, which would have to take up the question of Malta when the Territory was ready for independence. At that time the Assembly could act in the light of the desires expressed by the representatives of the Maltese people, and the United Nations Special Fund and the Technical Assistance Board could be requested to give special consideration to any requests that might be received from the Government of an independent Maltese State. For those reasons, he joined the representative of Mali in asking the Italian representative to withdraw his amendments or to refrain from pressing them to a vote.

120. The representative of Italy was surprised that his delegation's amendment regarding the economic situation of Malta should have caused so many misgivings among the members of the Special Committee. In the preambular paragraph it proposed, his delegation was merely considering the economic situation which had been mentioned by a number of speakers during the debate. The operative paragraph which his delegation wished to include in the draft resolution was intended not to request any United Nations assistance for Malta after independence but merely to suggest that the specialized agencies and financial organs of the United Nations should continue to study the problem, which, in his view, was extremely important. Nevertheless, since a large number of delegations had a different opinion, his delegation was prepared, with deep regret, to withdraw its amendments.

121. The representative of India thanked the Italian representative for not pressing his amendments, concerning which the Indian delegation had the same reservations to make as the Iraqi representative. With regard to the Italian representative's proposed amendment to operative paragraph 2, his delegation,

while supporting it in general, would have preferred the use of the expression "mutually acceptable observers" rather than "international observers", since he believed that the former term covered all possibilities, including that of international observers.

122. The sponsors having accepted the new text of paragraph 2 suggested by the representative of Italy, the representative of Tunisia withdrew his amendments.

123. The Special Committee then adopted the draft resolution, as orally amended, unanimously.

124. The resolution on Malta^{7/} adopted by the Special Committee at its 169th meeting on 10 May 1963 reads as follows:

The Special Committee,

Having considered the question of Malta,

Having heard the statement of the representative of the Administering Power,

Having noted the communications submitted by petitioners,

Guided by the provisions of the Declaration on the granting of independence to colonial countries and peoples and of General Assembly resolutions 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962,

Noting that constitutional progress has been achieved in the territory of Malta,

Noting the intention of the United Kingdom to consider favourably Malta's request for independence,

Noting, however, that the conditions under which the general elections of February 1962 took place gave rise to controversy,

1. Confirms the inalienable right of the people of Malta to self-determination and to national independence, in accordance with the provisions of resolution 1514 (XV) of 14 December 1960;

2. 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;

3. Recommends the General Assembly to 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;

4. Requests the Secretary-General of the United Nations to transmit this resolution to the Administering Power.

125. On 14 May 1963 this resolution was transmitted to the United Kingdom Government.

CHAPTER VII

FIJI

A. INFORMATION ON THE TERRITORY

General

1. The Islands comprising the Colony of Fiji are situated in the Southwest Pacific Ocean, approximately 1,200 miles south of the equator and 1,148 miles north of Auckland, New Zealand. They include more than 300 islands of varying sizes, approximately 100 of which are inhabited. Many others are occupied temporarily for planting and fishing. The larger islands are all mountainous and of volcanic origin. Of these the principal are Viti Levu and Vanua Levu which together comprise 87 per cent of the Colony's total land area of 7,055 square miles. The Islands of Rotuma, a dependency of Fiji, have an area of 18 square miles and lie several hundred miles northwest of Fiji

2. The estimated population of Fiji at 31 December 1961 was 413,872, giving a population density of 59 per square mile, and was made up as follows:

Fijians	172,455
Indians	205,068
Europeans	10,417
Part European	8,958
Chinese	5,039
Others	11,935

Government

Status

3. The Fiji Islands were discovered by Tasman in 1643 and visited by Captain Cook in 1774. They became a colony of the United Kingdom in 1874.

Constitution

4. The present Constitution of Fiji is set out in the Fiji (Constitution) Order in Council of 27 February 1963. This revoked the Fijian Constitution which was set out in the Fiji Letters Patent 1937 and modified by subsequent Letters Patent up to 1962. The Constitution provides for the following:

(i) Governor

5. The Governor is head of the administration of the Territory. In the exercise of his powers he consults the Executive Council in the formulation of policy and in the exercise of all powers conferred upon him by the Constitution or by any other law in force in the Colony, except (a) any power conferred upon him by the Constitution or by any other law that he is empowered to exercise in his discretion or in pursuance of instructions from Her Majesty; (b) any power conferred upon him by any law that he is empowered, either expressly or by implication, to exercise without consulting the Council.

6. The Governor is not obliged to consult the Executive Council in any case in which, in his judgement (a) it is in the public interest that he should act without consulting the Council; (b) the matters to be decided are too unimportant to require their advice; or (c) the urgency of the matter requires him to act before they can be consulted.

7. Normally the Governor acts in accordance with the advice he receives from the Executive Council, but he may act against it. In this case he must report the matter to a Secretary of State with the reasons for his action at the first convenient opportunity.

(ii) Executive Council

8. The Executive Council is presided over by the Governor, and consists of three ex officio members (the Colonial Secretary, the Attorney-General and the Financial Secretary) and six other members appointed by the Governor. The appointed members include one Fijian, one European and one Indian drawn from among the non-official members of the Legislative Council. When a vacancy occurs amongst these three members of the Executive Council, the European, Fijian or Indian non-official members of the Legislative Council, as the case may be, customarily select one of their number for the vacancy.

(iii) Legislative Council

9. The new Constitution provides for a Legislative Council consisting of a Speaker (appointed by the Governor) and not more than nineteen official members and eighteen unofficial members. The official members comprise three ex officio

members (the Colonial Secretary, the Attorney-General and the Financial Secretary) and not more than sixteen public officers appointed by the Governor. The unofficial members consist of six Fijians, six Indians and six Europeans. Four of each are directly elected to represent their respective communities; two Indian and two European members are appointed by the Governor, and two Fijian members are elected by the Council of Chiefs.

10. Elections to the Legislative Council were held between 17 April and 5 May 1963. The new Council will have a life of five years.

11. Subject to the provisions of the Constitution, the Governor, with the advice and consent of the Legislative Council, may make laws for the peace, order and good government of the Colony of Fiji.

12. The Constitution provides inter alia that a bill shall not become law until the Governor has assented to it; that the Governor may in certain circumstances declare that any bill or motion which the Legislative Council has failed to pass shall have effect as if it had been passed; and that any law of which the Governor has given his assent may be disallowed by Her Majesty through a Secretary of State.

Electoral system

13. Under the new electoral system the franchise has been enlarged. Formerly women were not eligible to vote; there were property, income and literacy qualifications; and of the three racial groups represented in the Legislative Council only the Indians and Europeans had directly elected representatives. Now, women may vote; the property and income qualifications have been abolished; and the Fijians have directly elected representatives. With the unanimous approval of the unofficial members of the outgoing legislature, the literacy qualification (the ability to read and write a single sentence in English, Fijian or one of seven Indian languages) has been retained. Nearly 100,000 people were eligible to vote in the recent elections, compared with 16,000 previously.

14. The Council of Chiefs, which elects two Fijian members of the Legislative Council by secret ballot, is representative of both chiefs and people. Its membership includes six chiefs, the heads of fourteen provinces of Fiji, a magistrate, a school teacher, a medical officer, a representative of each province elected by secret ballot at a full meeting of each provincial council and four representatives of the workers in urban areas and others.

Judiciary

15. The Supreme Court in Fiji exercises similar jurisdiction, powers and authority to the High Court of Justice in England. There is a Chief Justice and one puisne judge. Criminal trials are either by a judge or by a judge sitting with assessors. The Supreme Court is the court of appeal in criminal and civil matters from decisions of magistrates and provincial courts; appeal from the Supreme Court itself lies to the Privy Council in London as of right from any final judgement where the matter in dispute or claim involved exceeds £500 sterling, and at the discretion of the court if the question involved is one which, by reason of its general or public importance, ought to be submitted to the Privy Council for decision.
16. There are also provincial and district courts which exercise limited civil and criminal jurisdiction in cases where the parties are Fijians.

Local government

17. The city of Suva is administered by a City Council; there are six European and six Indian elected councillors, and two councillors appointed to represent minority interests. The second largest urban centre, Lautoka, has a Town Council with a majority of elected councillors, while the smaller towns have township boards. These councils and boards exercise normal local government functions.
18. There is also a special local government system with jurisdiction over all Fijians in the Territory, known as the Fijian Administration. For this purpose, the Territory is divided into fourteen provinces (yasana) each of which comprises a number of districts (tikina). The chief executive officer of each province is called a Roko Tui and the head of each district is called a Buli. Each province has its own council and controls its own budget. The principal source of revenue is a personal rate payable by all male Fijian adults, at a rate assessed by each provincial council. The parallel system for the Indians is less developed, but there are Indian advisory councils in all the areas where there is a considerable Indian population.

Political Parties

19. The only known political party^{1/} is the Fijian Western Democratic Party.^{2/} It was formed recently and its President is Mr. Malelili N. Raibe.

^{1/} Although not political parties in name, there are important political groupings, such as the Fijian Politicians, who won all four Fijian seats in the recent elections, and the Federation Committee, which won three of the four Indian seats.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

20. The Special Committee considered Fiji at its 183rd-187th, and 193rd-197th meetings during the period 27 June-19 July 1963.

Written petition

21. The Special Committee circulated a petition from Messrs. Malelili N. Raibe and Apisai V. Tora, President and Secretary-Treasurer, Fijian Western Democratic Party.^{3/}

General statements by members

22. The representative of the United Kingdom said that he would give a brief account of the political, economic and social situation in the Territory of Fiji.

23. That Territory consisted of two main islands and a number of smaller islands, with a total land area of 7,000 square miles. It was 1,000 miles from New Zealand and nearly 2,000 miles from Australia, its nearest large neighbours. It had a population of about 428,000, of whom 213,000 were of Indian descent and 178,000 were Fijians. The Fijians were the original inhabitants, while the Indians were descendants of immigrants who first came to Fiji some eighty years ago. Although their relations were friendly, the Fijians and Indians made up two separate communities; they did not inter-marry; few of them spoke one another's language; and they were of different religions, customs and cultures. Indeed, in general they did not live in the same parts of the Territory, the Indians living in the drier sugar-cane areas of the two main islands, which were suitable for growing sugar-cane, and the Fijians in the wetter and upland areas of those islands and on the smaller islands. The existence of those two communities was an important factor which had to be taken into account in considering the constitutional position.

24. Under the present Constitution, the Governor, who was head of the Territory's Administration, was advised in the exercise of his powers by an Executive Council consisting of five senior civil servants and four elected members of the Legislative Council, including representatives of the Fijian and Indian communities. The

^{3/} A/AC.109/PET.140. A second petition, A/AC.109/PET.140/Add.1, was circulated after the Special Committee had concluded its consideration of Fiji.

Governor was required to follow the advice of the Executive Council, except in certain specified circumstances. The Legislative Council had consisted until the present year of a Speaker, sixteen official members, and fifteen non-official members, including five Fijians, five Indians, and five Europeans. Of the Indian and European members, three of each were elected by their community, the other two being nominated by the Governor to represent special interests. The Fijians were elected by the Council of Chiefs, which despite its name was representative of both the chiefs and the Fijian people and of their main interests; it included, for example, teachers, assistant medical officers and representatives of trade unions, only about half its members being chiefs. In April, as a result of discussions held over the preceding two years with leaders of all the communities, a new Constitution had come into force in the Territory. In the Legislative Council, the official majority remained for the time being, but there was provision for its removal in due course. The non-official representation had been increased from five of each of the three groups to six, making a total of eighteen. Of the Indians and Europeans, two were still nominated, but four were elected, instead of three. Of the six Fijians, two were chosen by the Council of Chiefs and four were elected directly by the Fijians; that was the major change. Thus the Fijian people were directly electing their own representatives. Simultaneously, the franchise for Indians and Europeans had been greatly widened. The property qualification had been abolished, and women had been given the vote. The only qualification that had been retained - at the express wish of the non-official members of the Legislative Council - was that voters must be able to sign their name and to read and write a simple sentence in one of a number of specified languages. The Fijian franchise was similar. His delegation wished to emphasize the importance and extent of the widening of the franchise. Not only did it bring in the Fijians, for the first time, as direct electors, but the abolition of the property qualification admitted a large number of voters of all races; and the enfranchisement of women was a dramatic step forward which, only a few years ago, would have been entirely unacceptable to local opinion. That extension of the franchise had been widely welcomed by the population, which had not been slow to take advantage of it. At the recent elections, some 75 per cent of those eligible had registered as voters, and some 75 per cent of the registered voters had voted.

25. Now that the elections were over, the new Legislative Council would be considering what further measures needed to be taken in the political, economic and social fields. One of the most urgent problems was now to expand the economy so that it could support a population which was rapidly increasing and was expected, if current population trends continued, to reach 500,000 by 1968 and 1,250,000 by the end of the century. Agricultural production, on which Fiji's economy depended, had not increased commensurately since the war. Its expansion was hampered by a number of obstacles which could be overcome only within Fiji itself; but there were also financial problems which external aid could alleviate. The United Kingdom Government recognized that fact, and had consequently given Fiji grants and loans totalling over £4.5 million sterling in the past three years. Present standards of living could probably be maintained provided that agriculture production could be considerably and rapidly expanded and the current rate of population growth reduced. The existence of the problem was an incentive to all the communities in Fiji to work together in a common effort to seek its solution.

26. To sum up: despite the Territory's relatively small size, the people of Fiji were not yet a homogeneous whole; communal ties and interests still played a large part in their thinking. The objective of policy must be to reach a position where the three main communities, while retaining what was best in their own traditions and cultures, would regard themselves as constituting the people of Fiji, united in a common effort for the common good. That would demand patience, understanding and forbearance, as well as courage and determination, on all sides. It could be done only by the people of Fiji themselves and the United Kingdom Government would do its best to help them to meet the challenge.

27. The representative of Australia said that his delegation was taking part in the general debate not only because Australia was a member of the Committee but because it had interests in common with the people of Fiji. The Fiji Islands were relatively near neighbours of Australia and there was a constant interchange of people between the two countries: students, teachers and doctors in training, and even sports teams. In general, Australians felt very close to the inhabitants of Fiji.

28. The statement of the United Kingdom representative had shown the difficult background against which his Government, in the light of its responsibilities as Administering Power and in the light of resolution 1514 (XV) and other pertinent General Assembly resolutions, was carrying out its task of administration. An important element in that background was the composition of the Fiji population, which comprised 178,000 Fijians and 213,000 people of Indian descent. As the United Kingdom representative had pointed out, there was neither fusion nor inter-marriage between the two communities, which spoke different languages and were of different religions, customs and culture.

29. Under Article 73 of the Charter, the primary task of the Administering Power must be to promote common cultural, social and economic purposes throughout the Islands. Those purposes in turn would stimulate political aspirations which would in fact be those of the majority in both major groups involved. Those aspirations in their turn would determine the timing and the outcome of the application of the principle of self-determination, which was one of the purposes of the United Nations and was confirmed in General Assembly resolution 1514 (XV).

30. It was clear to his delegation that the Administering Power had been addressing itself to those tasks; it saw the new Legislative Council as the culmination of inquiries, discussions and negotiations which had taken place over a period of time and which had had the Territory's political advancement as their objective. The Legislative Council would offer the different elements of the population an opportunity for co-operation and consultation in a common purpose. That in turn would help to create common political aspirations. The Council would also offer a forum in which the Administering Power and the representatives of the people of Fiji might exchange views and plan and discuss future advances in the political and constitutional fields. Australia's experience in respect of Papua and New Guinea was conclusive in that regard; it had shown that a Legislative Council was able not only to take initiatives in shaping the future, but also to consult the people and express their wishes regarding the direction and pace of political progress.

31. In his delegation's view, there could be no hard and fast solution to the basic problems of Fiji and the Committee would not be wise in trying to suggest one. On the other hand, the Committee should not ignore the problem; it needed to be assured that the Administering Power, in consultation with representatives of the various elements of the population, was addressing itself to the whole problem of Fiji and its future. In the present instance, as was always the case when the United Nations considered matters in that field, it was a question of helping the Administering Power in its task and at the same time helping the people it administered to determine how their present and future interests might best be served. In so doing, the Committee should avoid any attempt to impose upon an emerging people individual or collective views from outside on how they should set about attaining full political maturity. In the case of Fiji, there was one further important element to be taken into account, namely, the absence of conflict either between the two major population groups or between those groups and the Administering Power.

32. It was his delegation's view that the Committee, having obtained such further information as it required, should call upon the Administering Power and the representatives of the different ethnic elements in the Territory to work out a common view on the constitutional development of the Territory, so that further progress might be made, in accordance with the wishes of the people, towards the speedy attainment of the objectives of the Charter and of all the relevant resolutions of the General Assembly.

33. The representative of Tanganyika said that his delegation was convinced that, despite the small size and the remoteness of Fiji, the Committee must take a full interest in the situation in that Territory and make appropriate recommendations for the implementation of resolution 1514 (XV) on the granting of independence to colonial countries and peoples.

34. The people of Fiji had not yet been accorded self-determination and the Administering Power had not even indicated when they might exercise their right to self-determination and independence. That was a disquieting omission in the statement made by the United Kingdom representative. Another striking feature of the situation in Fiji was the separation of the two communities and the apparent lack of positive steps to bring them together. That situation was familiar to him

in some respects, for in Tanganyika as in many other African countries before independence, the various racial communities had been very much separated from each other; schools, hospitals and even the legislature had been organized along racial lines. Under such conditions, the indigenous inhabitants were under a constant disadvantage in relation to the immigrant communities. Of course, such anomalies were removed when a democratically elected Government came into power; the people of different communities then had an opportunity to co-operate and to live together in harmony and understanding.

35. The Fiji Administration sounded very similar, in concept and in practice, to the former Native Administration in colonial Africa. The Administering Power should show by its deeds that it intended the Fiji people to move forward rapidly as a nation. It should abolish the obvious obstacles to the unity of the people. The majority of members of the Legislative and Executive Councils should be elected and those Councils should exercise most of the powers of a Government; the same should apply to the city and other local councils. Above all, the Administering Power should recognize the urgent need to implement resolution 1514 (XV) in the Territory of Fiji.

36. His delegation would therefore welcome a more positive statement regarding the date on which the Declaration on the granting of independence to colonial countries and peoples might be implemented in Fiji.

37. The representative of Chile said that the statements of the United Kingdom and Australian representatives had indeed been very important and very clear; the same was true of the working paper circulated by the Secretariat, which described the geographical and racial characteristics of the islands, as well as their political, administrative and other organization.

38. His delegation wished to say, however, as had the Tanganyikan representative, that as far as independence was concerned the Committee should not make any distinction between large and small territories. The Committee should regard the fate of the inhabitants of Fiji as just as important as that of the inhabitants of Angola. In the statements by the United Kingdom and Australian representatives, one factor was missing which was of fundamental importance for the Committee's work:

they had made no mention of any efforts on the part of the Administering Power to surmount the obstacles - natural, historical or other - which might prevent the inhabitants of Fiji from acceding to sovereignty and independence; nor had they mentioned the progress made in Fiji towards transforming a handful of islands scattered in the Pacific Ocean into an integrated nation capable of surmounting its natural difficulties through the co-operation of its inhabitants and their willingness to share a common destiny.

39. If it was true that there were ethnic, historical and other differences, if it was true that there was no contact between the two major communities, it was also true that there was only one factor which might help to bring those communities together, and that was the enjoyment of independence and sovereignty.

40. His delegation would therefore like to know what progress the people were making towards national consciousness. The Administering Power had assuredly made considerable efforts, there as elsewhere, to ensure the economic and social development of Non-Self-Governing Territories. In the particular case of Fiji, however, given the Committee's responsibility to ensure that the Declaration on the granting of independence to colonial countries and peoples was applied, the Committee was in duty bound to gauge the progress achieved in the direction of independence and, accordingly, to find out whether the Administering Power intended to grant independence to the inhabitants of Fiji.

41. The statements of the Administering Power and of Australia, a neighbouring Power having particular links with Fiji, were of great importance. The United Kingdom representative had shown himself to be well disposed towards the people of Fiji, who were taking a greater part in the various governmental institutions, and he had let it be understood that the new Legislative Council would consider other measures that might be adopted in the economic, political and social fields. He had not, however, said what steps would be taken to lead the inhabitants of Fiji to self-government and independence.

42. The United Kingdom representative had stated that the most urgent need was to improve the living conditions of the people; it was difficult, however, to see how the economic development advocated by the Administering Power could take place in a colony which still displayed all the characteristics of classical colonialism; such development should be accompanied by political and social advancement and steps

should be taken to ensure that it would benefit not only a minority but all the inhabitants of the territory. Economic development should bring in its train social benefits for all, full employment, education, health services, rural community development, the training of experts, and so on.

43. The representative of Australia had optimistically stated that the present Legislative Council afforded opportunities for co-operation among the various elements of the population of Fiji, but the establishment and composition of that Council could hardly be said to offer sufficient guarantees that all the inhabitants of the Territory would be democratically represented in it. Since the Committee had so little information about Fiji, it might perhaps hear the two members of the Fiji Legislative Council whose presence in the United States had been referred to in the petition^{4/} from representatives of the Fijian Western Democratic Party.

44. It was the duty of the Administering Power to inform the Committee of the rights and freedoms that it was granting to the people it administered. His delegation accordingly hoped that the United Kingdom representative would make a further statement which would provide the Committee with all the information it required.

45. He went on to speak of a book entitled Political Progress in the South Sea Islands by an Australian professor, Mr. F.J. West, who considered that the tendency of the colonial regime to preserve the ancestral standards of the Fijian society and to defend the isolationism of the colony was the main obstacle to Fiji's political progress. The natural difficulties could only be overcome by a policy of integration. It was true that in the case of Fiji certain fundamental imbalances were more serious than in other colonial territories. In that group of some 300 islands, the largest one, on which three quarters of the population lived, had an area of 4,000 square miles, whilst the rest of the population was scattered throughout the other islands; that dispersal would make contact with contemporary civilization more difficult. The Indians were concentrated in the urban areas, particularly those in which the sugar industry, which accounted for 50 per cent of Fiji's exports, was carried on with the help of European capital; the indigenous inhabitants were employed in copra and banana production in plantations belonging to Europeans. The structure of the indigenous society was based upon the rank and

magic power of the Chief; what Fijian society needed was a policy of integration in the social and economic no less than in the institutional field.

46. It was regrettable that the 1963 Constitution neither reflected the policy followed by the United Kingdom in other colonies with respect to the transfer of powers nor took into account resolution 1514 (XV); under that Constitution, the three racial groups were awarded the same number of representatives although the Europeans were a minority, the Governor was a kind of king and, in view of his powers over the Executive and Legislative Councils, the Fijian people had little chance of electing their representatives.

47. His delegation would recommend that the Administering Power should draw up a new constitution under which, firstly, the autocratic powers of the Governor would be abolished, secondly, elections based on universal suffrage would be held in order to establish a truly representative government and parliament, and thirdly, the powers held by a colonial minority would be transferred to the people of Fiji with a view to preparing them for independence, sovereignty, integration and national unity. His delegation would support any draft resolution urging the Administering Power to take steps to hasten the political advancement of the people of Fiji and to facilitate their attainment of self-government and independence; in view, however, of the complexity of the problem and the lack of direct contact with the people of Fiji, he considered that the question of Fiji should be kept on the Committee's agenda and should be dealt with more extensively on a future occasion.

48. The representative of Poland said that the main problem facing the Fiji Islands was that of political and constitutional progress. In that regard the 1963 Constitution had introduced no substantial changes; more than two years after the adoption of the Declaration on the granting of independence to colonial countries and peoples, all political power was still vested in the British Governor. It was true that the new Constitution provided for an Executive Council and a Legislative Council, but neither was representative since the majority of the members were nominated by the Governor. Of the thirty-eight members of the Legislative Council, only twelve were elected under a limited franchise. The undemocratic character of the 1963 Constitution could also be seen from the "parity system", under which the small European minority was given the same number of seats in the two Councils as

to each of the two main communities - Fijians and Indians - which both accounted for over 90 per cent of the population of the Territory.

49. The Executive Council had no power and could only advise the Governor, who could decide to act against it or even not to consult it, on grounds of urgency or public interest. Any bill passed by the Legislative Council had to receive the assent of the Governor, who could also decide that a bill would go into effect even if the Legislative Council had not passed it. Furthermore, any law which the Governor had approved could be disallowed by the United Kingdom Government.

50. There was therefore no effective participation by the representatives of the people in the political life of the Territory. The present Constitution was a colonial constitution which fell far short of the requirements of the Declaration on the granting of independence to colonial countries and peoples.

51. The transfer of power to the people was a natural and inevitable process and it was to be hoped that the United Kingdom would co-operate with the United Nations in assisting the Territory to attain the objectives of the Charter and of the Declaration on the granting of independence. To that end a new constitution should first be drafted, with the participation of all political elements in the Territory, which would establish democratic institutions based on universal adult suffrage. It should also be decided when power would finally be transferred to the authentic representatives of the Fijian population. In that connexion, the Polish delegation had been very disappointed by the statement of the United Kingdom representative, who had not disclosed how the Administering Power intended to implement General Assembly resolution 1514 (XV) or the date on which it proposed to grant Fiji independence. Instead the United Kingdom representative had given the Committee to understand that the population of the Territory was divided into several racial communities. In that respect the situation in Fiji differed little from that in other colonies; the existence of several communities should not serve as a pretext for delaying independence. On the contrary, as several speakers, in particular the representative of Tanganyika, had said, the alleged difficulties mentioned by the United Kingdom could be overcome if the Territory attained independence under a democratically elected Government. The establishment of genuine political equality among all members of the different communities was the quickest way of creating a nation united and a national feeling transcending race.

52. Since the political and constitutional situation in Fiji was far from satisfactory, it was the duty of the Special Committee to advise the General Assembly that the Administering Power had so far failed to set Fiji on the road to independence. The Committee was faced with the problem of ascertaining the wishes and aspirations of the inhabitants of Fiji and seeking the most suitable ways and means of ensuring the speedy and total application of the Declaration on the granting of independence. The present Constitution should be replaced by a new constitution providing for the establishment of a democratically elected parliament and government, to which all powers should be transferred without any conditions or reservations.

53. The representative of Iran said that, after reading the working paper prepared by the Secretariat and listening attentively to the statement by the United Kingdom representative, his delegation was pleased to note that some progress had been achieved with the help of the Administering Power in the economic and social fields and that the 1963 Constitution had brought about certain democratic changes in the political life of the people of Fiji. The information that the United Kingdom representative had given in his statement, however, came within the category of the information referred to in Article 73 e of the Charter and should therefore be considered by the Committee on Information from Non-Self-Governing Territories. The task which the General Assembly had entrusted to the Special Committee was not to examine conditions in colonial territories but rather to recommend suitable steps for the immediate transfer of sovereignty to the colonial peoples. While the information supplied to the Committee for its first examination of the question of Fiji was very useful, it was a pity that the statement of the representative of the Administering Power had given very little information of the kind the Committee needed in order to carry out its task. The United Kingdom representative had failed to say, for instance, what steps the Administering Power was planning to take for the immediate or early grant of sovereignty and independence to the Fijian people - the fundamental objective of the Declaration on the granting of independence to colonial countries and peoples.

54. He hoped that the representative of the Administering Power would inform the Committee, in a subsequent statement, of the plans and projects of his Government

to enable the people of Fiji to take their destiny into their own hands. At that time the Iranian delegation would speak again in order to state its views concerning the action that should be taken on the Fijian question.

55. The representative of Mali said that, as it was the first time that the Committee had considered the question of Fiji, his delegation was not very familiar with the particular situation prevailing in the Territory, but since colonialism was indivisible in its principles and its concepts his delegation was convinced that the people of Fiji were reacting to British rule in exactly the same way as were the people of Southern Rhodesia, or as were the people of Angola to Portuguese oppression. His delegation would have liked to hear petitioners from Fiji in order to know more about the particular features of the liberation movements and to be able to form an opinion based on the reports of those who were directly concerned. Nevertheless, his delegation shared the view of the Chilean representative and it attached no less importance to the study of the situation in Fiji than to that of any other colonial territory.

56. The statement made by the United Kingdom representative did not give the clear impression that the situation in Fiji was a matter of concern to the Administering Power. There was no indication that any steps were being taken by the United Kingdom to lead Fiji to independence, in conformity with General Assembly resolution 1514 (XV). What the Committee expected from the Administering Power was not information on geography or economics, but a precise indication of the steps it proposed to take in order to grant independence to Fiji.

57. His delegation had been disappointed to learn that representation in the Executive Council and in the Legislative Council was on an ethnic basis. The events now taking place in British Guiana, where the opponents of independence were doing their utmost to pit the different ethnic groups against one another, clearly demonstrated how negative such an approach was.

58. He hoped that the United Kingdom would henceforth endeavour to bring the different groups in Fiji closer together in order to facilitate their integration. The existence of a number of unintegrated ethnic groups must not serve as a pretext for delaying Fiji's attainment of independence, for operative paragraph 5 of resolution 1514 (XV) called for the transfer of powers to the peoples of colonial territories, without any conditions or reservations.

59. The question of Fiji was a typical colonial case and his delegation was therefore prepared to support any proposal which would call upon the Administering Power to grant immediate and unconditional independence to Fiji.

60. The representative of the Union of Soviet Socialist Republics said that his delegation was pleased to note that the Committee was now concerning itself with the liberation of very remote colonial territories. Although the Committee had little information on the basis of which to assess the needs and aspirations of the people of Fiji, the situation in the Territory could nevertheless be judged in the light of the Declaration on the granting of independence to colonial countries and peoples. One of the fundamental principles stated in the Declaration was the immediate granting of independence and, as an interim step, the granting of internal self-government to the people. Yet the United Kingdom representative had made no mention of steps taken by the Administering Power to give effect to the Declaration; on the contrary, the activities of the Administering Power were diametrically opposed to the provisions of the Declaration.

61. Although the new Constitution had been promulgated on 27 February 1963, two years after the adoption of the Declaration on the granting of independence to colonial countries and peoples, the provisions of the Declaration were not in any way reflected in it. The British Governor still held supreme authority and any limits the Legislative and Executive Councils could impose upon his powers were purely theoretical. In theory, the Executive Council had the same powers as the Legislative Council, but in fact it was just as powerless. The constitutional relationship between the Governor and the Legislative and Executive Council of Fiji led to only one conclusion: Fiji remained a classical example of a colony ruled by an all-powerful Governor.

62. The Executive Council was composed of three ex officio members and six members appointed by the Governor. The Legislative Council consisted of thirty-seven members; three were ex officio members and sixteen were appointed by the Governor, while of the remaining eighteen - six Fijians, six Indians and six Europeans - some were elected and some appointed by the Governor. Thus, of the thirty-seven members of the Legislative Council only twelve were elected. Two members of the Council were elected by the Council of Chiefs and twenty-three were appointed by the Governor; it was quite obvious that such a system was undemocratic. Such

was the Constitution of Fiji which reserved unlimited powers to the Governor, while the people still had no rights and no means of participating in the government of the country.

63. Nor could the electoral system provided for in the new Constitution be considered democratic. The electorate of a country generally consisted of about 50 per cent of the population, but in Fiji less than 25 per cent of the inhabitants had the right to vote. Moreover, the indigenous people were particularly ill-used, since the 173,000 Fijians had six representatives in the Legislative Council and the 205,000 Indians had six representatives, while the twenty-five other members of the Council were appointed by the Governor and represented the interests of the 10,000 Europeans. Those figures gave some idea of the democratic nature of the regime in Fiji.

64. Another problem in the Territory was that of race relations. The small group of white settlers held all the power, whilst the vast majority of the population, consisting of Fijians and descendants of Indian immigrants, had no opportunity to decide their own fate. Indeed, there was a distinct policy of setting the two main population groups against each other. In his statement, the United Kingdom representative had spoken of everything that was keeping the two population groups apart but he had not said what the Administering Power was doing to bring them together. The Committee was convinced, however, that the Fijians and Indians not only should live in peace but should work side by side in order to attain freedom and independence. In the long run, as had been seen in the case of several African colonies, the fate of the white settlers themselves would depend on the choice that they made between helping to fulfil the aspirations of the indigenous people and trying to sow discord between the various ethnic groups. The question was an important one because in many colonies the Administering Power had unfortunately managed to prolong its rule by fostering national and racial dissension. What the Committee knew about Fiji showed that a similar policy was being pursued there.

65. At one of its recent sessions, the Trusteeship Council had adopted a recommendation put forward by the Soviet Union delegation regarding the need to develop contacts between the people of the Trust Territory of the Pacific Islands and other peoples in the Pacific area. There was no doubt that the problems

encountered in Fiji had much in common with those of the Territory of the Pacific Islands and that they could be rapidly solved if there were increased contacts between the Fijian and Indian inhabitants and the peoples of other territories in the area, as also those of other countries. He was convinced that the participation of the inhabitants of Fiji in international conferences would promote their progress and help to develop good-neighbourly relations among the peoples of the Pacific area.

66. Turning to the economic situation in Fiji, he said that the Territory's economy was entirely out of balance. Agriculture was very backward and was carried on mainly in large plantations belonging to British companies. The system of land tenure had contributed to the general exhaustion of the soil. The Commission that was studying that problem had placed the entire responsibility on the landowners, who allowed the farmers to be subjected to all kinds of arbitrary acts and exacted excessively high rents. The British monopolies, whose policy was contrary to the interests of the indigenous population, were restricting the production of sugar-cane in order to keep world prices high, which led to increasing unemployment and was a cause of discontent and anxiety among the agricultural workers. It was such bodies as the Colonial Sugar Refinery, the Pineapple Packing Company, the Copra Board, the Banana Board and the Associated Mining Company that really determined economic policy in the Territory. Those monopolies did not even pay the taxes to which British companies were subjected in the United Kingdom; they merely exploited the Territory and exported its products, including gold, without giving it anything in return.

67. The level of living of the people of Fiji was very low. The wretched living conditions, the oppression to which they were subjected by the British colonialists and the awakening of a national awareness had already led the people to defend their rights in street rioting. Those were facts; unfortunately, the geographical situation of the Islands and the steps taken by the British colonial Administration to cut them off from the rest of the world made it impossible to obtain fuller information on the real situation there. The Fiji Western Democratic Party had, however, submitted a petition^{5/} to the Committee in which it declared that the elections held in April 1963 - the first ever to have been held in the Territory - had been a complete farce and fraud. Moreover, the statement that the people of Fiji wished to remain under British rule could hardly be taken seriously. It

was well known that the so-called decision to keep the Territory within the British colonial empire had been taken by the votes of six so-called representatives of the Fijian people and the votes of the British themselves. Such a decision certainly did not represent the expression of the will of the people of Fiji, who, like all other peoples, aspired to freedom, self-determination and prosperity. The Fijian Western Democratic Party was asking that, for the transition period until the Territory became independent, the Administering Power should grant the people of Fiji all the freedoms enjoyed by the other inhabitants of the colony; that priority should be given to the training of representatives of the Fijian people to occupy positions of responsibility in the Administration; and that the labour legislation should be amended and the necessary conditions established for the economic development of the Territory.

68. His delegation considered that the Committee should have more information on the situation in Fiji. Meanwhile it should state quite clearly that the provisions of the Declaration on the granting of independence to colonial countries and peoples should be applied to Fiji without delay. It should recommend that the Administering Power should abolish the Constitution of 27 February 1963 and replace it by a new democratic constitution based on the principle of "one man, one vote" and providing for the establishment of legislative and executive councils which would have the necessary authority and would reflect the views of the people of Fiji. The Committee should also recommend that the Administering Power should accede to the request of the Fijian Western Democratic Party.

69. Lastly, the Committee should seriously consider the possibility of sending a visiting mission to the Territory with instructions to study ways and means of implementing the Declaration on the granting of independence to colonial countries and peoples there and to submit a report on the subject not later than September. The visiting mission could at the same time visit other colonial territories in the Pacific area.

70. The representative of Cambodia noted from the United Kingdom representative's statement on the Territory of Fiji that there were separate communities living in harmony in the Territory, that under the new Constitution the number of elected representatives on the Legislative Council had been increased and the franchise had been extended, and that the aid provided by the United Kingdom

would make it possible to expand the economy so that it could support the rapidly increasing population. Those were useful measures and he realized that progress had been made, but he felt that the progress was still definitely inadequate in the light of the Declaration on the granting of independence to colonial countries and peoples. The Territory was not yet self-governing, the Governor was still the head of the Administration and he presided over an Executive Council whose nine members still included five officials. Despite the changes, the Legislative Council still had a majority of ex officio members. The elected representatives came from three communities, instead of two as might have been expected. Despite the extension of the franchise, there was still not universal suffrage.

71. His delegation was therefore concerned about the political evolution of the Territory. Like the representative of Chile, he would like to know whether the Administering Power had plans to accelerate the process of decolonization. In view of the recommendations of the General Assembly, the Committee could not be satisfied with the assurance that the necessary steps to that end would be taken "in due course". While it was true that it lay with the Fijian people themselves to make known their wishes, it was essential that the Committee should take the necessary steps to enable them to express themselves freely.

72. The Committee needed more information, which it could obtain either from the representative of the Administering Power or from a visiting mission which could go to Fiji during a visit to other Territories with which the Committee was concerned.

73. He did not wish to propose any specific measures but he thought that the Committee should, firstly, state that the Declaration on the granting of independence to colonial countries and peoples was fully applicable to Fiji and, secondly, request the Administering Power to redouble its efforts to bring the two principal ethnic communities together and to hold as soon as possible a wider consultation of the people than had been held in the past.

74. The representative of Syria said that the information which the Committee had been given so far on Fiji was not detailed enough to enable him to form an accurate picture of the situation in the Territory. A new Constitution had been introduced on 27 February 1963, but it granted the people of Fiji and their representatives very few legislative and executive powers. For example, the Governor was supposed to

consult the Executive Council in the exercise of his powers but he need not do so if instructed to that effect by the United Kingdom Government. He could also dispense with such consultation when he considered that it was in the public interest to do so, when he thought that the matter to be decided was too unimportant or when the matter was urgent. Lastly, under the Constitution the Governor could act against the advice of the Council, provided that he reported to a Secretary of State. In any case, the Governor controlled the Council since he appointed six of its nine members. At the executive level, the new Constitution in fact prevented the Fijians from exercising the powers of government instead of allowing them to exercise those powers on a larger scale than before, in accordance with the provisions of the Declaration on the granting of independence to colonial countries and peoples.

75. In particular, he noted the disparity in the representation on the Executive Council, where the 172,000 Fijians had only one representative, as did the 205,000 Indians, while there was one representative for the 10,000 Europeans. That arrangement did not take into account the realities of the situation and for that reason the decisions of the Council certainly did not reflect the opinion of the different sectors of the population.

76. The lack of proportionate representation was also apparent in the Legislative Council. Moreover, the Administering Power could disallow a law of which it disapproved or, in certain circumstances, could promulgate a law even if the Legislative Council had rejected it. It was encouraging to note that women had been given the franchise, that property and income qualifications for voting had been abolished and that the Fijians could now elect directly two members of the Legislative Council. Unfortunately the majority of the members of the Legislative Council were appointed by the Governor and on that Council, too, there was a disproportion between the representation of Europeans and that of the local inhabitants.

77. The Administering Power had made no serious attempts to promote the advancement of the population of Fiji in the political, economic or educational fields, nor had it tried to mould the population into one homogeneous group capable of assuming the responsibilities of nationhood, which were the necessary prerequisites of independence.

78. It seemed to his delegation that an emergency programme was needed, in which the Administering Power and the United Nations and its specialized agencies would take part in preparing the inhabitants of Fiji for the responsibilities of self-government. Such a programme was needed immediately in order to ensure the transfer of power to the people of Fiji. To begin with, a new constitutional conference, at which the various groups of the population would be adequately represented, should be convened to draft a new constitution and establish a new system of government, in keeping with the objectives of General Assembly resolution 1514 (XV). It was to be hoped that the United Kingdom Government would keep its promise to do everything in its power to help the people of Fiji and prepare them for the responsibilities of self-government.

79. The representative of Ethiopia thanked the United Kingdom representative and the Secretariat for having furnished information concerning Fiji, which the Committee was discussing for the first time. Nevertheless, in order to carry out the duty entrusted to it by General Assembly resolution 1810 (XVII), and in particular in order to be able to submit a report on the question to the General Assembly, the Committee needed further information regarding the extent of Fijian participation in the various branches of government and the approximate date on which governmental powers would be transferred to them.

80. The Ethiopian delegation deplored the fact that the Administering Power had done nothing to promote harmony between the various races which made up the population of Fiji. As the representative of Tanganyika had pointed out, the situation in the Territory differed little from that which had characterized many former colonies; in fact, the division of peoples according to race and the exaggerated emphasis on the gaps between different ethnic groups had been and still were classical devices of colonial rule. The Ethiopian delegation agreed with that of Chile that the remedy for such a situation was the attainment of independence and sovereignty.

81. At the present stage he would have liked to see the effective implementation of integration programmes and the presence of a sense of unity in Fiji. He hoped that the United Kingdom representative would make a positive statement on his Government's plans concerning the Territory, thus assisting the Committee to

formulate, in accordance with its terms of reference, precise recommendations regarding immediate programmes covering political, economic, social and educational development.

82. The representative of Iraq regretted that the statement made by the United Kingdom representative had given little additional information and that he had said nothing about the United Kingdom's plans for the future and the independence of the Territory.

83. Under the new Constitution, which had gone into force in April 1963, the majority of the members of the Legislative Council were still appointed by the Governor and the whole system, both as concerned appointed and elected members, was based on racial lines. Such a system could only lead to further separation of the races, which would be very prejudicial to the harmonious development of a Fijian nation. While the racial situation of Fiji was less alarming than that in British Guiana, potentially it had similar elements and might develop along dangerous lines in the future. Furthermore, the Governor had the last word on all questions and the two Councils were purely advisory in character.

84. The electoral system had been improved by the removal of property qualifications and by the extension of the franchise to women, but the literacy qualification would necessarily eliminate a substantial proportion of the adult population. In the view of the Iraqi delegation, universal adult suffrage should be introduced, so as to ensure the election of a truly representative legislative body, and arrangements should be made immediately and the date set for the attainment of independence.

85. Such measures would be in conformity with the Charter and the Declaration on the granting of independence to colonial countries and peoples, with the implementation of which the Committee was concerned. The United Kingdom representative should therefore inform the Committee what steps his Government had taken with a view to the future independence of the Territory.

86. The representative of Uruguay said that in view of the paucity of information at its disposal with regard to the political situation in Fiji, his delegation would confine itself to expressing a few very general ideas, in the light of the statement made by the Administering Power and, of course, of the principles

enunciated in General Assembly resolution 1514 (XV), which constituted the law of the Committee.

87. The fact was that the situation was not entirely satisfactory; apparently since the Charter had been signed only a few timid steps had been taken with a view to the introduction of self-government and, three years after the adoption of resolution 1514 (XV), the Administering Power had done nothing to implement paragraph 5 of that resolution.

88. He would not go into the details of the constitutional system as described in the Secretariat working paper and the statement of the United Kingdom representative; in his view that system, which gave virtually all authority, both in the administrative and in the legislative fields, to the direct representative of the colonial Power, was far removed from what the Charter called self-government and would not promote the political advancement of the inhabitants, as was called for in Article 73 of the Charter.

89. With praiseworthy frankness, the Administering Power admitted that the inhabitants of Fiji had not yet succeeded in overcoming their ethnic and regional differences in order to unite in a homogeneous society, and pointed out that the existence of two entirely separate communities was an important factor which must be taken into account in considering the constitutional position. That situation in itself was the best proof of the lack of political progress in the Territory. Political progress had always consisted precisely in overcoming local differences and in passing from particular to more general forms of organization, from the ethnic community to the State, from the region to the nation. Politics were by definition that which served the general interest and not the interests of a single class, group or region. The Committee had been informed that there were no political parties in Fiji in the usual sense of the word. Nevertheless he could not believe that the Fijian people were not politically aware and had no sense of political unrest. Man was above all a political animal and no man was incapable of understanding that unity was better than division, that the common good was superior to the good of the individual and that the general interest should override all other interests, however legitimate they might be. The people concerned must be helped to grasp those truths despite the weight of custom and tradition in certain cases. That was the task which had been entrusted to the

Administering Powers by the Charter; he noted with satisfaction that the United Kingdom proposed to follow that course and he was convinced that it would still be possible to make up for lost time.

90. In conclusion, he considered that in order to carry out its terms of reference the Committee should recommend the adoption of immediate steps for the transfer of all power to the people of the Territory. He hoped that the members of the international community would be in a position to offer the people of Fiji, after they had attained independence, more attractive prospects than the choice between destitution and birth-control.

91. The representative of Yugoslavia said that his delegation had listened attentively to the statement of the United Kingdom representative but unfortunately had been unable to find in it anything to indicate what measures the Administering Power planned to take to implement the provisions of resolution 1514 (XV). At a time when the process of liberation was in full swing in the Non-Self-Governing Territories, the people of Fiji could surely not be denied the right to elect their true representatives and to take part in governing their country.

92. Certain points emerged from the very limited information at the Committee's disposal. Firstly, there were two main ethnic groups in Fiji, the Fijians and the inhabitants of Indian descent, in addition to a small number of Europeans; yet the Constitution did not provide for any adequate representation of the people of Fiji in administrative organs. Secondly, under the present Constitution, the Governor held all the power. Finally, women had been given the right to vote but a literacy test was still required, which prevented a large number of people from voting.

93. According to the statement of the Administering Power and the working paper prepared by the Secretariat, there was practically no self-government in the true sense of the word and no steps had been taken towards its introduction, although the Constitution had become effective in April 1963, three years after the adoption of the Declaration on the granting of independence to colonial countries and peoples. When the Administering Power pointed to ethnic, economic, social or political difficulties as a reason for delaying independence, the obvious reply was that Fiji would advance much more rapidly under conditions of full sovereignty and independence. Neither the size of the Territory nor its economic or political

backwardness should be used as a pretext for delaying the granting of self-government and independence, and his delegation was of the opinion that the provisions of resolution 1514 (XV) should be applied to Fiji as soon as possible. He hoped that the Administering Power would facilitate the Committee's deliberations by supplying additional information regarding the concrete measures that it intended to take with respect to the Territory of Fiji.

94. The representative of Venezuela recalled the provisions of resolution 1514 (XV) and the fact that under the terms of reference laid down for it by the General Assembly, the Committee was obliged to seek the most suitable ways and means for the speedy and total application of the Declaration to the Territory of Fiji. It was a complex problem and there was very little information available to the Committee, particularly with regard to the aspirations of the people. It was clear from the document prepared by the Secretariat and the statement of the representative of the Administering Power that the Governor had more or less absolute power; the Constitution of February 1963 had been drawn up for the benefit of the Administering Power alone. The organs that had been set up had been established on the basis of racial divisions and there was no doubt that clashes would occur between the various elements of the population. It was also a fact that there were no political organizations or parties in the Territory since the people were not able freely to express their wishes.

95. In his statement on 29 November 1962, when the General Assembly was discussing the report of the Committee of Seventeen, Ambassador Sosa Rodríguez, Permanent Representative of Venezuela to the United Nations, said:

"United Nations action in the process of decolonization must be not only idealistic but also pragmatic and circumscribed by the Charter, the latter being regarded as a living document which must be viewed in the light of the changing spirit of the times, as is said in paragraph 18 of the general considerations of the report of the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter.

"I must recall that the delegation of Venezuela voted in favour of resolutions 1514 (XV) and 1654 (XVI) and when, in pursuance of operative paragraph 3 of the latter resolution, the President of the General Assembly decided to include Venezuela among the Committee's seventeen members, we accepted that distinguished mission and co-operated in the new body; in so doing we based ourselves on our position of anti-colonialism devoid of prejudices which might lead to over-hasty action which, while to a certain extent understandable, is not always beneficial to the cause of the peoples still subject to the colonial system." 6/

His delegation would consequently like to hear the voice of the people of Fiji, so that the Committee might be able to carry out its duties in full knowledge of the facts. An appeal should be made to the Administering Power to take steps to lead the Territory of Fiji to independence as soon as possible; harmony should prevail among the various ethnic groups and all differences based on considerations of race or colour should be eradicated.

96. He hoped that the Administering Power would soon inform the Committee of the arrangements it had made to lead the Territory under its administration to self-government and independence.

97. The representative of Bulgaria said that the Fiji Islands had been under British domination for almost ninety years and their situation remained unchanged despite the fact that nearly three years had elapsed since the adoption of the Declaration on the granting of independence to colonial countries and peoples. That was a source of serious concern to the Committee. The Administering Power had not taken any real steps to lead the Territory towards independence in the immediate future. The new Constitution of February 1963 contained no provision to prepare Fiji for the attainment of self-government; the British Governor retained all power, the Legislative and Executive Councils were set up in an undemocratic fashion and did not possess any real power. According to the petition^{7/} submitted to the Committee by the President and the Secretary of the Fijian Western Democratic Party, the United Kingdom was doing everything in its power to prolong its domination over the Territory. The United Kingdom representative's statement in the Committee only confirmed that judgement.

98. In his delegation's view, the Administering Power was showing a complete disregard for the decisions of the General Assembly. The Declaration on the granting of independence to colonial countries and peoples had remained a dead letter in Fiji. The racial division of the Fijian population had prevented the development of national unity and, there as elsewhere, had been used by the Administering Power in order to maintain a system of colonial oppression. It was the duty of the Committee to make sure that racial division would not be used as a means of prolonging colonial rule and as an excuse for the denial of independence to the people of Fiji, who had been for so long exploited.

99. His delegation supported the suggestions that had been made to the effect that the Administering Power should be called upon to fix, without further delay,

an early date for the granting of independence to the people of Fiji and that the Committee should recommend the adoption of a new constitution guaranteeing the establishment of a democratically elected Parliament and Government to which all powers should be transferred immediately.

100. The representative of India shared the disappointment expressed by a large number of members of the Committee with regard to the political and constitutional progress of the Territory after nearly a century of British domination. The United Kingdom representative had mentioned the racial and ethnic differences existing in the Territory, but there was scarcely any country in the world that had a homogeneous population and it was not the first time that the Committee had discussed a multi-racial Territory. Those differences could not, therefore, be allowed to stand in the way of Fiji's achievement of independence or to hamper its progress in the economic and social fields.

101. He noted with satisfaction that women had been given the right to vote and that property qualifications for voting had been withdrawn. The Legislative and Executive Councils, however, were still, broadly speaking, unrepresentative. The Executive Council as constituted at present had merely advisory functions and the Governor could overrule both the Executive and the Legislative Councils. As the Tanganyikan representative had pointed out, it was disquieting that the Administering Power had not even indicated when the right of self-determination and independence would be exercised by the people of Fiji.

102. The United Kingdom should declare in unequivocal terms its intention to apply the provisions of General Assembly resolutions 1514 (XV), 1654 (XVI) and 1810 (XVII) to Fiji and should adopt without delay certain administrative and legislative measures with a view to applying the Declaration on the granting of independence to colonial countries and peoples. The Territory should be granted a new constitution giving the elected representatives genuine control of the Legislative and Executive Councils, and it was with those representatives that the Administering Power should then work out the modalities of transfer of power.

103. The task of the Committee was to see that General Assembly resolution 1514 (XV), which was applicable to Fiji, was implemented without delay.

104. The representative of the United Kingdom, exercising his right of reply, said that he had been disappointed to note a certain tendency in the debate to disregard the inescapable facts of history and geography and to express doubts about the motives and aims of British policy.

105. United Kingdom policy in Fiji, as elsewhere, was based on the Charter of the United Nations and, in particular, on the provisions of Article 73 (b), which imposed on the Administering Power the obligation to develop self-government, to take due account of the political aspirations of the peoples and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each Territory and its peoples and their varying stages of advancement.

106. He drew the Committee's special attention to the words "according to the particular circumstances of each Territory and its peoples". The Committee would not reach any useful conclusions if it failed to recognize this fundamental principle of the Charter or if it did not distinguish between large Territories and small Territories. He pointed out that it was not his Government's intention to impose a particular form of development in Fiji merely because it had been followed successfully in other Territories much larger, far removed geographically, and with a very different racial composition. He rejected the contention of the Malian representative that there was no difference between Fiji on the one hand and Southern Rhodesia and Angola on the other. In addition, far from wishing to "divide and rule", as the Malian representative had implied, the United Kingdom Government sought to bring the races together to form the Fiji nation, in spite of the difficulties resulting from the fact that the indigenous Fijians were outnumbered by the immigrant races, mainly of Indian origin. His Government made every effort to adopt a non-racial approach to all issues and resented and rejected allegations to the contrary. In the political field, the main races were represented and worked together in harmony in the Executive and Legislative Councils, as also on local government bodies such as the Suva City Council and town and township boards. In the public service well over 90 per cent were local appointees; expatriate officers were appointed only if there was no suitable local officer, and then only on contract for a limited period until a local officer was ready for the appointment. In all these fields the aim was to encourage all races to work together for the common good, and the degree of unanimity was heartening.

107. He would like to recall certain facts about the racial composition of the population of Fiji. The Fijians, numbering 178,000, were the indigenous inhabitants of the Territory. They regarded Fiji as their country, given by them

to Britain under the deed of cession in 1874 to be held in trust for them. They owned nearly 85 per cent of the land. They were now outnumbered by the immigrant communities, particularly the Indians, and were therefore concerned at the implications of constitutional advance without safeguards for their essential interests. The Indians now numbered 213,000. As they had no home but Fiji, they expected to be treated equally with the Fijians. However, they recognized the right of the Fijians to own their land and had expressed their willingness to meet the other main conditions proposed by the Fijians for safeguarding their interests.

108. It would be wrong to minimize the problems which arose from a situation in which the indigenous community was outnumbered by the immigrant races. On the other hand, the two communities had friendly relations with each other and wished to live and work amicably together. As a result of the recent constitutional changes, Fijian representatives had been elected to the Legislative Council for the first time and talks and discussions, both informal and formal, would take place in the coming months on the question of safeguards and on the next steps on the way to internal self-government.

109. His Government would certainly not stand in the way of ultimate independence for Fiji if that was what the people wanted, but this was not the issue at present. The representatives of the Fijian people had recently stated, however, that they considered Fiji to be attached to the British Crown by the deed of cession of 1874 and that, far from wishing to sever this link, they would like a new constitutional instrument embodying that understanding of the relationship and making provision for the safeguarding of Fijian interests. Subject to that reservation, they would be prepared to consider further measures towards internal self-government. The Indian community, for their part, had made it plain that they would like to see constitutional advance towards internal self-government, but stressed their willingness to meet the main conditions expressed to them by the Fijians. His Government was now considering how those proposals could be implemented, but he emphasized that the pace and method of further constitutional advance could ultimately be solved only by the peoples of the Territory themselves. His Government, for its part, would devote every effort to assisting the people of Fiji, of all races, to construct a political environment in which they could live together in peace and harmony.

110. Replying to the accusations made by the representative of the Soviet Union, which bore little positive relation to the situation in the Territory, he pointed out that while, in theory, the Governor of the Territory had power to overrule the Legislative and Executive Councils, for many years past the Governor had not refused his assent to any bill passed by the Legislative Council, nor had he directed that any bill not adopted by the Legislative Council should come into force. There had been no instance, for many years, of the Queen's disallowing bills passed by the Legislative Council. Furthermore, the Governor had not had occasion to take decisions contrary to the advice of his Executive Council and consequently the need to report such an event to the Colonial Secretary or to the British Government had not arisen. There had therefore been no purpose in the remarks of the Soviet representative. With regard to membership of the Executive Council, the Governor had always consulted the representatives of the different communities in the Legislative Council about who should be appointed to membership of the Executive Council, and the advice of the elected members had invariably been accepted.

111. As far as elections were concerned, it must be borne in mind that the number of inhabitants over twenty-one years of age represented less than 44 per cent of the total population, which, moreover, included persons lacking residential qualifications and a relatively small proportion of illiterates. Three quarters of those eligible to vote had registered, and, of that number, two thirds had actually voted - both satisfactory figures though not to be compared with the remarkable voting figures in the Soviet Union. The Soviet representative was therefore inaccurate in concluding that virtually half of the native population was deprived of the right to vote.

112. With regard to representation in the Legislative Council, the official members did not represent any community; they were heads of major Government departments and thus bound to serve the whole population of Fiji without distinction as to race. Moreover, they were not all Europeans; the Commissioner of Labour, for example, was an Indian. He wished to point out once again that the official majority was to be done away with in due course.

113. Turning to the question of the Territory's economy, he noted that while sugar was the largest export item, it had accounted for only £8.25 million in 1962

out of total exports valued at £15.5 million. Far from being backward, as the Soviet representative had alleged, the sugar industry was operated on the most efficient lines; that fact had been noted by a commission of inquiry which had recently examined the industry. Another commission had noted that the millers provided loans free of interest for crop expenses, including fertilizers, and at a low rate of interest for farm equipment. The millers were, as the commission itself had observed, the only ones in the world who provided such a generous range of loans. It should also be noted that sugar-cane was grown on some 125,000 acres by 12,500 peasant farmers and there were no large plantations. The sugar company itself farmed only about 2,500 acres and did so for experimental and research purposes. Charges ascribed by the Soviet representative to the most recent Commission on the sugar industry to the effect that the system of land tenure was rapacious were quite untrue. The Commission had made no such charges, and had indeed formed precisely the contrary view. The local company which milled the sugar-cane produced in Fiji was a monopoly only in the sense that it was the only milling company in the Territory. There was no legal restriction on the establishment of other companies, which was prevented only by the unavailability of local capital. Moreover, the commission of inquiry had been in favour of having a single large miller, since it had not felt that a larger number of millers could operate economically. In rebuttal of yet another inaccurate statement by the Soviet representative, he said that there were no restrictions on sugar production, which was expected to increase from 218,000 tons in 1962 to 275,000 in 1963. The Soviet charge of monopolies in other industries was equally unfounded: coco-nuts were grown by persons of all races, and the banana industry was in the hands of the indigenous inhabitants. With regard to the companies referred to by the Soviet representative, there was no such company in Fiji as the Colonial Sugar Refinery; the only local milling company was the South Pacific Sugar Mills Company, which had Indian and Fijian directors. The Pineapple Packing Company and the Copra Board had ceased to exist some years before, and the Banana Board had Fijian and Indian members.

114. His Government was doing everything in its power to encourage foreign investment in the Territory, since only if success was achieved in that respect could economic development keep ahead of the rapidly increasing population. The Government itself had made grants and loans totalling over £4.5 million in the past three years.

115. Furthermore, as the Soviet representative could have discovered by consulting the United Nations Library, the companies operating in Fiji did pay taxes and these were a valuable contribution to the revenue of the Territory. The normal rate of company tax was 6s. 3d. in the pound on net profits, whether distributed or not. Only new companies considered to be likely to contribute to the Territory's economic development were exempted from the payment of company tax on a proportion of their profits for a period of five years. That form of tax allowance was common in developing countries.

116. Unlike the Soviet Union, which transmitted no information at all on its non-self-governing territories, his Government provided ample information on Fiji in accordance with Article 73 e of the Charter, and through a mass of other documentation. His Government was not attempting to isolate Fiji from the outside world and Soviet charges to this effect were fantastic. In 1961, as could be seen from document ST/TRI/B.1962/4, 2,000 aircraft carrying some 20,000 passengers and 363 vessels carrying more than 7,000 passengers had stopped in Fiji. Soviet ships were frequent and welcome visitors to the Territory.

117. With regard to the petition^{8/} from the Western Democratic Party, the latter was less than one year old and had only about 150 active members. Since Mr. Tora, the secretary of the Party, had received only 1,496 votes in the recent elections out of a total poll of 12,322, it was not surprising that he should refer to the elections in derogatory terms. Contrary to Mr. Tora's assertions, the Fijians enjoyed the same freedoms as the Territory's other inhabitants and were being trained for higher administrative posts. No Fijian who was qualified and could benefit from a scholarship had been refused one, and some scholarships were reserved for Fijian candidates. With regard to labour legislation, a thorough review had recently been carried out by the

^{8/} A/AC.109/PET.140.

Labour Advisory Board, which was composed of representatives of both employers and employees under the chairmanship of the Commissioner of Labour, who was an Indian. It was hoped that revised legislation would be enacted at an early date. There was therefore as little substance in the petition as there was in the Soviet representative's statement.

118. The representative of the Union of Soviet Socialist Republics, exercising his right of reply, said that it must be noted once again that the United Kingdom was persisting in its refusal to apply to the Fiji Islands the Declaration on the granting of independence to colonial countries and peoples. That attitude did not only contradict the Committee's objective but was extremely dangerous, particularly for the Fijian people. The United Kingdom representative had tried to make a distinction between large and small Territories. While it was true that geographic, ethnic and other differences existed, the essential difference was that the smaller a population was the more difficulty it had in securing its rights.

119. A comparison of the statements on Fiji made by the Soviet Union delegation in the Committee with the statements made by other delegations would reveal that there was a great deal in common between them. The United Kingdom representative, however, had not had the courage to refer to the other statements but had concentrated his attention mainly on the statements of the Soviet Union delegation. His delegation was not, on the whole, displeased with that fact, since it meant that his delegation's observations were making an impression on the United Kingdom delegation.

120. The United Kingdom representative had pointed out, in connexion with the Territory's constitutional system, that decisions taken by the Legislative and Executive Councils had never been overruled by the Governor. It was not a very convincing argument, since the majority of Council members represented not the people but the Governor himself. The United Kingdom had been able to surround itself with safeguards, although its dominant position was assured by its control of the Legislative Council and the Executive Council, by the absolute powers held by the Governor, and by the Colonial Secretary's power to overrule decisions taken by the Governor.

121. With regard to the composition of the Executive Council, he would like to know what entitled the white settlers to greater representation than the other segments of the population. As now constituted, the Council served the

interests of the white settlers rather than those of the local population. If power was held by the Executive Council, the people should be represented in it.

122. As far as the suffrage was concerned, he noted that of an electorate of 180,000 - comprising 44 per cent of the population and not approximately 50 per cent, as his delegation had supposed - only one third had taken part in the elections. In that connexion, he wished that the United Kingdom representative had refrained from comments concerning elections in the Soviet Union, of which he knew nothing whatever.

123. Turning to the question of the Territory's economy, he observed that the Marxist principles on which his delegation based its observations on economic matters - the principles that the wealth and resources of a Territory should belong to the local population rather than to foreign companies - were being increasingly applied not only in the socialist countries but nearly everywhere in the world, as was shown by the nationalization of foreign companies and their property in many countries. With more specific reference to the Fiji Islands, he felt that the foreign companies had long since recovered their investment in the Territory and that it was time to turn over to the Fijian people everything that was rightfully theirs.

124. The United Kingdom representative had said that the value of sugar exports alone amounted to some £15 million a year; it would be interesting to know exactly to whom that money was paid. In his statement he had mentioned the report of the Commission that had been set up to study the situation; the full report, incidentally, was not available to his delegation, which explained why it had had to make use of information that had appeared in the Press. That Commission, which was apparently composed not of the representatives of the inhabitants of Fiji, but mainly of Englishmen who were no doubt more concerned with British interests than with the well-being of the people, had reached the conclusion that the present system of land tenure was iniquitous and a threat to the present and future welfare of the people.

125. He would like to have some information about the monopolies, which, while they might have changed their names or amalgamated, were nevertheless in existence. He very much doubted, however, whether the United Kingdom

representative would ever give the Committee information of that kind, for the activities of the monopolies and companies were a closely guarded secret, as had been apparent in the case of Katanga; at that time the situation had been known to all but no one had known what the Union Minière really did or what its transactions were although the attention of the world was riveted on that area. The same could be said of Fiji.

126. Speaking about the contacts the Fijians had with the outside world, the United Kingdom representative had said that numbers of aircraft visited Fiji and numbers of ships called at Fijian ports. It was not contacts of that kind, which were matters of tourism by the British or trade by the British companies that the Soviet Union delegation had had in mind, but contacts with other territories in that area of the Pacific, contacts between the inhabitants of Fiji and the outside world; those were the contacts that the Soviet Union delegation thought should be much more extensive.

127. With regard to petitions, the United Kingdom representative had said on the one hand that the petition before the Committee was not worthy of its attention, but on the other hand he had said that something should be done about the demands made in it, which would seem to indicate even in the view of the United Kingdom delegation that there were certain elements of truth in the petition. In the Soviet Union delegation's opinion it was not possible at one and the same time to disregard a petition and satisfy the demands made in it.

128. When the United Kingdom delegation had nothing to say it would start talking about part of the territory of the Soviet Union in the Pacific area. He deplored that interference in Soviet Union affairs and told the United Kingdom representative: (translated from Russian)

"Don't poke your nose into our Soviet affairs. You have repeatedly poked your nose, with weapons in hand, too, so that the tip of the nose has remained buried in the Soviet Union."

He pointed out that after the Second World War the Allies had agreed that the territories which had belonged to Russia for many years before they were occupied by Japan, should be restored to the Soviet Union. Under agreements and treaties signed by the Principal Allies, the Soviet Union had received

the islands near Sakhalin, where Russians had been living for years. Those territories were an integral part of the Soviet Union and no one had the right to reopen the question.

129. The United Kingdom representative had complained that there was no information available about the Soviet Union, but the truth was that a great deal of information was to be found in the newspapers, including the United States publications, despite the lies and slander in which the Western Press abounded.

It was information about the truly grandiose undertakings in progress in the Soviet Union, information showing the superiority of the socialist system.

130. It therefore seemed that the United Kingdom representative's attempt to refute the statement by the Soviet Union delegation, and through it the statements of other delegations, about Fiji had not been altogether successful. The Soviet Union delegation had based its statement on facts. Not one of those facts had been refuted; indeed, it would have been difficult to refute them, since the Soviet Union delegation had found its information in the British Press, the Fijian Press and documents available to the United Nations. If there had been any inaccuracies in the statement made by the Soviet Union delegation, the fault lay in the publications themselves.

131. The United Kingdom was trying to keep its small colonial territories, following the same course that was adopted by some colonial Powers including Portugal as well as the United States which had been including Trust and Non-Self-Governing Territories in its territory. In order to do so, the United Kingdom had recourse to various manoeuvres, one of them being the very statement which the United Kingdom representative had made that day. The United Kingdom would, however, have to reckon with public opinion and with the United Nations, which would certainly not allow it to go on in that way. The time had passed when sending a gunboat would be sufficient to seize a Territory.

132. The representative of Mali, exercising his right of reply, recalled that the United Kingdom representative had referred to the statement made by the Malian delegation and had tried to refute the comparison it had made between the situation in Fiji and the situation in Southern Rhodesia and Angola. He simply wished to reaffirm, on behalf of his delegation, that the Fijian people aspired to independence, despite the attempts made in the Committee to give the impression that they were satisfied with the present situation.

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133. Perhaps the Fijian people were not yet reacting in the same way as were the people of Southern Rhodesia, or the people of Angola to the Government of Mr. Salazar, but it was undeniable that they wanted, and would obtain, the independence of which the United Kingdom Government had deprived them in the name of an alleged act of friendship and protection.

134. The Malian delegation had expected the United Kingdom representative to give many more concrete facts about the situation in Fiji; it had hoped that he would speak about the date for independence and the arrangements being made to bring the Territory to independence. It was confident, however, that the United Kingdom Government would do its utmost to prove that its policy was in conformity with the Charter.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

135. At the 193rd meeting, the representative of the Union of Soviet Socialist Republics introduced a draft resolution^{2/} on Fiji. The draft resolution read:

The Special Committee,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962, which recognize "the passionate yearning for freedom in all dependent peoples" and express the conviction that "colonialism ... impedes the social, cultural and economic development of dependent peoples" and that "all peoples have an inalienable right to complete freedom (and) the exercise of their sovereignty",

Having considered the question of Fiji,

Having heard a statement by the representative of the Administering Power,

Having examined the petition sent to the Committee by the Fijian Western Democratic Party,

Noting with regret that the Administering Power has still taken no steps to transfer all powers to the people of Fiji in conformity with operative paragraph 5 of resolution 1514 (XV),

Noting further that the Fiji constitution, in particular those sections governing the electoral system and the composition and functions of the Legislative and Executive Councils of Fiji, does not meet the legitimate political aspirations of the Fijian people,

1. Affirms the inalienable right of the people of Fiji to self-determination and national independence in conformity with the provisions of resolution 1514 (XV) (of 14 December 1960);

2. Invites the Administering Power:

(a) To abrogate the constitution of 27 February 1963 and to work out, together with the representatives of the people of Fiji, a new constitution providing for elections conducted on the principle of "one man, one vote", and the creation of executive and legislative authorities for the country on a democratic basis;

(b) To take immediate steps for the transfer of all power to the people of this Territory, in accordance with their freely expressed will and desire and without any conditions or reservations;

(c) To encourage the expansion of the Fijian people's regional and international ties.

136. At the 195th meeting, the representative of Australia proposed that the Committee should proceed by way of a consensus rather than by means of a resolution.

137. In making this proposal, the representative of Australia said that: the choice between proceeding by consensus or by resolution depended on the circumstances of each particular case. Where there was agreement on the general purpose and intent of the Committee's action, a consensus had the advantage of making it unnecessary for delegations to take positions with regard to individual points on which they disagreed. All members of the Committee were, broadly speaking, in agreement on the question of Fiji. Consequently, the formulation of a consensus expressing such broad agreement would constitute a better service to the people of Fiji and would promote the Committee's own future work more effectively than if the Committee proceeded by means of a resolution which, however carefully drafted - and he thought that the Soviet draft resolution was carefully drafted - was bound to raise points of difference and would not properly reflect the wide measure of agreement in the Committee. It should also be remembered that the Committee was considering Fiji for the first time and was not as yet in a position to form a firm judgement on details of the situation in the Territory. If the Committee proceeded to take firm positions on that basis it might be doing less than justice to the feelings of the people of the Territory, and those should always be uppermost in the Committee's mind.

138. Supporting this proposal, the representative of Venezuela said that while his delegation had no objection to the substance of the USSR draft resolution, it was under the impression that there was an almost general agreement in the Committee that it was preferable to proceed by consensus. His delegation, which had always preferred solutions that did not necessitate a vote, held the view that if a consensus could be formulated there was no reason why a vote should be taken. The consensus procedure had been used on previous occasions and he thought that it was particularly applicable to the case of Fiji since that was

the first occasion on which the Committee was considering the Territory. He saw no reason for precipitate action or for the adoption of the rigid formula of a resolution. A consensus had the enormous advantage of enabling the Committee to reach general agreement on the fundamentals of the problem so that, in accordance with the provisions of the Declaration and of resolution 1810 (XVII), the most suitable ways and means could be sought for the solution of the problem.

139. Without wishing to question in any way the right of any delegation to submit a draft resolution and to insist that it should be put to the vote, his delegation thought that, under its terms of reference, the Committee was not obliged to adopt a resolution in every case. One of the Committee's tasks was "to seek the most suitable ways and means" - he would even say the most effective ways and means - "for the speedy and total application of the Declaration". In the case of Fiji a resolution would be less effective than a statement of the consensus of the Committee. Instead of strengthening the Committee's action a resolution would weaken it because it would lead to numerous reservations and adoption by a relative majority where virtually general agreement might have been demonstrated.

140. In reply, the representative of the Union of Soviet Socialist Republics recalled that under the terms of General Assembly resolution 1810 (XVII) the Committee was in duty bound to submit to the General Assembly not later than its eighteenth session a full report containing its suggestions and recommendations on all the territories mentioned in paragraph 5 of the Declaration. Non-compliance with that injunction would be in direct violation of the resolution.

141. Some representatives had argued that the Committee did not have full information concerning Fiji. Yet could it be said that the Committee had complete information about any Territory or that it knew whether the information it had was or was not complete?

142. The Australian representatives had spoken of a consensus. As could be seen from the general debate, the majority of the members were agreed on two points: first, that the Declaration on the granting of independence to colonial countries and peoples was applicable to the colonial territories in the Pacific region including Fiji, and, secondly, that the Fiji constitution failed to provide the people with the necessary opportunities for expressing its views

and duly participating in the self-government and administration of their country. Disagreement with those views had been expressed only by the United Kingdom representative, but that had not been the first occasion on which the agreement of the representative of the Administering Power had not been forthcoming.

143. Furthermore, it would be seen that in the past the Committee had proceeded by consensus mainly in respect of Territories which had been considered on previous occasions, such as the Territories under Portuguese administration or Southern Rhodesia. In the case of first consideration of Territories, draft resolutions had been submitted, as could be seen from the examples of Malta and Aden. In the circumstances, he failed to understand why the Australian representative was so insistent on the formulation of a consensus. He wondered whether it was desired to extend to the Committee the situation prevailing in other United Nations organs, such as the Trusteeship Council, where the question of the implementation of the Declaration could not be discussed properly, or whether there were other motives.

144. The Australian representative had also stated that the Committee was not acquainted with the feelings of the Fijian people. When the General Assembly had adopted the Declaration on the granting of independence to colonial countries and peoples it had been fully aware of the colonial peoples' feelings. He did not think that anybody would share the Australian representative's doubts concerning the Fijian people's desire to exercise the lawful and inalienable right of every people to freedom and independence.

145. The Declaration on the granting of independence to colonial countries and peoples was not being applied in Fiji. It was the duty of the Committee, which had been set up specifically to watch the situation with regard to the implementation of that Declaration, to bring that finding to the notice of the General Assembly and to recommend the minimum measures which the Declaration provided for all colonial territories, which naturally include Fiji.

146. Furthermore, that was the first occasion on which the Committee had considered a colonial territory in the Pacific region. Indeed, never before had the question of the applicability of the Declaration to territories in that

region been put directly in any United Nations organ. As a matter of principle, it was important that the Committee should state its views clearly and unambiguously concerning the applicability of the fundamental principles of the Declaration to the Pacific region and the Territory of Fiji.

147. No convincing arguments had been adduced in support of proceeding by consensus rather than by resolution. His delegation remained firmly convinced that the Committee should adopt a resolution. The draft resolution before the Committee was very modest. It did not include any provisions which would be unacceptable to any member of the Committee who supported the Declaration on the granting of independence to colonial countries and peoples. Nothing in the draft resolution went beyond the provisions of the Declaration and of the Committee's recommendations in respect of virtually every Territory it had considered. The people of Fiji had the same desires, hopes and aspirations as every other people.

148. The Committee should adopt the draft resolution and submit it to the General Assembly. Unless it submitted a resolution, the General Assembly could accuse it of failure to abide by the provisions of resolution 1810 (XVII), and in particular operative paragraph 8. The formulation of a consensus was an interim measure. It was tantamount to delaying the submission of specific suggestions and recommendations. However, under its terms of reference, the Committee was not entitled to postpone the solution of the problem beyond the beginning of the eighteenth session of the General Assembly. Nor was there any reason for such postponement. Moreover a consensus would represent only a provisional solution which might soon be rendered meaningless by some fait accompli. His delegation was therefore convinced that the only appropriate manner in which the consideration of Fiji could be concluded was by the adoption of a resolution. The text before the Committee reflected the views expressed in the general debate and the fact that it had been sponsored by his delegation was a mere technicality.

149. The Chairman recalled that in adopting its rules of procedure the Committee had decided that, while it would attempt to reach agreement in its work without voting, a vote would be taken whenever any member felt that that was necessary. Hence, unless a delegation requested a change in the Committee's established procedure, the Committee would have to vote on the draft resolution before it.

150. At the 196th meeting, the representative of Venezuela, speaking on the draft resolution, said that with regard to the second preambular paragraph, his delegation doubted whether the consideration of the question had been sufficiently complete to justify the adoption of a more or less categorical resolution and, particularly, of the recommendations embodied in the draft resolution before the Committee. It would be recalled that most of the speakers in the general debate had drawn attention to the lack of information regarding the political situation in Fiji.

151. With reference to the fourth preambular paragraph, he said that, to the best of his recollection, the Committee had not examined the petition from the Fijian Western Democratic Party, at least not in the general debate. Even if it had done so, however, he did not think that it could base the action recommended in the operative part on the examination of a petition unless the petition emanated from a political party which represented the majority of the people of the Islands.

152. In the fifth preambular paragraph it would be more accurate to say that the Administering Power had taken no "effective" steps.

153. With reference to the sixth preambular paragraph, he agreed that the Fiji Constitution did not embody the fundamental principles of political and social democracy and had been enacted without prior popular consultation on the basis of universal suffrage. He did not think, however, that the Committee was in a position to state categorically that the Constitution did not meet the legitimate political aspirations of the Fijian people, since it was not acquainted with those aspirations. He recalled that in the general debate his delegation had expressed regret that the Committee had not heard a single spokesman of the Fijian people. His delegation felt that the Committee should ask the Administering Power to take the necessary steps to ascertain the views of the indigenous inhabitants in accordance with the Declaration.

154. With reference to operative paragraph 2 (a), his delegation, while agreeing with the proposed action, felt that the Committee as such could not place any limit on the Fijian people's freedom of choice. It was for the Fijians themselves not only to choose their political system in full freedom but also to determine the manner in which they wished to discuss that system with the Administering Power.

155. His delegation could not agree with operative paragraph 2 (c) since the Committee could not state categorically that Fiji was isolated.

156. The representative of the Union of Soviet Socialist Republics, referring to the Venezuelan representative's observation that the Committee did not have sufficient information about Fiji, recalled that the Committee on Information from Non-Self-Governing Territories had long been collecting information on Fiji which was available to interested delegations. That information was not, however, particularly significant for the purposes of the Committee, which was primarily interested in facts about the steps taken by the Administering Power to grant independence to Fiji. The Committee could not learn those facts without the Administering Power's co-operation. His delegation, doubting that such information was forthcoming from the United Kingdom delegation, had put forward the idea of sending a visiting mission to the Territory. The idea had not found wide support and his delegation had not pressed it, considering that the Committee might in fact do better to concentrate on its main task.

157. The Venezuelan representative had also stated that the Soviet draft resolution would tend to curb the Fijian people's freedom of choice. Nothing was further from the sponsor's mind, and it was difficult to understand how such an interpretation had been arrived at, especially as the people of Fiji did not as yet enjoy any freedom of choice.

158. At the same meeting, the representative of Mali introduced amendments^{10/} to the draft resolution. By these amendments in the first preambular paragraph, the words after "1810 (XVII) of 17 December 1962" would be replaced by "and in particular paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples"; the fourth preambular paragraph would be deleted; in the fifth preambular paragraph the word "effective" would be inserted before the word "steps"; and in the sixth preambular paragraph the words "does not meet the legitimate aspirations of the political aspirations of the Fijian people" would be replaced by "is not based on generally accepted democratic principles". The Mali amendment would also replace operative paragraph 2 (a) by the following:

^{10/} A/AC.109/L.73.

"(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;"

It would also replace operative paragraph 2 (c) by the following:

"(c) To endeavour, with the co-operation of the people of Fiji, to achieve the political, economic and social integration of the various communities."

159. These amendments were accepted by the representative of the Union of Soviet Socialist Republics.

160. At the 197th meeting, the representative of Mali agreed to a suggestion by the representative of the Union of Soviet Socialist Republics that the text of paragraph 5 of the Declaration be included in the first preambular paragraph.

161. The representative of the United Kingdom, having requested a vote, said that he intended to vote against the revised draft resolution because it was based on a complete misconception of the position in Fiji and of the desires of the people of Fiji. The Constitution of Fiji had been adopted with the full agreement of the representatives of the people of Fiji and already provided for free elections and representative institutions on a basis which accorded with the wishes of the people. It was the policy of his Government to fulfil in Fiji the obligation to develop self-government laid down in the United Nations Charter, in accordance with the particular circumstances of the Territory and the known desires of its people. He had made it clear that the United Kingdom would not stand in the way of ultimate independence for Fiji if that was what its people wanted. At the present time, his Government was considering proposals which would meet their willingness to move towards internal self-government provided there were appropriate safeguards in the Constitution coupled with the retention of the constitutional link with Britain. Operative paragraph 2 (c) of the revised draft resolution referred to a policy which was already being carried out by his Government, and elsewhere the revised draft resolution, where not behind the times, completely failed to take account of the particular circumstances in Fiji and the wishes of its people.

162. The Special Committee then adopted the revised draft resolution by 19 votes to 1, with 4 abstentions.

163. The representative of Australia explained that his delegation had abstained from the vote because it had felt that the proper course with respect to Fiji would have been the approval of a consensus expressing the wide area of general agreement that existed on the question. However, the Soviet representative had seen fit to introduce a draft resolution which, in the view of his delegation, had been ill chosen in many respects. For example, it had made no reference to the wishes of the people of Fiji or to the necessity of solving the basic problem of Fiji, namely, the differences between the races living in the Territory. He welcomed the fact that a number of the elements of what would have been a consensus had been included in the resolution through the efforts of certain delegations, so that the original Soviet draft was now barely recognizable. Nevertheless, in spite of those improvements in the draft resolution, his delegation had abstained from the vote as a matter of principle, in view of the position it had taken on the undesirability of adopting a resolution in the present instance.

164. The representative of the United States of America shared the Australian representative's view concerning the constructive nature of the amendments put forward to the draft resolution. Nevertheless, his delegation had abstained from the vote because it had felt that the Constitution which had come out of the deliberations with the representatives of the people of Fiji should be given a trial for a reasonable length of time, in order to determine whether or not it suited the needs of the people of Fiji.

165. The resolution^{11/} on Fiji adopted by the Special Committee at its 197th meeting on 19 July 1963 reads as follows:

The Special Committee

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962 and in particular paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples, which provides that:

^{11/} A/AC.109/47 and Corr.1.

"Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom."

Having considered the question of Fiji,

Having heard a statement by the representative of the Administering Power,

Noting with regret that the Administering Power has still taken no effective steps to transfer all powers to the people of Fiji in conformity with operative paragraph 5 of resolution 1514 (XV),

Noting further that the Fiji constitution, in particular those sections governing the electoral system and the composition and functions of the Legislative and Executive Councils of Fiji, is not based on generally accepted democratic principles,

1. Affirms the inalienable right of the people of Fiji to self-determination and national independence in conformity with the provisions of resolution 1514 (XV);

2. 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 this 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.

CHAPTER VIII

NORTHERN RHODESIA, NYASALAND, KENYA AND ZANZIBAR

A. NORTHERN RHODESIA

I. Action taken by the Special Committee in 1962 and by the General Assembly at its seventeenth session

1. Following its consideration of Northern Rhodesia at its meetings in 1962, the Special Committee, on 16 May 1962, adopted conclusions and recommendations on the Territory^{1/} including a draft resolution for consideration by the General Assembly.
2. In these conclusions and recommendations the Special Committee stated that, in view of the strong opposition of the vast majority of Africans to the Federation as constituted at present, immediate steps should be taken to end it. It believed that the question of whether Northern Rhodesia was to enter into any federation or relationship of any other kind with other countries could be decided only by the people and representative bodies of Northern Rhodesia. The Special Committee also expressed its strong opposition to any attempts to disrupt the territorial integrity of Northern Rhodesia.
3. With regard to the proposed constitution, the Special Committee considered that it was basically undemocratic and discriminatory. It did not conform to the principles embodied in paragraph 5 of the Declaration, particularly in respect of the franchise qualifications which excluded the enrolment of the vast majority of the indigenous people. The Special Committee was impressed by the high sense of responsibility shown by the African political leaders by their decision to participate in the elections despite the serious defects and shortcomings of the Constitution. The Special Committee therefore urged the Administering Power to implement, before the elections, the following five conditions which had been advanced by the leaders of UNIP as a sine qua non of their participation in the forthcoming elections:

- (i) Release of all political prisoners and detainees;
- (ii) Complete freedom of movement and political activity of political parties;

^{1/} A/5238, chapter III, paragraphs 193-205.

- (iii) Delimitation of constituencies by an impartial commission;
- (iv) Guarantees that elections are held in an atmosphere free of any intimidation or pressure and to that end withdrawal of the armed forces of the Federation from Northern Rhodesia;
- (v) No nominations of members should be made to fill any "national seats" in the Legislative Council which may be left vacant.

4. The Special Committee also noted that despite attempts by the Administering Power to end racial discrimination in the Territory it continued to exist in such fields as housing, education and employment. The Special Committee urged the Administering Power to repeal all legislation which directly or indirectly sanctioned any policy or practice based on racial discrimination.

5. These conclusions and recommendations were embodied in a draft resolution which the Special Committee recommended for adoption by the General Assembly as a matter of urgency. The Special Committee also decided that its conclusions and recommendations should be transmitted to the Government of the United Kingdom.

6. At the seventeenth session of the General Assembly, Cambodia, Ethiopia, India, Madagascar, Mali, Syria, Tanganyika, Tunisia, Uruguay, Venezuela and Yugoslavia submitted a revised text^{2/} of the draft resolution recommended by the Special Committee. At the 1196th plenary meeting on 18 December 1962, the representative of the United Kingdom stated that in the judgement of his delegation, it would be better not to put the resolution to the vote at present since a coalition government had been formed in the Territory, Ministers had been appointed and the resolution itself was out of date. He therefore suggested that it would be wiser not to proceed to vote on the draft resolution. The President put to the vote the suggestion "that we not proceed at this stage to vote on the draft resolution". This suggestion was adopted by the General Assembly.

II. Information on the Territory

Introduction

7. Information on the Territory is already contained in the Special Committee's report to the seventeenth session of the General Assembly.^{3/} Supplementary information on recent developments concerning the Territory is set out below.

^{2/} A/L.418.

^{3/} A/5238, chapter III.

Population

8. At 30 June 1962, the estimated population of Northern Rhodesia was 2,550,000, comprising 2,462,000 Africans, 77,000 Europeans and about 11,000 others, mainly Asians.

Constitution

9. The present Constitution of Northern Rhodesia came into force in September 1962. The main features of the Constitution, in particular, the details of the electoral system and the franchise are described in the report of the Special Committee to the seventeenth session of the General Assembly.^{4/}

1962 elections

10. The first elections under the new constitution for the 45 elective seats in the Legislative Council were held on 30 October 1962.

11. Voters registered on the upper roll totalled 37,152, the majority being Europeans, while those on the lower roll totalled 91,186, almost all being Africans.

12. Elections were held for 14 upper roll seats^{5/}, 15 lower roll seats and 15 national constituency seats. These latter included one special seat to be filled by an Asian and 14 seats to be filled from seven constituencies returning two members each. In four of these constituencies an African and a European must be returned while in the remainder the seats are open to members of any race. One of the requirements for election in the national constituencies is that candidates must receive a minimum 10 per cent support from both European and African voters.

13. The elections were contested by the following four main political parties:^{6/} the African National Congress (ANC) led by Mr. H.M. Nkumbula; the Liberal Party (LP) led by Sir John Moffat; the United Federal Party (UFP) led by Mr. H.J. Roberts; the United National Independence Party (UNIP) led by Mr. K.D. Kaunda. Two other parties, the Rhodesia Republican Party (RRP) and the Barotse National Party (BNP) also put up candidates.

^{4/} Ibid., chapter III, paragraphs 14-21.

^{5/} The election for one upper roll seat was not held because of the death of one of the candidates.

^{6/} For information on political parties in Northern Rhodesia see A/5238, chapter III, paragraphs 23-28.

14. The results of the elections were as follows:

	<u>Upper roll seats</u>	<u>Lower roll seats</u>	<u>National seats</u>	<u>Total</u>
United Federal Party	13	-	2	15
United National Independence Party	1	12	1 (Special Asian) ^{7/}	14
African National Congress		3	2	5

15. In five of the national constituencies no candidate received the required percentage of African and European votes to be elected. It was announced that by-elections for these seats and for the unfilled upper roll seat would be held on 10 December 1962.

16. The total votes on the upper and lower rolls for the main parties were: the United National Independence Party, 65,000; the United Federal Party, 22,000; and the African National Congress, 17,000. On the predominantly European upper roll, the United Federal Party received 70.5 per cent of the valid votes cast, and on the almost entirely African roll the United National Independence Party received 78.2 per cent of the valid votes. The latter received a small portion of European votes, and the United Federal Party received a minor proportion of African votes.

17. After the defeat of all its candidates in the elections, the Liberal Party was disbanded and its members were urged to support the UNIP.

18. Following the election, the Governor accepted the resignation of the elected Ministers in the last Government and announced the formation of a caretaker government of civil servants to administer the Territory until mid-December, after the holding of by-elections for the outstanding seats.

By-elections

19. By-elections for one upper roll and ten national constituency seats took place on 10 December 1962.

^{7/} The successful candidate for this seat stood as an independent but had UNIP support and is regarded as supporting UNIP.

20. The upper roll seat was won by the UFP. Among the national constituency candidates, only two obtained the required percentage of votes to be elected. Both were ANC candidates. It has been announced that the other eight national seats will remain unfilled for the life of the present Legislature.

21. The state of the parties in the Legislative Council as a result of the elections and by-elections is as follows:

	Upper roll seats	Lower roll seats	National seats	Total
United Federal Party ^{8/}	14	-	2	16
United National Independence Party	1	12	1 (Special Asian) ^{9/}	14
African National Congress		3	4	7

The elected members of the Legislative Council comprise 19 Africans, 16 Europeans and two others.

22. In addition to the elected members, the Governor appointed to the Legislative Council the four official members of the Executive Council, two other officials and an unofficial African member.

Coalition Government

23. On 14 December 1962 the Governor announced the formation of a coalition Government of United National Independence Party and African National Congress members. Mr. K. Kaunda, UNIP leader was appointed Minister of Local Government and Social Welfare and Mr. H. Nkumbula, ANC leader, was appointed Minister of African Education.

24. Four other Ministers were appointed from the elected members, two from UNIP and two from the ANC. The Governor also appointed the four ex officio Ministers to the portfolios of Chief Secretary, Finance, Native Affairs, and Legal Affairs and Attorney-General. The constitutional requirement that the unofficial members

^{8/} The United Federal Party recently changed its name to the National Progress Party (NPP)

^{9/} See foot-note 7.

of the Executive Council should include at least two non-Africans has been fulfilled as two of the ANC Ministers are Europeans.

25. The appointment of six Parliamentary secretaries, three from each of the coalition parties, was also announced.

Inaugural meeting of the House of Chiefs

26. On 3 January 1963 the first meeting of the House of Chiefs which was established under the new Constitution took place. The House of Chiefs consists at present of 22 members chosen by 228 Chiefs in the Territory and has advisory functions in relation to Bills and other matters laid before it by the Governor. The Litunga in Council of the Barotseland Protectorate has decided not to nominate members to represent Barotseland in the House of Chiefs.

Recent developments

27. At the beginning of December 1962 Mr. Kaunda and Mr. Nkumbula had informal talks in London with Mr. R.A. Butler, United Kingdom Minister responsible for Central African affairs. At the conclusion of these talks the two leaders issued a statement which read in part as follows:

"We made it clear to Mr. Butler that we have a mandate from our people to demand: (a) a new Constitution which should express the feelings and voice the views of the majority of the people of Northern Rhodesia for self-government and independence without delay, taking into account the fact that there are minority groupings in our country which should be safeguarded by any Government that may be formed; and (b) the immediate dissolution of Welensky's so-called Federation of Rhodesia and Nyasaland."

28. On 19 December 1962 Mr. Butler announced that the United Kingdom Government had accepted in principle that Nyasaland be allowed to withdraw from the Federation of Rhodesia and Nyasaland. He added that "such a withdrawal does not mean that the present constitutional relationship between Northern and Southern Rhodesia is thereby broken". He also indicated that he proposed to visit Central Africa to initiate consultations with the Federal and Territorial Governments to seek ways and means of achieving a practical and durable solution of the situation in Central Africa.

29. Following Mr. Butler's announcement, charges were made in the British Parliament and by Sir Roy Welensky, Prime Minister of the Federation that, by allowing Nyasaland to secede from the Federation, the United Kingdom Government had broken a pledge given in January 1953 that no change in the Federal structure would be made without the consent of the component Governments. To clarify its position, the United Kingdom Government decided to make public, in a White Paper entitled "The Federation of Rhodesia and Nyasaland" (Cmnd.1948), confidential records of the meeting of the conference held on 19 January 1953.

30. Mr. Butler visited Central Africa in January 1963. During his visit to Northern Rhodesia he received a joint memorandum from the two governing African parties demanding recognition of the Territory's right to secede from the Federation and asking for a new constitution to be operative by June which would "grant the majority of the people of this country an unfettered say in the management of the Government". This new constitution was to provide for a Prime Minister, a 14 member Cabinet and an enlarged legislature of 65 members elected by universal adult suffrage from a single roll.

31. In February 1963 the Legislative Council of Northern Rhodesia adopted two motions introduced by Mr. Kaunda and Mr. Nkumbula. The first, adopted on 13 February 1963, condemned the Federation of Rhodesia and Nyasaland as being imposed against the will of the people, deplored Northern Rhodesia's association with it and called for the Territory's secession from it. The second, adopted on 14 February 1963 affirmed the right of the people to have "free and unfettered control of the Territory through the Government chosen by the suffrage of all men and women" and requested a constitution based on these principles.

32. In March 1963 the leaders of the Governments of the Federation and of Southern and Northern Rhodesia came to London for informal talks with Mr. Butler. Following these talks Mr. Butler stated in the House of Commons on 1 April 1963 that Her Majesty's Government had accepted that none of the territories could be kept in the Federation against its will, and the principle had, therefore, been accepted that any territory which so wished must be allowed to secede. The Government was convinced that this decision was essential before further progress could be made toward the evolution of an effective relationship between the territories which is acceptable to each of them. It considered that before any

further changes were made, there should be renewed discussion in Africa, not only on the transitional arrangements required but also on the broad lines of a new relationship.

33. On 18 June 1963, Mr. Butler announced in the House of Commons that a Conference on the dissolution of the Federation of Rhodesia and Nyasaland would begin on 28 June at Victoria Falls in Southern Rhodesia. This would be attended by representatives of the Governments of Northern and Southern Rhodesia, an observer from Nyasaland, the Prime Minister of the Federation, and Mr. Butler.

B. NYASALAND

I. Action taken by the Special Committee in 1962 and by the
General Assembly at its seventeenth session

34. Following its consideration of Nyasaland at its meetings in 1962, the Special Committee, on 7 June 1962, adopted conclusions and recommendations on the Territory.^{10/}

35. In these conclusions and recommendations the Special Committee noted that the basic demand of the political parties in Nyasaland was and still is immediate accession to independence and that they had accepted the present constitution in the absence of a better alternative, only as a purely interim and compromise measure; it supported the demands of the overwhelming majority of the population for dissolution of the Federation with Rhodesia and for the granting of complete independence to Nyasaland; it noted with regret that the Administering Power had failed to implement paragraph 5 of the Declaration calling for immediate steps to transfer all powers to the people without conditions or reservations; it welcomed the decision by Dr. Banda and the Government of the United Kingdom to hold talks in June or July 1962 on constitutional advancement and hoped that they would lead to the establishment of a date for independence in accordance with the wishes of the people.

36. At its seventeenth session, the General Assembly, on 18 December 1962, adopted resolution 1818 (XVII) on Nyasaland. In this resolution the General Assembly took note of the conclusions and recommendations adopted by the Special Committee; noted with satisfaction that, at the constitutional talks held in London in November 1962, agreement was reached on a new constitution for Nyasaland; and expressed the hope that this agreement would lead to the achievement of independence without delay in conformity with the wishes of its people.

^{10/} A/5238, chapter IV, paragraph 67.

II. Information on the Territory

Introduction

37. Information on the Territory is contained in the report of the Special Committee to the seventeenth session of the General Assembly.^{11/} Supplementary information on recent developments concerning the Territory is set out below.

Population

38. At 30 June 1962 the total population of Nyasaland was estimated at 2,951,700 made up of 2,930,000 Africans, 9,200 Europeans, 12,500 Asians and other non-Africans.

Constitution

39. At a constitutional conference on Nyasaland held in London in November 1962 which was attended by representatives of both major political parties, agreement was reached on proposals for a self-governing Constitution to be introduced in two stages. The first stage took effect on 1 February 1963, when Dr. H.K. Banda was named Prime Minister and when the existing Constitution was amended to bring into force certain changes in the composition of the Executive and Legislative Councils. The complete new Constitution as agreed at the conference came into force on 10 May 1963.

40. The main provisions of the Constitution agreed by the 1962 Conference are as follows:

(i) The Governor

41. The head of the administration of the Territory is the Governor, who is required to consult the Cabinet in the exercise of his functions in most cases and would normally act in accordance with the advice he receives. The Governor retains reserved powers in the fields of the economy and finance, the public service, public safety and the operational control of the police. He is assisted by a Deputy Governor.

^{11/} A/5238, chapter IV, paragraphs 1-24.

(ii) The Cabinet

42. The Cabinet replaces the former Executive Council and is composed of a Prime Minister, normally not more than eight other Ministers, and the Financial Secretary who is ex officio Minister of Finance. There is provision under the Constitution that the number of Ministers can be increased if the Prime Minister considers it necessary and the United Kingdom Government concur, and under which, at a time to be agreed between the Nyasaland and the United Kingdom Government, the Portfolio of Finance can be assumed by an elected member. The Cabinet has general direction and control of the Nyasaland Government and is collectively responsible to the Legislative Assembly.

(iii) The Prime Minister and other Ministers

43. The Governor is required to invite the member of the Legislative Assembly who appears to him likely to command the support of the majority of the Members of the Assembly to form a government and serve in the office of Prime Minister. The other Ministers are appointed by the Governor on the advice of the Prime Minister from among members of the Legislative Assembly except that not more than three (or so long as the Financial Secretary remains Minister of Finance, two), may be appointed from other persons who are not elected members of the Legislative Assembly but are qualified to be elected members of the Assembly.

44. The Prime Minister is removable by the Governor, but only if a vote of no confidence in the Prime Minister has been passed by the Legislative Assembly and the Prime Minister does not within three days either resign or ask for a dissolution. The other Ministers are removable by the Governor on the advice of the Prime Minister. If the Prime Minister resigns or is removed, the other Ministers (except the ex officio Minister of Finance) will also vacate their offices.

(iv) Legislative Assembly

45. The Legislative Assembly replaces the former Legislative Council and consists of a Speaker, the Financial Secretary so long as he is a member of the Cabinet, and, for the present, twenty-eight elected members. Any Minister who is not a member of the Legislative Assembly has the right to attend and take part in the proceedings of the Assembly, but not to vote.

46. The Speaker is elected by the Legislative Assembly from among its own number or from outside the Assembly. If he is elected from within the Assembly he does not vacate his seat as a member. Ministers and Parliamentary Secretaries are not eligible to hold the office of Speaker or his deputy. The present Speaker, who was appointed before the introduction of the new Constitution, will continue to hold office until the next general election. The deputy speaker is elected by the Assembly from its own number.

47. The Legislative Assembly has a life of not more than five years. The strength of the political parties in the Legislative Assembly is as follows: the Malawi Congress Party (MCP), led by Dr. H.K. Banda, 22 seats; the Nyasaland Constitutional Party (NCP),^{12/} led by Mr. M. Blackwood, 4 seats; and two Independents.^{13/}

(v) Bill of Rights

48. The new Constitution will contain a Bill of Rights guaranteeing protection from slavery and forced labour, inhuman treatment, and deprivation of property without compensation, protection of privacy of the home, protection of the law, protection of freedom of conscience, freedom of expression, freedom of assembly and association, freedom of movement and protection against discrimination.

Electoral system^{14/}

49. At the 1962 Conference it was noted that the Malawi Congress Party desired an extension of the franchise and that the United Federal Party wished for continued special representation of the European community. The Conference accepted the proposal that as there was no immediate desire on the part of delegates to the Conference for fresh elections in the near future, future changes to the franchise could be agreed through further consultations at a later convenient date.

^{12/} Formerly the United Federal Party.

^{13/} The Independent members are supported by the MCP and one is a member of the Cabinet.

^{14/} The existing electoral system was described in the previous report of the Special Committee (A/5238, pp. 220-221).

Recent developments

50. On 19 December 1962, Mr. R.A. Butler, the United Kingdom Minister responsible for Central African Affairs, announced that the United Kingdom Government had accepted in principle that Nyasaland should be allowed to withdraw from the Federation of Rhodesia and Nyasaland. He added that detailed negotiations between the Governments concerned would be required before effect could be given to the decision that Nyasaland should secede. Mr. Butler further stated that his Government would expect the Nyasaland Government to shoulder its just commitments and liabilities arising from its membership of and withdrawal from the Federation.

51. Following Mr. Butler's announcement, charges were made in the British Parliament and by Sir Roy Welensky, Prime Minister of the Federation that, by allowing Nyasaland to secede from the Federation, the United Kingdom Government had broken a pledge given in January 1953 that no change in the Federal structure would be made without the consent of the component Governments. To clarify its position, the United Kingdom Government decided to make public, in a White Paper entitled "The Federation of Rhodesia and Nyasaland" (Cmd. 1948), confidential records of the meeting of the conference held on 19 January 1953.

52. During his visit to the Federation in January 1963, Mr. Butler stated that the secession of Nyasaland from the Federation could not take place before the end of 1963, since a great deal of work remained to be done. On 22 February 1963 he announced the appointment of Sir George Curtis, Chief Land Registrar of the United Kingdom Government, as the Chairman of the working party which is to consider the detailed arrangements for giving effect to Nyasaland's secession.

53. On 18 June 1963 Mr. Butler announced in the House of Commons that a conference on the dissolution of the Federation of Rhodesia and Nyasaland would begin on 28 June at Victoria Falls in Southern Rhodesia. This would be attended by representatives of Northern and Southern Rhodesia, an observer from Nyasaland, the Prime Minister of the Federation, and Mr. Butler.

C. KENYA

I. Action taken by the Special Committee in 1962 and by the General Assembly at its seventeenth session

54. Following its consideration of Kenya at its meetings in 1962, the Special Committee on 18 September 1962 adopted a draft resolution on the Territory^{15/} for consideration by the General Assembly. This urged the Administering Power to make all efforts for the holding of national elections without further delay on the basis of universal adult suffrage, and requested it and all concerned to make all efforts including the promotion of harmony and unity among the people of Kenya to bring that Territory into independence at the earliest date in accordance with the Declaration.

55. At its seventeenth session, on 17 December 1962, the General Assembly adopted the draft resolution recommended by the Special Committee as resolution 1812 (XVII).

II. Information on the Territory

Introduction

56. Information on the Territory is already contained in the Special Committee's report to the seventeenth session of the General Assembly.^{16/} Supplementary information on recent developments in the Territory is set out below.

Population

57. At 1 July 1961 the estimated population of Kenya was 7,290,000, comprising 7,001,000 Africans, 178,000 Indians and Pakistanis, 66,000 Europeans, 39,000 Arabs and 6,000 others.

Constitutional developments

58. In late February and early March 1963, the Secretary of State for Colonies visited Kenya and held discussions with Ministers of the Kenya Coalition

^{15/} A/5238, chapter X, paragraph 88.

^{16/} Ibid., chapter X, paragraphs 1-31.

Government and with deputations representing regional, racial and sectional interests of various kinds, in order to finalize Kenya's new Constitution, so as to enable elections to be held and internal self-government to be introduced.

59. On his return from Kenya in March, the Secretary of State announced that both the Kenya African National Union and the Kenya African Democratic Union had accepted his decisions on all points of disagreement and the way was clear to fix the dates for the elections for the Regional and National Assemblies. These were to be spread over a period of ten days and would be completed on 26 May 1963, after which the new Constitution would come fully into force and Kenya would have full internal self-government.

60. A summary of the proposed Constitution which the National Coalition Government of Kenya and the British Government agreed upon was published as a White Paper in March 1963. It provides inter alia for the following:

(i) Bill of Rights

61. The Fundamental Rights already proclaimed by Kenya Orders in Council in 1958 and 1960 are to be re-enacted with some additions. In particular, the right of persons to associate in trade unions will be ensured.

(ii) Central Legislature

62. The new Central Legislature will be a National Assembly comprising two Houses, the Senate and the House of Representatives. The Senate will consist of 41 Senators representing Districts and the Nairobi area. The House of Representatives will consist of 117 members elected by universal adult suffrage, representing the single-member constituencies delimited by the Constituencies Delimitation Commission. In addition, these 117 constituency members will elect 12 Specially Elected members. An Electoral Commission, principally composed of Regional representatives, will review the number and boundaries of constituencies at least every eight years.

63. The delaying powers of the Senate on measures passed by the House of Representatives are limited to one year or two sessions at most. However, money bills may only be introduced in the House of Representatives and may be delayed by the Senate for only one month.

64. The National Assembly will have the residual power to make laws on any matter except when exclusive power to legislate is vested in the Regional Assemblies. A Regional Assembly will not be able to transfer its law-making function in these matters to the National Assembly. On some matters both have the power to legislate, but when there is conflict, the legislation of the National Assembly will prevail.

65. With the prior authority of resolutions passed by not less than 65 per cent of the votes of all the members of each of the two Houses of the National Assembly, the Central Government will be enabled, if circumstances warrant, to proclaim a state of emergency for up to two months for a part but not the whole of Kenya. Thereafter the National Assembly will be able to make laws even in respect of matters otherwise the exclusive responsibility of the Regions.

(iii) Executive powers

66. The executive authority of the Central Government extends to the maintenance and execution of the Constitution and to all matters which are not specifically conferred upon Regional Assemblies. The Central Government will be able to delegate any of its functions to a Regional Assembly and through it to any officer or authority within a Region.

67. The Governor will appoint a Prime Minister who will be a member of the House of Representatives who appears likely to command the support of the majority of the members of the House. He will appoint other Ministers on the advice of the Prime Minister.

68. During the period of internal self-government the Governor, acting in his discretion, will continue to be responsible for defence, external affairs and internal security, but he will normally act in all these matters through a Minister. In all other matters the Governor must obtain, and act in accordance, with the advice of the Cabinet which will be collectively responsible to the two Houses of the National Assembly for any advice which it may give.

(iv) Regions

69. Kenya will be divided into Nairobi and seven Regions. Each Region will have a Regional Assembly consisting of constituency members elected on the basis of an equal number of members from each District of the Region. Each Regional Assembly will have the power to make laws in respect of those matters which are expressly specified in the Constitution, either as being within the exclusive legislative jurisdiction of the Region, or as being within the concurrent jurisdiction of both the Central Legislature and the Regional Assemblies.

(v) Finance

70. Except in respect of those taxes, fees and royalties which may be specifically imposed by Regional Assemblies or local authorities, the Central Government and the Central Legislature retain residual power to raise taxes.

(vi) The Judicature

71. A Supreme Court will be established. The Chief Justice will be appointed by the Governor, acting in accordance with the advice of the Prime Minister. Other judges will be appointed by the Governor on the advice of a Judicial Service Commission under the chairmanship of the Chief Justice. Provision has been made for the establishment of a Court of Appeals.

(vii) Local government

72. The whole of Kenya will be comprised within the area of one or another of the various classes of local authorities to be set up under the Constitution. Local government will be a matter exclusively reserved to the Regional Assemblies except in the case of the Nairobi area, which will be a municipality under the direct responsibility of the Central Government.

Political parties

73. The African People's Party (APP) was formed by Mr. Paul Ngei who broke away from KANU in December 1962. Shortly before the elections the APP formed loose alliance with KADU.

Elections

74. Elections were held in May 1963 on the basis of universal suffrage. Polling was generally high (80 per cent or more) throughout the country, except in the Northern Frontier District. The official election results follow:

House of Representatives

Kenya African National Union and supporters	83
Kenya Democratic Union	33
African People's Party	8
Vacant seats	5

Senate

Kenya African National Union and supporters	18
Kenya African Democratic Union	16
African People's Party	2
Independents	2
Vacant	3

75. After the general elections which ended on 26 May, the Governor of Kenya invited Mr. Jomo Kenyatta, President of the Kenya African Nationalist Union, to select a Cabinet. On 1 June 1963 Mr. Kenyatta, Kenya's first Prime Minister, and his Cabinet were sworn in by the Governor and the new Constitution came into force.

76. Although, under the Constitution, the Governor retains responsibility for defence, foreign affairs and internal security, including police, during internal self-government, he has assigned these responsibilities to the Prime Minister without prejudice to his own constitutional powers.

D. ZANZIBAR

I. Action taken by the Special Committee in 1962 and by the General Assembly at its seventeenth session

77. Following its consideration of Zanzibar, at its meetings in 1962, the Special Committee adopted a draft resolution on 11 September 1962 for the consideration of the General Assembly.^{17/} This would have the latter request all concerned to make arrangements for the holding of elections on the basis of universal adult suffrage; appeal to all the people of Zanzibar to achieve national unity; request the United Kingdom to make every effort, including the promotion of harmony and unity among the political elements of Zanzibar to bring that Territory into independence at the earliest possible date in accordance with the Declaration.
78. At its seventeenth session, on 17 December 1962, the General Assembly adopted the draft resolution recommended by the Special Committee as resolution 1811 (XVII).

II. Information on the Territory

Introduction

79. Information on the Territory is already contained in the Special Committee's report to the seventeenth session of the General Assembly.^{18/} Supplementary information on recent developments concerning the Territory is set out below.

Constitutional developments

80. The present constitution of Zanzibar came into effect in 1960. Its main features and details of the electoral system and the franchise are described in the report of the Special Committee to the seventeenth session of the General Assembly.^{19/}
81. Following the Zanzibar Constitutional Conference held in London in March and April 1962, a Delimitation Commission was appointed to make recommendations

^{17/} A/5238, chapter VI, paragraph 154.

^{18/} Ibid., chapter VI, paragraphs 1-31.

^{19/} Ibid., chapter VI, paragraphs 7-13.

concerning the number of elected members of the Legislative Council. At this time it consisted of 23 elected members, 5 appointed members and 3 ex officio members. Subsequently the Commission's recommendation that the elected members be increased from 23 to 31 was accepted, and legislation was passed to implement this change. Literacy and property qualifications for voters were also removed. The next elections will therefore be on the basis of universal adult suffrage.

82. On 9 April 1963 the Secretary of State for the Colonies announced that elections would be held early in July 1963 in Zanzibar if the electoral register could be completed in time. Two weeks before the date of the commencement of polling, internal self-government would be introduced. After the elections, the United Kingdom Government intended to consult with the Zanzibar Government on the question of convening a conference at which arrangements for the final transfer of power to the Zanzibar Government would be made and a date fixed for independence.

83. In implementation of the above programme, Zanzibar became internally self-governing on 24 June 1963 and elections were to be held on 8 July 1963.

E. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

84. The Special Committee considered the Territories of Northern Rhodesia, Nyasaland, Kenya and Zanzibar at its 187th to 193rd, 196th to 198th meetings during the period 3 to 22 July 1963.

Written petitions

85. The Special Committee circulated the following written petitions concerning Zanzibar:

<u>Petitioner</u>	<u>Document No.</u>
Mr. Abdulrahman Muhammed, General Secretary, Zanzibar Communist Party	A/AC.109/PET.90
Mr. Nassor Mohammed Nassor, Secretary, Zanzibar Youths and Students Union	A/AC.109/PET.91
Mr. Seif Masoud, General Secretary, All Zanzibar Students Union	A/AC.109/PET.92
Mr. Rutti B. Bulsara, Chairman, Zanzibar Unity Group	A/AC.109/PET.93
Mr. Rajab Saleh Salim, Publicity Secretary and Foreign Representative of Zanzibar Afro-Shirazi Party	A/AC.109/PET.108

General statements by members

86. The representative of the United Kingdom said that he would give the Committee some information on recent developments in the four Territories. As far as Kenya was concerned, the responsible United Kingdom Minister had made a statement in the House of Commons the previous day. He had recalled that after the elections in May 1963 Kenya had been given full internal self-government as a prelude to early independence. The Minister had had consultations with Kenya Ministers about the further steps to be taken for the transfer of the remaining powers and a joint statement setting out their agreed conclusion had been published as a White Paper. The decision of the Governments of Tanganyika, Uganda and Kenya to form an East African Federation, which was warmly welcomed by the United Kingdom Government, had affected the constitutional arrangements to be made. Kenya would have to obtain independence shortly before the inauguration of the federation, and it was the aim of the three

East African Governments to bring the Constitution of the Federation, in the drafting of which they had already made substantial progress, into being before the end of the year, in time to enable the new federal State to be admitted to the United Nations at the forthcoming session.

87. The responsible United Kingdom Minister proposed to convene a conference in London towards the end of September to settle the final form of Kenya's Constitution. Representatives of the Government and of the European Community would be invited to attend. The United Kingdom Government had already informed the Government of Kenya that, subject to the necessary steps being completed, Kenya would be granted independence on 12 December.

88. With regard to Zanzibar, internal self-government had been introduced on 24 June and elections were to be held as from 8 July. After the elections, and provided peace and good order were maintained, consultations would be held with the newly elected Government of Zanzibar with a view to holding an early conference to complete the arrangements for the final transfer of power and to fix a date for independence. He took the opportunity to express profound regret at the untimely death on 1 July of His late Highness the Sultan of Zanzibar.

89. Subsequently the representative of the United Kingdom informed the Committee that in the elections, the Zanzibar Nationalist Party and the Zanzibar and Pemba Peoples Party won eighteen seats and the Afro-Shirazi Party won thirteen seats, of the total of thirty-one seats contested.

90. As far as Northern Rhodesia and Nyasaland were concerned, an important conference on the dissolution of the Federation of Rhodesia and Nyasaland had been held at Victoria Falls with the full participation of the Government of Northern Rhodesia and with the Government of Nyasaland attending as an observer. The Conference, which had ended on 3 July, had reached full agreement on the establishment of machinery which would set a time-table for the dissolution of the Federation of Rhodesia and Nyasaland and study the problems involved in the transfer of federal responsibilities to the Territories. The Conference had also set the date of 31 December 1963 for the dissolution of the Federation, subject to the settlement by that time of such important problems as the apportionment of the public debt and of other liabilities and assets, and the future of the federal public service. For that purpose the Conference had

provided for the establishment of two Committees. The first would work out detailed arrangements for the reversion of federal functions to the Territories and the solution of the aforesaid problems. The other Committee would examine the possibilities of future inter-territorial collaboration in respect of federal functions reverting to territorial responsibility, and would also deal with any other questions which might necessitate inter-territorial arrangements. It was believed that those Committees would have completed their work by the coming September; the Governments concerned would then be called upon to reach final decisions on all questions arising out of the dissolution of the Federation, including possible areas of future collaboration. That process would take until mid-October, and the final stage of the work, that of the division of assets and liabilities, should be completed between October and December. If that time-table was adhered to, the United Kingdom Government should be in a position to complete and enact before 31 December 1963 the legal instruments which would give effect to the decisions jointly agreed upon by the Governments concerned.

91. The decision of the Victoria Falls Conference to aim at dissolving the Federation by 31 December 1963 was complementary to the work being done by the individual Governments in Northern Rhodesia and Nyasaland. In Nyasaland, the second stage in the implementation of the new Constitution had been introduced on 10 May in accordance with the decisions reached at the Constitutional Conference held in London in November 1962. Nyasaland had thus achieved internal self-government, with Dr. Banda as Prime Minister. In Nyasaland itself, a working party was completing the administrative arrangements for the secession of Nyasaland from the Federation, and the Nyasaland Government was taking the necessary steps to assume certain federal functions in the coming months.

92. With regard to Northern Rhodesia, the Government of that Territory had announced on 21 May 1963 that the ministerial committee established to examine the implications of the break-up of the Federation would also consider the question of changes to be made in the Constitution. The ministerial committee would make proposals to the Governor of Northern Rhodesia, who would then consult with Mr. Kaunda and Mr. Nkumbula, as well as with the leader of the Opposition.

93. It would thus be seen that important steps had been taken in the constitutional field in both Northern Rhodesia and Nyasaland, in consultation with the elected leaders of both Governments, and further progress could be expected in the months ahead.

94. The representative of Tanganyika said that his delegation was extremely happy to learn that Kenya would become independent on 12 December; it took the opportunity to convey its warmest congratulations to the people of Kenya and to Mr. Jomo Kenyatta, its Prime Minister. Mr. Kenyatta had, throughout long years of struggle, sacrificed everything for the restoration of African freedom and independence, and he would remain a symbol and embodiment of the aspirations of the peoples still languishing under colonial rule. The story of Kenya and of Prime Minister Kenyatta would be a source of inspiration for those peoples and at the same time a warning to the colonial Powers.

95. His delegation was gratified that the United Kingdom, after having disregarded the aspirations of the Africans on Kenya for so long, had now accepted their inevitable accession to freedom and independence, and it hoped that the United Kingdom and the other colonial Powers would now apply the lessons of history to the colonies still under their domination.

96. The proposed federation mentioned by the United Kingdom representative appeared to be yet another demonstration of the deep-rooted desire of the African people to work towards the reunification and development of the continent which the colonial Powers had treacherously partitioned at the Berlin Conference of 1884. The move towards lasting unity had to be based on the freely expressed will of the people. That had not been so in the case of the federation which had been broached some years earlier by the European settlers, with United Kingdom support. It was clear that that federation, if it had come into being, would have met the same fate as the Federation of Rhodesia and Nyasaland, which had been set up primarily to extend the rule of the European settlers of Southern Rhodesia.

97. In connexion with the death of the Federation of Rhodesia and Nyasaland, he quoted an article appearing in London in The Observer of 7 July 1963 which expressed satisfaction that the United Kingdom had become extricated from that situation without an Algeria-type war. The author of the article found that South Africa now became the nub of the problem, with the three protectorates on its frontiers; he held that South Africa was far more dangerous to the rest of Africa than the Federation and that there, too, the United Kingdom had a large responsibility. Now that it had dissolved the Central African Federation, it

could use its experience, and its influence at the United Nations, to intervene in the really dangerous corner of South Africa through the protectorates which remained under its control. The Tanganyikan delegation hoped in that connexion to hear an official statement from the United Kingdom representative regarding the future of the Rhodesias and Nyasaland.

98. He recalled that in 1962 the Committee of Seventeen had firmly supported the desire of the African peoples of Nyasaland and Northern Rhodesia to secede from the Federation. Nyasaland was now self-governing, and the next step of independence was to be settled between the Governments of the United Kingdom and Nyasaland. He hoped that there would be no obstacles in the way of implementing General Assembly resolution 1514 (XV) and that it would soon be possible to celebrate the independence of Malawi.

99. With respect to Northern Rhodesia, the Committee of Seventeen had deplored the introduction of a complex, discriminatory and restrictive Constitution before the last elections. It was gratifying that despite all the obstacles, the African nationalists had won the elections. The Committee should continue to urge the immediate introduction of democratic franchise so that Northern Rhodesia, like Nyasaland, might move on to self-government and independence.

100. Regarding Zanzibar, his delegation welcomed the announcement by the United Kingdom representative that arrangements for the declaration of independence would be made after the elections.

101. In conclusion, he expressed his confidence that the dawn of freedom for Tanganyika's fraternal peoples living in Kenya, Northern Rhodesia, Nyasaland and Zanzibar would be yet another step towards the establishment of a free and united Africa.

102. The representative of Cambodia expressed his gratification at the progress which had been achieved in Kenya, Zanzibar, Northern Rhodesia and Nyasaland on the road to self-government and independence.

103. Kenya had received full internal self-government on 1 June 1963, when the new Constitution had entered into force. Elections based on universal adult suffrage had been held, and a representative Government had been established; it was presided over by Mr. Kenyatta, who had long striven for his country's independence. The Committee should therefore take note of the fact that the United Kingdom Government

had informed the Government of Kenya that that Territory would be granted independence on 12 December 1963. Noting that consultations would take place in London in September 1963 with a view to the establishment of an East African Federation, he expressed the hope that they would lead to satisfactory results without calling into question the decision that had been taken with regard to the date on which independence would be granted to Kenya.

104. With regard to Zanzibar, elections also based on universal adult suffrage had been in progress since 8 July. The Administering Power had announced that it would hold consultations with the Government that would emerge from those elections for the purpose of convening at an early date a conference which would make arrangements for the final transfer of authority and fix the date for the independence of the Territory. He hoped that that date would be made as early as possible.

105. On the subject of Northern Rhodesia and Nyasaland, he regretted to note that although the situation in those Territories was progressing in a manner in keeping with the aspirations of the people concerned, there was as yet no certainty regarding future developments. With respect to the dissolution of the Central African Federation, the Committee should urge the Administering Power to implement the decisions that had just been made at the Victoria Falls Conference. Once the association had been broken in conformity with the freely expressed wishes of the people, immediate steps should be taken for the settlement of the constitutional problems and the transfer of authority.

106. He recalled the two stages in which the introduction of the Constitution of Nyasaland had been planned to take place, and was gratified to note that Northern Rhodesia had had a coalition Government since December 1962 and that the leaders of the two African parties had displayed great wisdom and political sagacity. He called attention to the motion passed by the Legislative Council on 14 February 1963, recommending the adoption of a new Constitution founded on the right of the people to administer the country freely through a government elected on the basis of universal adult suffrage.

107. In conclusion, he suggested that the Committee should take note of the decisions adopted and the measures contemplated by the Administering Power with respect to Kenya and Zanzibar, and that it should do the same in the case of Northern Rhodesia and Nyasaland, having due regard for the decisions that had just been taken at Victoria Falls.

108. The representative of the Union of Soviet Socialist Republics recalled that the situation in Kenya, Nyasaland, Northern Rhodesia and Zanzibar had been considered in detail by the Committee of Seventeen in 1962 and that the resolutions it had adopted had been endorsed by the General Assembly at its seventeenth session. He likewise recalled that the Declaration on the granting of independence to colonial countries and peoples should constitute the basis for any assessment of conditions in those Territories.

109. It was the opinion of the Soviet delegation that the United Kingdom must bear responsibility for the fact that those Territories had not yet attained independence. Kenya, one of the first countries to take up arms to win its freedom, had been compelled to wage a relentless struggle against the Administering Power, which had persecuted the national leaders of the Territory and attempted to divide its people in order to perpetuate its rule. The people of Kenya, like the people of Algeria and other African countries, had won independence for the country and had made a significant contribution to the cause of African emancipation. The Soviet delegation therefore wished to pay it a great tribute. It fully shared the feelings about Kenya expressed by the representative of Tanganyika, and it was happy to learn that close bonds of friendship would be established between independent Kenya and the other African States of the region. That example once again proved that the idea of unity and fraternal co-operation, which was uppermost in the hearts and minds of all the peoples of Africa, could only become a reality when national freedom and independence had been achieved. The Soviet delegation welcomed those lofty aspirations and assured the peoples of Africa of its full support. It expressed the hope that the independence of Kenya would soon be proclaimed and that it would not be thwarted by colonialist intrigues.

110. In so far as the peoples of Nyasaland, Northern Rhodesia and Zanzibar were concerned, the statements of the United Kingdom representative showed that they would still have to fight for their independence. The United Kingdom had for years sought persistently and by every possible means to impose a Federation on the peoples of Nyasaland, and the two Rhodesias as a means of perpetuating foreign rule over those Territories against the wishes of the population. Now that the Federation had broken up as a result of the pressure brought to bear by the subjugated peoples, it was using all sorts of new tactics so that the liquidation of the Federation could be organized in a manner that would delay the granting of independence to those peoples.

111. As the Soviet delegation had pointed out at an earlier meeting, one of those tactics was to impose on the colonies an economic status that would make them financially dependent on the Administering Power. That assertion, which the United Kingdom representative had at the time vainly sought to deny, was more true than ever. After having exploited the rich colonies of Nyasaland and Northern Rhodesia for years, the United Kingdom colonialists were burdening them with a very heavy debt, whereas, as a matter of the most elementary justice, they should be repaying the huge sums which they had extracted from them. Having imposed that debt on peoples which could not pay it because they did not enjoy sovereignty over their natural resources, which were in the hands of the United Kingdom colonialists, the United Kingdom, piously invoking the principle of non-intervention, was ostensibly allowing those peoples to agree among themselves on how the debt should be shared. It was not difficult to foresee that they would find it hard to agree on how the debt should be shared, since they could not possibly amortize it, and that the United Kingdom would use that situation as a pretext for postponing the granting of independence.

112. The statement made by the United Kingdom representative had confirmed what the Soviet delegation had predicted: the sharing of the debt had become one of the prerequisites for the dissolution of the Federation and, consequently, for the granting of independence to the Territories concerned. That, moreover, was only one of the subterfuges used by the United Kingdom to delay the granting of independence to its remaining colonies in Africa. It was apparent from the documents prepared by the Secretariat on Nyasaland, Northern Rhodesia and Zanzibar, as well as from press reports, that the United Kingdom was continually seeking new pretexts for delaying the independence of those Territories. The conclusion which must therefore be drawn was that the United Kingdom's manoeuvres with respect to Nyasaland, Northern Rhodesia and Zanzibar were in open contradiction with the Declaration on the granting of independence to colonial countries and peoples. It was accordingly no coincidence that the United Kingdom delegation had carefully refrained from mentioning the Declaration in the course of the debate despite the fact that the United Kingdom was a member of the Committee entrusted by the General Assembly with ensuring the implementation of the Declaration and that the United Kingdom sought to convince the Committee of its desire to co-operate with it.

113. The fact was that the United Kingdom was continuing to disregard the Declaration. The Committee's task was therefore clear: it should once again point out to the United Kingdom that any delay whatsoever in the granting of independence to Nyasaland, Northern Rhodesia, Zanzibar or any other colonies was inadmissible.

114. The representative of Ethiopia observed that the political situation in the Non-Self-Governing Territories in East Africa had developed favourably during the past few months. Nyasaland and Kenya would soon become independent and Kenya hoped to join with Tanganyika and Uganda to create a federal State before the end of the year. Zanzibar was on the threshold of a general election which it was to be hoped would lead to the establishment of a Government acceptable to all parties which would obtain the people's mandate to receive on their behalf all the attributes of independence.

115. The Central African Federation, which had been foisted on the people against their will, was being dismantled; the vast majority of the people of Northern Rhodesia, speaking through their elected representatives, had left no doubt about the direction in which they wished to go. Everywhere in East and Central Africa change was in the air. The only exception was Southern Rhodesia, where the interests of the white settlers seemed to be bigger and more deeply entrenched than elsewhere and where the white settlers had established their last line of defence against the inevitable changes, for they realized that if those changes reached Southern Rhodesia they would spell the doom of the very citadel of apartheid, South Africa.

116. His delegation wished to salute the peoples of East and Central Africa and their leaders, especially the illustrious Jomo Kenyatta, the astute Kenneth Kaunda and Dr. Banda, who had waged a heroic struggle for independence; it also wished to congratulate the leaders of Uganda, Tanganyika and Kenya on having realized, as wise statesmen, that the independence of individual Territories was not an end in itself and that a prosperous society could not be achieved without some sort of political integration.

117. The independence of Kenya before the end of the year was a certainty; the general elections, which had been held under a Constitution carefully worked out to accommodate the points of view of the principal nationalist parties, had led to the establishment of a truly representative Government. Despite outside

interference, there was every reason to hope that the territorial integrity of Kenya would be kept intact before and after independence.

118. In Zanzibar, the coming elections would make the situation very clear by bringing into being a Government which would have the unquestionable mandate of the people to lead the Territory to independence. The differences between the main political parties would be eliminated, to the satisfaction of Zanzibar's true friends. An independent Zanzibar would undoubtedly take a keen interest in political developments in East Africa and would perhaps see its way to benefit from those developments and even to contribute to them.

119. He hoped that Nyasaland, too, under the brilliant leadership of Dr. Banda, would take an active part in the political development of East Africa after independence.

120. The Central African Federation was being dismantled not because the African people were against unity in Central Africa, but because the Federation had been foisted upon them for the sole purpose of safeguarding ad infinitum the interests of the white settlers. Had the Federation been based on the common aspirations of the people and on their freely expressed wish to co-ordinate their efforts in creating a viable and prosperous country, its fate would have been quite different.

121. Nevertheless, the people of Central Africa desired some kind of political unity and when they were free to determine their own future they would no doubt follow the example of their neighbours to the north and establish a true unity based on the aspirations of the people and designed to serve their interests.

122. The representative of Poland drew attention to two important events that had occurred in Africa in May 1963: the Conference of Heads of African States and Governments in Addis Ababa, which had reflected the desire for unification in Africa, and the elections in Kenya, which had put an end to the control that the white settlers had been exercising for nearly three quarters of a century. People throughout the world had hailed the end of Kenya's long struggle against colonialism and applauded the formation of the first African Government under the great leader, Jomo Kenyatta.

123. In their long struggle, the people of Kenya had fought not only for themselves but for all Africa. In paying a tribute to them now, it should be remembered that attempts had been made to distort the meaning of their struggle. As the Washington Post of 29 May had rightly recalled, it was only a few years since the

British Governor of Kenya had described Jomo Kenyatta as "the African leader of darkness and death". Yet Kenyatta was now in the first rank of those African and Asian leaders who, once prisoners, were now in Government House. Everyone joined in congratulating the people of Kenya on their imminent accession to independence.

124. In that connexion, his delegation wished to stress the prominent role played by Tanganyika and Uganda, which had helped to accelerate Kenya's independence with a view to forming an East African Federation.

125. Turning to the Rhodesias and Nyasaland, he noted that the dissolution of the Federation had at long last been decreed. Yet although the successive stages of that dissolution had been carefully planned and provision had been made to secure the payment of what was termed a public debt, no date had been fixed for the final transfer of power to the Governments of Nyasaland and Northern Rhodesia. The unnecessary delay in conferring independence upon those Territories should be a matter of concern to the Committee, for it was inconsistent with the conclusions and recommendations adopted by the General Assembly in 1962. Disquieting news was being received from Nyasaland, where the white settlers were trying to create disorder and delay the Territory's independence. The New York Times of 7 July had reported that "white civil servants had begun carrying weapons to protect themselves against unofficial African 'policemen'". Racial tension and the breakdown of law and order had always been used as an excuse for delaying the independence of colonial territories. That was why the Prime Minister of Nyasaland had recently stated that if anyone either in Nyasaland or in London attempted to withhold independence from the Malawi people on any pretext, he would declare his country's independence regardless of the financial, economic, military or international consequences. The Polish delegation fully endorsed that statement.

126. With regard to Northern Rhodesia, the representative of the Administering Power had stated that progress had been made in the constitutional field; yet the present Constitution was based on racial concepts and did not conform to the principles embodied in operative paragraph 5 of the Declaration in General Assembly resolution 1514 (XV), particularly with respect to franchise qualifications.

127. His delegation considered that the recommendations which the Special Committee had made the previous year on Northern Rhodesia and Nyasaland were still pertinent and should be implemented without further delay; both Territories should be granted independence in accordance with the wishes of their people.

128. With regard to Zanzibar, his delegation was confident that after the forthcoming elections that Territory too would join the family of free nations in the course of the year.

129. The representative of Sierra Leone said that he had listened with interest to statements of the United Kingdom representative concerning Kenya, Zanzibar, Northern Rhodesia and Nyasaland. While they were not encouraging in all respects, they appeared to offer a ray of hope, particularly in respect of Kenya and Zanzibar.

130. The delegation of Sierra Leone noted with appreciation that the United Kingdom Government had provisionally fixed 12 December 1963 as the date for Kenya's independence. It welcomed the announcement that a conference was shortly to be held in London to settle the final form of Kenya's Constitution prior to independence.

131. It was also glad to learn that a Federation of East Africa, comprising Tanganyika, Uganda and independent Kenya, was to be established. It was particularly interesting to note that the Federation was to be the outcome of mutual consultations and an agreement among the three Governments concerned. It would be of economic, social and political advantage to the three countries and might become the nucleus of a much broader union encompassing all the countries of East Africa and perhaps even those of Central Africa. His delegation was glad that the United Kingdom had warmly welcomed the idea and hoped that it would give the venture its practical and moral support.

132. The elections taking place in Zanzibar constituted a step towards independence; he sincerely hoped that, as in the case of Kenya, the Administering Power would soon set a date for independence.

133. He had been disappointed, however, with the United Kingdom representative's remarks concerning Northern Rhodesia and Nyasaland. His delegation was aware that Nyasaland was already self-governing but it felt that accelerated steps should be taken to lead the Territory to full independence as soon as possible.

134. His delegation had been glad to learn that the dissolution of the Federation of Rhodesia and Nyasaland had been fixed for 31 December 1963. It hoped that the Administering Power would handle the question of the federal assets and liabilities with tact and goodwill and would take steps to ensure rational economic co-operation among the Territories after the Federation had been dissolved.

135. The representative of Denmark said that his delegation had been pleased to learn the outcome of the consultations between the United Kingdom Government and the Kenya Ministers on the steps to be taken for the transfer of the remaining powers. It was convinced that the parties concerned would do their utmost to overcome the remaining difficulties and that Kenya would be in a position to join the United Nations during the eighteenth session of the General Assembly. That would be a historic event because it would represent the final liquidation of colonial rule in East Africa and would pave the way for the establishment of an East African Federation.

136. His delegation noted with satisfaction that the Administering Power's statement was in complete accord with resolution 1812 (XVII) on the question of Kenya.

137. With regard to Zanzibar, he hoped that the elections now taking place there would be held in a calmer atmosphere than those of 1961; as they were to be held on the basis of universal adult suffrage, in accordance with operative paragraph 3 of resolution 1811 (XVII), it was likely that a representative government would emerge which would be able to negotiate the necessary arrangements with the United Kingdom for the transfer of powers.

138. The representative of Syria recalled that the previous year there had been several artificial obstacles hindering the march towards independence of the Territories in question. He would comment briefly on the recent developments which the United Kingdom representative had described.

139. His delegation was happy to note that the situation in Kenya had taken a more promising turn and that, after years of colonial intrigue and procrastination which had caused them unnecessary suffering, the people of Kenya were on the way to attaining the national objectives for which they had struggled so long. It welcomed the agreement on the date for independence and the negotiations in progress between Kenya, Uganda and Tanganyika on the formation, when Kenya became a sovereign State, of an East African Federation. It congratulated the people of Kenya on their

success in overcoming all the difficulties and paid a well-deserved tribute to the wisdom and political judgement of their leaders. Kenya would soon join the family of independent nations and swell the ranks of the United Nations.

140. The situation had improved also in Zanzibar, which had achieved internal self-government on 24 June. Elections had been held on 8 July as a prelude to the formation of a Government which would negotiate with the United Kingdom Government the conditions for the final transfer of power and the date for the independence of the Territory. It was to be hoped that the elections would not be marred by any event which might be used as a fresh pretext for delaying the independence of Zanzibar. The maintenance of law and order during the elections depended as much on the Administering Power as on the people of Zanzibar but the Syrian delegation wished to reaffirm that the fixing of a date for the independence of Zanzibar - or of any other dependent Territory - should not be subordinated to any conditions, particularly of a tenuous nature.

141. With regard to Nyasaland and Northern Rhodesia, his delegation was glad to hear that Nyasaland had attained internal self-government and that an agreement on the dissolution of the Federation had been reached at Victoria Falls. It hoped that the two committees responsible for making arrangements for the dissolution would be able to solve the problems involved: namely, apportionment of the public debt and of the assets and liabilities of the Federation and inter-territorial collaboration in respect of federal functions reverting to territorial responsibility. Since agreement had been reached on the principle of dissolution and since dissolution was the unequivocal desire of the people concerned, no effort should be spared to complete the process by the target date of 31 December 1963.

142. It should be noted that Northern Rhodesia still did not enjoy a full measure of self-government and that there was still a very limited franchise, but it was encouraging that important constitutional changes seemed to be imminent. If those changes reflected the will of the people and the principles of the Declaration on the granting of independence to colonial countries and peoples, the Territory should speedily and harmoniously attain the goal of independence.

143. The representative of Yugoslavia recalled that, when the situation in the four Territories had been studied the previous year, both in the Committee and in the General Assembly, the view had been clearly expressed that the peoples concerned should be given independence as soon as possible and that no pretext should be used to delay the granting of independence.

144. Although he regretted that it had been necessary to wait a whole year to hear the statement of the Administering Power regarding the independence of Kenya, he associated himself with the previous speakers in congratulating the people of Kenya on the determination and political judgement which they had displayed during the past twelve months. In particular, he paid a tribute to the courageous leader, Jomo Kenyatta, who had led the struggle for the independence of his people, despite the difficulties and tortures which he had had to endure. He hoped that the date for independence, which had been set for 12 December 1963, could be advanced and that no obstacle would prevent the people of Kenya from joining the world community.

145. His delegation was also glad to learn that Tanganyika, Uganda and Kenya were planning to form a federation. It was equally glad about the burial of the other Federation of Rhodesia and Nyasaland, which had been still-born and, far from being the expression of the will of the people concerned, had been imposed on them from outside. The decision to dissolve that Federation at the end of the year marked another victory for the African people. The previous year, the Committee had almost unanimously rejected the Federation.

146. Like the other delegations which had spoken, his delegation hoped that the questions which had not yet been settled would not be used as a pretext for delaying the independence of Northern Rhodesia and Nyasaland. Although Nyasaland had had an African Government and a system of internal self-government for a year and although Northern Rhodesia had a coalition Government headed by Mr. Kaunda, he was not entirely satisfied with the United Kingdom representative's statement concerning the independence of those Territories. He hoped that the Administering Power would take all the necessary steps to enable Northern Rhodesia and Nyasaland to attain independence before the end of 1963. It was the duty of the Committee to follow closely the political developments in the two Territories in order to prevent any unjustified delay in that respect.

147. As far as Zanzibar was concerned, he thought that the Committee, which had studied the question on several occasions, both in New York and in Africa, and had made efforts to contact the major political parties in the Territory, should be glad to learn that Zanzibar had attained internal self-government and that, after the elections which had begun on 8 July, consultations would be held with a view to the final transfer of power and the fixing of a date for independence. His delegation hoped that the date would be fixed as soon as possible.

148. The representative of the United States of America was gratified to note that those Territories had moved steadily and harmoniously towards independence since the previous year. Kenya, Zanzibar and Nyasaland, which had obtained full internal self-government, were on the road to full national sovereignty. Northern Rhodesia had been given a new Constitution in September 1962 and had set up a predominantly African Government as a result of the elections held in October 1962. It, too, was rapidly advancing towards complete internal self-government which would lead to full independence.

149. With regard to Kenya, he was glad to note that, in keeping with the wishes of the Special Committee and of the General Assembly, the various factions there had been able to arrive at a modus vivendi, which had made possible the felicitous announcement that Kenya would become independent during the current year. The United States was following with great interest the initiative of the Governments of Kenya, Tanganyika and Uganda to bring about an East African Federation.

150. By reaching agreement on the questions of internal self-government and general elections, the political parties in Zanzibar had given grounds to hope that the independence of the Territory could be achieved in a spirit of concord and unity, as the General Assembly and the Special Committee had recommended. He noted with gratification the statement of the United Kingdom representative that consultations would be held with the newly-elected Government of Zanzibar with a view to holding a conference to complete the arrangements for the final transfer of power and to fix a date for independence. He conveyed the regrets of his country to the people of Zanzibar on the recent death of the Sultan of Zanzibar.

151. His delegation was gratified that Nyasaland had achieved internal self-government smoothly under the able leadership of Mr. Hastings Banda. The new Constitution contained a Bill of Rights which guaranteed the civil liberties of

all the people and outlawed discrimination; that fine instrument would assuredly be the foundation for complete harmony between the several races in that nation-to-be.

152. His delegation took note of the assurances recently given by the United Kingdom Government that each of the three Territories of the Central African Federation would be allowed to secede from the Federation if it wished, as well as of the report given by the United Kingdom representative on the results of the Victoria Falls Conference.

153. It was clear that events in Kenya, Zanzibar, Northern Rhodesia and Nyasaland were moving in the right direction; his Government was confident that whatever problems remained to be solved before those Territories achieved national sovereignty would soon be overcome thanks to the spirit of patience, goodwill and harmony which the leaders and the Administering Power had exhibited.

154. The representative of India, citing a message sent by Mr. Nehru, the Prime Minister of India, to Mr. Kenyatta, the Prime Minister of Kenya, congratulated the heroic people of Kenya on the sacrifices they had made in order to achieve freedom and independence and expressed the hope that he would be able to welcome them to the United Nations before the year was out. The Administering Power had displayed great wisdom, and his delegation hoped that the United Kingdom Government would use Kenya as a model in tackling similar problems in other colonial Territories. At that stage, the Committee could only wish Kenya every success in the future.

155. Events in Zanzibar had taken a positive turn, and his delegation was convinced that the United Kingdom Government would fulfil its pledge to grant independence to the Territory at the earliest possible moment.

156. He had been happy to learn that the Central African Federation, which had been imposed on the peoples concerned against their will, would be dissolved by the end of the year. Nyasaland and Northern Rhodesia would accordingly soon become independent. Under the leadership of Dr. Banda, Nyasaland would grow from strength to strength, and the struggles and sufferings of its peoples would not have been in vain.

157. The picture was also hopeful in Northern Rhodesia. His delegation was confident that the Administering Power would take steps to implement the Declaration on the granting of independence to colonial countries and peoples speedily in that Territory and that it would announce the date fixed for independence very soon.

158. His delegation had heard with interest the statement of the representative of Tanganyika that Tanganyika, Kenya and Uganda would shortly form a Federation, in keeping with the freely-expressed aspirations of their peoples. Their strength would gain through unity, and that example might perhaps be followed by other peoples. In that connexion, he quoted from a recent message, addressed to the Prime Minister of Algeria, Mr. Ben Bella, in which Mr. Nehru expressed his sympathy and admiration for the movement towards unity in Africa, and assured the African peoples who were still struggling for liberation of his full support.

159. The representative of Chile said that he wished to congratulate the people of Kenya on the efforts and sacrifices which they had made in order to achieve independence, and also the Administering Power, which had taken the necessary steps to enable Kenya and Zanzibar to attain that end. He welcomed the decision taken at the Victoria Falls Conference to dissolve the Federation of Rhodesia and Nyasaland, which had been imposed on the peoples against their will. On the other hand, the Federation of Tanganyika, Uganda and Kenya would reflect the freely-expressed will of the peoples concerned; it was consistent with the geographical and historical facts and would enable the three Territories to strengthen their infrastructure and economy, and hence to improve the living standards of the inhabitants and enhance their dignity. The peoples of Latin America, who were also striving towards interdependence, integration and co-operation, welcomed the movement towards unity in Africa, and hoped that the wind of change that was blowing in Africa would soon go beyond Tanganyika in a southerly direction.

160. The representative of Iraq said that recent encouraging developments in the Territories under consideration represented yet another decisive step towards the complete emancipation of the African continent from colonial rule. He wished not only to congratulate the peoples concerned but also to pay a tribute to the forward-looking policies pursued by the Administering Power in some of the Territories; he hoped that the Administering Power would take a similar attitude in other parts of the world where it seemed reluctant to act in keeping with the spirit of the times.

161. He was heartened by the fact that elections resulting in the formation of a truly representative Government had at last been held in Kenya and that the latter was to attain independence in December 1963. He wished to congratulate the valiant

people of Kenya and their great leader, Mr. Kenyatta, on the outcome of their long and bloody struggle against colonial domination. He hoped that the date set for independence would, if possible, be advanced; in any case, the date already agreed upon should not be moved back.

162. As the representative of a Middle Eastern country which was committed to the idea of federal union among peoples with common cultural and political aspirations, he welcomed the wise decision of the Governments of Kenya, Uganda and Tanganyika to form a federation of those three countries. He hoped that that decision would set a precedent for the rest of Africa, so that the fragmentation brought about by colonial rule would be ended.

163. His delegation was glad that elections had been held in Zanzibar the previous week; he hoped that they would produce a representative government so that agreement could be reached on full self-government and on the fixing of a date for independence. Zanzibar's example could be usefully followed by other colonial territories which had been torn by interracial conflict.

164. The fact that the Central African Federation, which had been imposed on the people of Nyasaland and Northern Rhodesia ten years previously, was to be dissolved was a source of great satisfaction to his delegation. The contrasting examples of that Federation and of the projected East African Federation showed that a federal union imposed by foreign rulers for the purpose of preserving their privileges could not survive, whereas one freely established by the peoples concerned would prove enduring.

165. He was concerned at the fact that Northern Rhodesia had not yet achieved full internal self-government and that no date had been set for the attainment of independence by Nyasaland, although the latter was now ruled by a Government elected by the people. He hoped that those two matters would shortly be settled and that dates for the independence of both Territories would be set by the time the Committee held its next session, in September.

166. The representative of Mali said that historic events had taken place since the previous year, when most members of the Committee had expressed deep concern over conditions in the Territories now under consideration. Deserving of particular mention was the recent summit conference at Addis Ababa, at which thirty-two Heads of African States and Governments had voiced their determination to free the African continent from colonialism in all its forms. The struggle carried on by African patriots in Kenya, Northern Rhodesia, Nyasaland and Zanzibar must be viewed in that context.

167. His delegation was pleased that Kenya was to attain independence on 12 December 1963 as a result of the long struggle which its people had carried on under their great leader, Jomo Kenyatta, in the face of brutal repression by the British colonial administration. His delegation welcomed the decision to establish an East African Federation, which constituted an indictment of the divisive policies long pursued by the colonial Powers for selfish purposes.

168. With regard to Zanzibar, his delegation noted the constitutional changes announced by the United Kingdom representative and took particular interest in the general elections which had begun on 8 July. He hoped that the two main political parties would be able to overcome their differences and unite on the basic objective of national independence. He also hoped that the Administering Power and the other parties concerned would take steps to prevent a repetition of the unfortunate incidents which had accompanied the 1961 elections. In connexion with the Administering Power's statement that action looking to the full transfer of authority would be taken after the elections, he wished to emphasize that the Administering Power must not resort to further pretexts for the purpose of preventing Zanzibar's early attainment of independence.

169. Turning to the question of Northern Rhodesia and Nyasaland, he recalled that Mr. Kaunda, the Northern Rhodesian leader, had been moved to tears in April 1962 when describing to the Committee the suffering and humiliation inflicted on his people by British colonialism. Although references were often made to the liberal and understanding outlook of the colonial Powers, history showed that only the united efforts of the oppressed peoples could prevail against colonialism. The forthcoming dissolution of the Federation of Rhodesia and Nyasaland, which had been imposed on the peoples concerned in order to maintain the supremacy of the white settlers, was the result of the struggle carried on by those peoples. Since the colonial Powers stopped at nothing in their efforts to protect their selfish interests and had even been known to abolish constitutions, the Administering Power must be reminded of its obligation under operative paragraph 5 of the Declaration to grant immediate independence to Northern Rhodesia and Nyasaland.

170. The representative of Bulgaria said that while he was pleased that Kenya was to attain independence on 12 December 1963 and that the Central African Federation was to be dissolved on 31 December 1963, he was concerned at the fact that the

Administering Power was employing various pretexts in order to delay the granting of independence to Nyasaland, Northern Rhodesia and Zanzibar. The Committee should do everything in its power to bring about the immediate and unconditional attainment of independence by those territories in accordance with operative paragraph 5 of the Declaration.

171. He wished to congratulate the people of Kenya on their forthcoming attainment of independence and to express admiration for the gallant struggle which they had carried on under the leadership of Jomo Kenyatta. His delegation was pleased at the progress being made towards the establishment of an East African Federation, which showed that unity could be brought about only by the free choice of those concerned and not, as the example of the Central African Federation demonstrated, by force.

172. The representative of the United Kingdom commenting on some remarks made by the Soviet Union representative about the public debt of the Federation of Rhodesia and Nyasaland said that he seemed to see in the existence of that debt proof of the poverty of the Federation and confirmation of his thesis that the United Kingdom Government did not grant independence to its colonial territories until it had drained them of all their wealth and reduced them to indigence. The Soviet Union representative's remarks about the Federation's public debt seemed to be based on a complete misconception of the nature of such debts. Most present-day Governments borrowed funds in order to finance capital development programmes which they undertook for the common good; in that way, development could proceed at a speed which would be impossible if it had to be financed entirely out of Government revenue. Such loans appeared in the national balance sheet as debts, but the account was balanced by assets in the form of roads, railways, hydro-electric installations, schools and welfare schemes financed with the borrowed money. Such assets - the celebrated Kariba Dam was an example - were to be found in the Federation as in all other properly administered countries and they would have to be distributed, as far as possible, among the three successor States, together with the public debt to which they corresponded.

173. If the Soviet Union delegation's argument was accepted, the logical conclusion would be that the United States, which in 1961 had had a national debt of about \$290,000 million, was by far the poorest country in the world.

174. The representative of the Union of Soviet Socialist Republics replied that the right of all Governments to borrow money had nothing to do with the debts contracted, not by the people of Nyasaland and the Rhodesias, but by the United Kingdom Government and those who administered those Territories on its behalf. He would remind the United Kingdom representative that the Prime Minister of Trinidad and Tobago had stated in London, soon after his country had been granted independence, that the United Kingdom had previously squeezed the economy of the Territory dry like a lemon and that he was now afraid of slipping on the peel.

175. Since the United Kingdom representative had stated at the previous meeting that his country did not intend to share responsibility for its Territories with anyone, he wondered why the United Kingdom now wished to share with the people of the Federation the responsibility for a debt which the United Kingdom alone had contracted. It was difficult to see how the people of those Territories would be able to repay debts which they had not contracted and which they had been in no position to contract since they had not been permitted to govern their own country. The main motive for the United Kingdom's presence in the Territories had always been, and still was, to extract profits from them. Nearly all major property in Nyasaland and the Rhodesias was in the hands of the British, of white settlers and of foreign companies, most of which were British although some were United States companies.

176. His delegation wished to state once again that the United Kingdom and the Federation had deliberately contracted the debt in order to make it more difficult for the Territories to advance towards independence and for their people to win the right to sovereignty and national independence.

F. ACTION TAKEN BY THE SPECIAL COMMITTEE

Kenya

177. At the 197th meeting the Chairman said that, in response to a number of suggestions he had prepared a consensus of the Committee on the question of Kenya. He read out the consensus which was then agreed to by the Committee.

178. The consensus reads as follows:

"The Special Committee considered the question of Kenya, bearing in mind the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV), as well as the provisions of resolutions 1654 (XVI) and 1810 (XVII). It heard a statement concerning Kenya made by the representative of the Administering Power at its 187th meeting, on 3 July 1963, in which the Special Committee was informed that a date had been set up for the accession of the Territory to independence.

The Special Committee reaffirms the inalienable right of the people of Kenya to independence and welcomes the fact that the Administering Power has undertaken to grant independence to the Territory on 12 December 1963. It expresses the hope that no new obstacle will be put in the way of the Territory's accession to independence and that Kenya will be an independent State by that date at the latest. The Special Committee wishes to congratulate the people of Kenya on the success it has already achieved."

Zanzibar

179. At the same meeting, the Chairman said that it had also been suggested that he prepare a consensus on the question of Zanzibar. He read out the consensus which was then agreed to by the Committee.

180. The consensus reads as follows:

"The Special Committee considered the question of Zanzibar, bearing in mind the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV), as well as the provisions of resolution 1654 (XVI) and 1810 (XVII). It heard the statement concerning the situation in Zanzibar made by the representative of the Administering Power at its 187th meeting on 3 July 1963.

The Special Committee takes note of the results of the general elections which were held in the Territory in July 1963 on the basis of universal suffrage. It also takes note of the statement of the Administering Power that a conference will be held to take up measures aimed at the final transfer of all powers and to set the date for the Territory's accession to independence. The Special Committee asks that the date of accession to independence should be set without delay in view of the desire for immediate independence expressed by the people of Zanzibar."

Northern Rhodesia and Nyasaland

181. At the 197th meeting the representative of Ethiopia introduced a draft resolution on Northern Rhodesia and Nyasaland^{20/} jointly sponsored by Cambodia, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia.

182. At the 198th meeting the Special Committee adopted this draft resolution without objection.^{21/}

183. The representative of the United Kingdom said that while his delegation had not opposed the draft resolution, his Government did not necessarily accept its terms or consider itself bound by them. With respect to the future of Northern Rhodesia and Nyasaland, the United Kingdom Government would be guided by what it regarded as the best interests of all the people of the Territories, and it reserved the right to complete freedom of action. On the other hand, his delegation commended the sponsors of the draft resolution upon their successful effort to reconcile the various views stated in the Committee.

184. The resolution on Northern Rhodesia and Nyasaland adopted by the Special Committee at its 198th meeting on 27 July 1963 reads as follows:

The Special Committee,

Recalling its resolution on Northern Rhodesia adopted on 16 May 1962^{22/} and resolution 1818 (XVII) of 18 December 1962 of the General Assembly adopted on its recommendation,

Having considered recent developments of the situation in Northern Rhodesia and in Nyasaland in accordance with the terms of General Assembly resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962,

Having heard the statements of the Administering Power on recent constitutional developments in these Territories, including the outcome of the Victoria Falls Conference on the dissolution of the Central African Federation,

^{20/} A/AC.109/L.74.

^{21/} A/AC.109/49.

^{22/} See A/5238, chapter III, paragraph 205.

1. Reaffirms the inalienable right of the peoples of Northern Rhodesia and of Nyasaland to self-determination and independence;
2. Notes with appreciation the decision to dissolve the Central African Federation in accordance with the wishes of the people;
3. Expresses its conviction that with the dissolution of the Federation, no obligation arising from the provisions of the said Federation, or from any commitments or obligations the Federation might have made or entered into, should be imposed on the peoples of Northern Rhodesia and Nyasaland without their consent;
4. Expresses the hope that the process of the dissolution of the Federation will not be delayed and that Northern Rhodesia and Nyasaland will accede to independence immediately;
5. Requests the Administering Power, in consultation with the elected Governments, to fix the earliest dates for the accession to independence by the two Territories.

CHAPTER IX

BASUTOLAND, BECHUANALAND AND SWAZILAND

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1962 AND BY THE GENERAL ASSEMBLY AT ITS SEVENTEENTH SESSION

1. Following its consideration of Basutoland, Bechuanaland and Swaziland at its meetings in May and June 1962, the Special Committee on 7 June 1962 adopted a draft resolution for the consideration of the General Assembly.
2. By this draft resolution the General Assembly, after noting that the constitutional provisions contemplated for these Territories and the electoral legislation in force were discriminatory, did not meet the wishes of the people and were not consistent with the Declaration of 14 December 1960, would invite the Administering Power immediately to suspend the present constitutional provisions and to proceed without further delay to hold elections in the three Territories on the basis of direct universal adult suffrage. It would invite the United Kingdom Government to abrogate the present constitutional provisions and to convene immediately a constitutional conference with the participation of the democratically elected political leaders of the three Territories, with a view to setting, in accordance with their wishes, the date on which each of the Territories would attain its independence. It would also consider that a serious effort should be made to provide economic, financial and technical assistance through the United Nations programmes of technical co-operation and the specialized agencies in order to remedy the deplorable economic and social situation of the three Territories. The Administering Power would be urged to take immediate steps to return to the indigenous inhabitants all the land taken from them, whatever the form of, or pretext for, such alienation. By the same draft resolution, after having expressed its profound concern at the declared intention of the Government of the Republic of South Africa to annex the Territories and after having taken note of a statement of the Administering Power to the effect that the Territories were politically completely independent of South Africa and that the United Kingdom Government adhered to this policy, and that there was no question of that Government agreeing at this stage to the transfer of these Territories to the Republic of South Africa, the General Assembly would declare solemnly that any attempt to annex Basutoland, Bechuanaland or Swaziland, or to encroach upon their

territorial integrity in any way, would be regarded by the United Nations as an act of aggression violating the Charter.

3. At the seventeenth session of the Assembly, the Fourth Committee, in December 1962, heard statements by the following persons appearing as petitioners.^{1/}
Mr. J.J. Nquku of the Swaziland Progressive Party and Mr. G.M. Kolisang and Mr. K.S. Chakela of the Basutoland Congress Party.

4. Following the general debate in the General Assembly on the report of the Special Committee, Cambodia, Ethiopia, India, Madagascar, Mali, Syria, Tanganyika, Tunisia, Uruguay, Venezuela and Yugoslavia submitted to the Assembly the draft resolution proposed by the Special Committee.^{2/} It was adopted by the Assembly on 18 December 1962 as resolution 1817 (XVII).

^{1/} See A/C.4/SR.1409 to 1412: For statement by the United Kingdom with reference to the statements of the petitioners, see A/C.4/SR.1413.

^{2/} A/L.416.

B. INFORMATION ON THE TERRITORIES

Introduction

5. Information on the three High Commission Territories is already contained in the Special Committee's report to the seventeenth session of the General Assembly.^{3/} Information on recent developments is set out below.

Basutoland

6. Towards the end of 1961, a constitutional commission with wide terms of reference was established. The Paramount Chief nominated the members of the commission and it contains representatives from all parties in the Territory. Its report is expected to be ready in late 1963.

Bechuanaland

7. The United Kingdom Secretary of State for Commonwealth Relations and for the Colonies, in a written reply to a question in the House of Commons on 10 April 1963, said that the time had come to review the Constitution of Bechuanaland and to consider further political advance. He added that he had discussed the matter with the Resident Commissioner and had directed him to initiate consultations in the Territory.

Swaziland

8. Events leading to the issue of the report by the constitutional committee in March 1962 and the recommendations made for the establishment of a Legislative Council and an Executive Council, were described in the previous report of the Special Committee.^{4/}

9. The publication of the report was followed by further discussions in the Territory and in January-February 1963 by a constitutional conference held at the Colonial Office in London.

^{3/} A/5238, Chapter V, paras. 1-21⁴ (General: paras. 1-5; II. Basutoland: paras. 7-35; III. Bechuanaland: paras. 36-56; IV. Swaziland: paras. 57-75).

^{4/} A/5238, Chapter V, paras. 64-70.

10. Attending the Constitutional Conference were six representatives of the Swazi National Council (the larger of the two formally constituted councils composed of chiefs, important people and other co-opted persons), and four representatives of the European community. The Paramount Chief, Ngwenyama Sobhuza II, did not attend. The political parties represented at the talks were the Swaziland Progressive Party, the Swaziland Democratic Party and the Mbandzeni National Convention. The Eurafrican Association was also represented. The political parties and the Eurafricans were represented by one delegate each and there was also an independent delegate.

11. It may be recalled that the Constitution proposed by the 1962 Committee envisaged a Legislative Council consisting, in addition to the Speaker, of four unofficial members, twelve Swazi unofficial members elected by the Swazi National Council serving as an electoral college, and twelve unofficial European members elected on a common roll consisting of Europeans and Eurafricans.

12. The United Kingdom Government had on the publication of the Committee's report made certain reservations on the recommendations contained therein and reservations were also reportedly made by the Resident Commissioner and other officials of Swaziland. Various schemes were suggested by the officials in which the numbers elected on the common roll would be larger and would give the Africans a majority, though this would be balanced by official members.

13. All the African political parties attending the constitutional conference and the Eurafricans opposed the proposed constitution and counter-proposals were made for a legislature mainly based on adult suffrage and a common roll. The Swaziland National Council and the European representatives were against any amendments in the proposed constitution.

14. The constitutional conference concluded without any agreement having been reached. On 30 May 1963, the United Kingdom Colonial Secretary announced the introduction of a constitution which, while preserving traditional influences, also provided for part of the legislature to be elected on the basis of adult suffrage and a non-racial roll. The Legislature would consist of twenty-four elected members, four other members appointed by the Commissioner from the Executive Council, and an appointed Speaker. It also provided that the Commissioner might

appoint as many other members as he considered necessary to ensure that no interest or community lacked representation.

15. Of the twenty-four elected members, eight would be Swazis elected by traditional tribal methods. Eight places would be guaranteed for the Europeans of whom four would be elected by the European community on a separate roll and the other four on a national electoral roll. The remaining eight members would be elected on the national electoral roll. They could be drawn from the Swazi population of 261,000, the European population of 9,700, or from the 1,800 Eurafricans.

16. The new Constitution was rejected by the Swaziland Democratic Party and by the Ngwane National Liberatory Congress (NNLC).^{5/} The NNLC reportedly stated that a general strike would be used to fight the Constitution.

17. A strike in support of pay increases and revised conditions had begun at the Havelock asbestos mine during the latter part of May 1963. After the announcement of the new Constitution, it developed into a general strike reportedly involving some 5,000 African workers. A number of arrests were made, which included the arrest of the secretary and the deputy president of the NNLC, and nearly 700 British troops were flown into the Territory as a result of the labour and political unrest. The strike was reported to have ended on 19 June.

^{5/} A new political party on which detailed information is not available.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

18. The Special Committee considered Basutoland, Bechuanaland and Swaziland at its 198th to 202nd meetings during the period 22 to 26 July 1963.

Written petitions

19. The Special Committee circulated the following written petitions concerning these Territories:^{6/}

(a) The three Territories

Mr. M.K. Mpho, President, Bechuanaland
Peoples Party

A/AC.109/PET.143

(b) Basutoland

General Secretary, Marema Tlou
Freedom Party

A/AC.109/PET.88

Messrs. Edwin Leanya and Mosebi Damane

A/AC.109/PET.99

Mr. Josiel Lefela

A/AC.109/PET.100

(c) Bechuanaland

Three petitions from Messrs. P.G. Matante
and P.D. Maruping, Vice-President and
Acting Secretary General of Bechuanaland
Peoples Party

A/AC.109/PET.89

Three petitions from Messrs. P.G. Matante
and P.D. Maruping, Vice-President and
Acting Secretary General of Bechuanaland
Peoples Party

A/AC.109/PET.144 and Add.1

Messrs. Joseph Tjetjoo, Mbukushu Kahaka
and Hiazetaura Tupundu

A/AC.109/PET.168

"PAFMECSA Affiliates"

A/AC.109/PET.169

Three petitions from Messrs. M.K. Mpho and
B.D. Macheng, President and Secretary-
General of the Bechuanaland Peoples Party

A/AC.109/PET.170

^{6/} Of these petitions, the following were circulated after the Special Committee had concluded its consideration of Basutoland, Bechuanaland and Swaziland: A/AC.109/PET.109/Add.1, A/AC.109/PET.144/Add.1, A/AC.109/PET.168-170 and A/AC.109/PET.178-180.

(d) Swaziland

Four petitions from Mr. J.J. Nquku, President,
Swaziland Progressive Party

A/AC.109/PET.109 and Add.1

Mr. Richard P. Stevens

A/AC.109/PET.177

Mr. A.M. Nxumalo, Deputy Leader, Swaziland
Democratic Party

A/AC.109/PET.178

Swazi Students

A/AC.109/PET.179

Two petitions from Mr. S.J. Zwane, Ngwane
National Liberatory Congress

A/AC.109/PET.180

General statements by members

20. The representative of Cambodia said that in its consideration of the question at its present session the Committee should be guided by the provisions of General Assembly resolution 1817 (XVII), and, in particular, the principles affirmed in operative paragraphs 1 and 6. The Committee should examine the extent to which the Administering Power had implemented operative paragraph 3, by which it had been invited to abrogate the present constitutional provisions and to convene a constitutional conference with a view to setting the date on which each of the Territories would attain its independence.

21. Reviewing developments since the adoption of the General Assembly resolution, he pointed out that a constitutional commission had been established for Basutoland but would not submit its report until the end of 1963. With regard to Bechuanaland the United Kingdom Secretary of State for the Colonies had stated in April 1963 that the time had come to review the Constitution of the Territory and to envisage greater political advancement. Consultations were being held regarding the convening of a constitutional conference. Such a conference had been held for Swaziland in January and February 1963, but had ended without agreement. Nevertheless, the Secretary of State for the Colonies had announced on 30 May 1963 that a new constitution would be applied in spite of the fact that it had been rejected by the two principal African parties of the Territory. As a result, there had been a wave of strikes and unrest in Swaziland and a disturbed situation characterized by arrests, repressive measures and troop reinforcement now prevailed in the Territory.

22. His delegation deplored the United Kingdom's efforts to impose a constitution in violation of the right of the people of Swaziland to self-determination, and regretted that the General Assembly's resolution 1817 (XVII) had not been fully implemented by the Administering Power. It urged the United Kingdom Government immediately to suspend the present constitutional provisions and to proceed without further delay to hold elections in the three Territories on the basis of direct universal adult suffrage, as provided in operative paragraph 2 of the resolution. The elections should be followed by the establishment of representative governments with which the Administering Power should negotiate the transfer of powers and the setting of a date for independence.

23. The Cambodian delegation also reaffirmed its support for the measures advocated in operative paragraphs 4 and 5 of General Assembly resolution 1817 (XVII).

24. The representative of the United Kingdom reviewed the developments in Basutoland, Bechuanaland and Swaziland since the last time the Committee had discussed those Territories. Noting that they owed the preservation of their separate identity to his Government's answer to the appeals of their peoples, he recalled that when the Union of South Africa had been established in 1909, his Government had not included the three Territories in it, at the request of the African chiefs at that time. The Territories were not only politically independent of the Government of South Africa, but also separate political entities.

25. The Constitution of Basutoland reflected proposals put forward by the Basuto people. At the end of 1956 the Basuto Council had established two committees on constitutional reform and citizenship affairs. The Council had approved the report of the two committees in 1958 and had sent a delegation to London for talks with the United Kingdom Government, when agreement had been reached on the new Constitution, which had come into force in 1959. Its main feature was the introduction of forty elected members into the Basuto Council and three elected members into the Executive Council. Members of the Executive Council had assumed responsibility for some departments without formally becoming ministers, and elected members were now responsible for education and health, works and commerce, and local government. After the new Constitution had been in force for less than eighteen months, the Basuto Council had invited the High Commissioner and the Paramount Chief to arrange for the establishment of a constitutional commission

to review the 1959 Constitution and formulate proposals to improve it with particular reference to the introduction of a responsible form of government, the constitutional position of the Paramount Chief in such a government, the composition of the Executive Council and the protection of human rights and fundamental freedoms. The Commission had been set up with a broad membership, including representatives of the National Party, the Marera Tlou Freedom Party and the Congress Party. It was now at work and was hearing evidence from the public throughout the Territory; its report, which was expected later in the year, would clearly be of the greatest importance in determining the next stage of constitutional advance in Basutoland.

26. In Bechuanaland, the present Constitution, which had come into force in December 1960, was based on the recommendations of a constitutional committee consisting of eight members of the Joint Advisory Council - four African and four European - and four officials of the Administration. It provided for a Legislative Council of thirty-five members, twenty-one of whom were elected, four nominated and ten government officials. Ten of the twenty-one elected members and two of the four nominated members were Africans. The African, Asian and European members were chosen by their respective communities, Asians and Europeans by direct election and the Africans by the African Council, of which many members were themselves directly elected. Elected members of the Legislative Council had been brought into the Executive Council, and African members were now associated with the work of the departments of social services and natural resources. The Constitution was working effectively and had set the Territory firmly on the road to internal self-government. It would normally remain unchanged during the Legislative Council's four-year term of office, but the Resident Commissioner had undertaken to review it during 1963. He would formulate proposals after consultation with the representatives of the political parties, the chiefs and other interests and communities. The United Kingdom Government would be quite ready to consider any proposals for the next step forward that were generally agreed on by opinion in the Territory.

27. In Swaziland, the present Constitution provided for a Resident Commissioner, assisted by the Swazi National Council and the European Advisory Council. The Swazi National Council was the traditional council of the Swazi nation presided over by the Paramount Chief, and it met once every year. All adult Swazi males were members of that Council, but as it was therefore somewhat unwieldy, the actual

work was done mainly by the Standing Committee. The European Advisory Council had a membership of sixteen, ten non-official members elected throughout the Territory and six official members. It had no legislative powers.

28. Proposals for the establishment of a legislative council on which both European and Swazi interests would be represented had been under discussion for three years. The first proposal, made by the Paramount Chief and supported by the European Advisory Council, had been that, apart from four officials, half the seats on the Legislative Council should be filled by representatives of the Swazi National Council selected in the traditional way - by acclamation - and half by Europeans elected by secret ballot. A committee had been established by the Resident Commissioner to consider the proposals and make recommendations and its report had been published in March 1962, together with a statement of the provisional views of the Secretary of State for the Colonies. After taking account of the reactions to the report and to his statement, on 8 December 1962 the Secretary of State for the Colonies had invited Swazi representatives to London for talks on constitutional advancement. The constitutional conference had been held from 28 January to 12 February 1963. There had been a broad measure of agreement, but marked difference of opinion on some matters, particularly on the composition and powers of the Legislative Council. The Secretary of State for the Colonies had formulated proposals in the light of those discussions and had asked the Resident Commissioner to discuss them with the Paramount Chief and with the other interests represented at the London talks; but the differing opinions had not been reconciled. The Secretary of State for the Colonies had therefore been obliged to decide, on his own responsibility, what form the new Constitution should take. All the points on which broad agreement had been achieved had been incorporated; for the other points, particularly those relating to the Legislature, the Secretary of State had tried to take account of the traditional institutions of the Swazi people, the contribution of the European community to the economy of the Territory, and the need to provide opportunities for political expression to those who, while respecting the Paramount Chief and the Swazi National Council, felt that they were not adequately represented through the tribal structure.

29. The main feature of the new Constitution was the establishment of a Legislative Council, which would consist of a speaker, four official members, and twenty-four elected members - eight Swazis elected by traditional methods, four Europeans

elected by voters on a European roll, and twelve others, including at least four Europeans, elected on a national roll. Provision was also made for nominated members. To be qualified for inclusion on the national roll a person would have to be a British subject or a British protected person over the age of twenty-one years, who had been resident for at least three years in Swaziland and who paid direct taxes or was the wife of a person who paid direct taxes. In effect, that was a system of universal adult suffrage for the election of half the non-official members of the Legislative Council.

30. The Legislative Council could be said to be composed of twelve members representing the traditional way of life and twelve members representing the progressive element. Under the proposed system, all adults would have two opportunities to vote, one in the traditional way, whether Swazi or European, and the second in a system of universal adult franchise with a secret ballot. The Constitution was essentially a traditional one, and was not intended as a permanent feature of Swaziland life. The United Kingdom Government planned to review the composition of the Legislative Council not less than three years after the first elections under the new Constitution.

31. It had been said that the new Constitution had been imposed by the United Kingdom Government and that a number of political parties in the Territory had declared that it was unacceptable to them. As no agreement had been reached at the constitutional conference in London, it was inevitable that under the proposals of the Secretary of State each of the parties concerned had gained less than it had originally sought, but the proposals represented a compromise between the traditional and the new way of life, and should be given a fair trial.

32. Reference had also been made to the recent strike in the Territory, which had been represented as a protest against the new Constitution. In fact, the strike had begun at the Havelock asbestos mine on 20 May, that was to say, ten days before the announcement of the new Constitution, and the origins of the strike were industrial rather than political. Under the Industrial Conciliation and Settlement Proclamation, a strike was illegal for a period of twenty-one days after a labour dispute had been reported to the Labour Department. The strike leaders had therefore been informed on 24 May that they were acting illegally, and the Government had announced the establishment of a commission of inquiry to investigate

the causes of the dispute, with particular reference to the wage structure of the workers involved and the effectiveness of the machinery for the settlement of trade disputes by negotiation. In spite of those measures, the strike had continued and the Government had had no alternative but to arrest some of the strike leaders on 9 June. The organizers of the strike had responded by promoting strikes in other industries and in the capital town of Mbabane, enforcing a work stoppage by threats and intimidation. Although many areas had remained quiet, trouble had been sufficiently wide-spread to make it impossible for the small Swaziland police force to deal with it adequately. As a result, the law had been broken with impunity and it had become essential for reinforcements to come to the support of the police. Accordingly, a unit of British troops had been sent to the Territory on 13 June, and law and order had quickly been restored without loss of life. All the strikers had returned to work by 19 June and the situation was now normal.

33. The representative of Iraq reviewed the situation prevailing in the three High Commission Territories as summarized in the previous year by a majority in the Special Committee and reflected in General Assembly resolution 1817 (XVII). The new Constitutions had left the colonial regime substantially unchanged and the inhabitants had continued to be excluded from the management of their own affairs, absolute powers being exercised by the High Commissioner and the key posts in the Administration being held by Europeans. Racial discrimination had not abated, medical care and education had continued to be inadequate and most of the fertile land had remained in the hands of the settlers, leaving the impoverished Africans no alternative but to work for low wages in South Africa, a country which had never given up its hope of annexing the Territories. The three Territories had been governed by a single High Commissioner, residing in South Africa and ruling with the help of the feudal chiefs. The Constitutions had been imposed on the inhabitants undemocratically and the discriminatory nature of the electoral systems had made voting dependent on certain conditions that the Africans had been unable to fulfil.

34. In Basutoland, for example, although the Congress Party had won thirty-two out of forty elective seats, the Administering Power had established a so-called coalition Government of nominated members comprising colonial officials and tribal chiefs. It was from the chiefs that the first negative response to the appeals and

decisions of the Special Committee and the General Assembly had come: as reported in The Times of London on 20 February 1963, the Basutoland National Council had adopted a resolution stating that the Special Committee's resolution on Basutoland of the previous June had been based on inaccurate information and that the General Assembly should not implement it until asked to do so by the National Council itself. There was nothing to indicate that conditions had improved in the meantime. Half the male population of Basutoland was still working in South Africa, agricultural production was declining and many arrests had been reported. A news item in The Times of London of 4 April 1963 had included reports on the kidnapping of nationalist elements by the South African police in collaboration with the police of the Administering Power. The petition from the Marema Tlou Freedom Party^{6/} showed that the inhabitants wanted assistance in developing their economy as a corollary to the constitutional advancement which they were seeking. The petition from Mr. Josiel Lefela^{7/} set forth the dissatisfaction of the nationalist leaders with the obligations to pledge allegiance to the Crown and take the oath of secrecy required of members of the Executive Council and with the system under which nationalist representatives would be paid from United Kingdom Government funds instead of being allowed to receive an allowance from the people of Basutoland. The petitioners felt that those two conditions were traps designed to make the peoples' representatives betray the confidence of a powerless electorate. In the light of the obviously unsatisfactory provisions of the Basutoland Constitution, the arguments offered in the petition from Messrs. Edwin Leanya and Mosebi Damane^{8/} were weak and unconvincing.

35. The proposed Consitution for Swaziland likewise failed to provide for adequate representation of the African inhabitants of the Territory. Indeed, it was clearly designed to ensure that the legislature would give unanimous support to the plans of the colonialists and reactionary feudal chiefs. Swaziland offered a striking example of the conditions which caused certain colonies to remain under the domination of such elements while others were securing their independence: an article in the Economist of 26 January 1963 described the resources of the

^{6/} A/AC.109/PET.88.

^{7/} A/AC.109/PET.100.

^{8/} A/AC.109/PET.99.

Territory, which it called the richest of the three colonial enclaves within the Republic of South Africa, and the Yugoslav review, International Affairs, of 5 March 1963, had dealt with increased British immigration into Swaziland in recent years, foreshadowing the possible emergence of a situation similar to that prevailing in Southern Rhodesia. From other sources it had been learned that the Paramount Chief in Swaziland was trying to make a political arrangement with the South African Government for the preservation of his position. The African nationalists for their part were seeking the establishment of a truly representative legislative institution. As they did not consider that the proposed Constitution would provide for such a body they had rejected it as racialist and discriminatory. The National Liberation Congress had declared its intention to call a national conference in order to propose a boycott of the Constitution and of the elections to be held under it. The opposition of the Swaziland Progressive Party to what that organization regarded as a Constitution undemocratic and unacceptable to the Swazi people and the people of Swaziland as a whole was expressed in the petition from that Party.^{9/} The unrest in the Territory had found expression in a strike by 1,500 miners. To deal with the strike the United Kingdom Government had airlifted 800 British troops from the strategic reserve in Kenya, a measure which the Kenya African National Union had denounced as a calculated affront to Kenya's self-governing status. According to a dispatch published in The Times of London on 15 June 1963, the strikers who had refused to go back to work had been arrested.

36. The petition from Mr. Phillip Matante^{10/} reported that mass arrests of Africans were being carried out in Bechuanaland and the petition from Mr. M.K. Mpho^{11/} denounced the collaboration between the United Kingdom authorities in the High Commission Territories and the South African and Southern Rhodesian police in attempts to arrest political leaders in those Territories. The petition from Bechuanaland Peoples Party^{12/} called for the immediate abrogation of the 1961 Constitution, the suspension of the Legislative Council, the convening of a constitutional conference and the abolition of the existing land tenure system,

^{9/} A/AC.109/PET.109.

^{10/} A/AC.109/PET.144.

^{11/} A/AC.109/PET.143.

^{12/} A/AC.109/PET.89.

which favoured white farmers from South Africa over the indigenous inhabitants. The petition also stated that the Administration was turning the Territory into a police State and was trying to crush the Bechuanaland People's Party.

37. From the foregoing information it could be seen that in those three Territories the United Kingdom had failed to implement the Declaration on the granting of independence to colonial countries and peoples and General Assembly resolution 1817 (XVII). The Administering Power should be urged to hold elections in the Territories on the basis of universal adult suffrage so that constitutional changes could be put into effect and discussions concerning accession to independence could be undertaken with the real representatives of the inhabitants. It should also be urged to return usurped land to its African owners. Finally, the United Nations itself should assist in remedying the economic situation prevailing in the three Territories.

38. The representative of Ethiopia observed that the three Territories under discussion presented a twofold problem. On the one hand there was the question of transferring the powers of government and the attributes of independence to the peoples concerned, and on that aspect of the problem the Committee had the unequivocal guidance of General Assembly resolution 1514 (XV). On the other hand there was the special consideration that two of the Territories were partially and the third entirely encircled by a hostile and infinitely more powerful neighbour which practised a policy of oppression against its own African inhabitants. That neighbour was, of course, the Republic of South Africa and as a result of its racialist policies thousands of its inhabitants had sought political asylum in the High Commission Territories. The South African Government's warning in that connexion that the United Kingdom must "expect retaliation" should not be taken lightly. As the momentum of the cycle of oppression and resistance increased it was inevitable that many more refugees would enter the Territories and in such circumstances the South African Government might well be tempted to wipe out those areas of African nationalism. Although representatives of that Government had dismissed the reference in General Assembly resolution 1817 (XVII) to South African intentions to annex the Territories, there was nothing in the Republican Constitution to indicate that South Africa had renounced its claim to them. Act 32 of 1961, the Constitution Act, repealed the South Africa Act of 1909 but with the

exception, inter alia, of section 150, entitled "Power to admit into Union Territories administrated by the British South Africa Company" and section 151 entitled "Power to transfer to Union Government of Native Territories".

39. The distinctive feature of the constitutional developments in the High Commission Territories was the use to which traditional African institutions had been put in an effort to prevent real democratic progress. None of the African representatives in the Committee would deny the value of most political institutions in Africa but in the case of the High Commission Territories they were used to prevent popular participation in the affairs of government. The most recent innovation in the Territories was the introduction of Legislative Councils consisting of official and unofficial members, the African members of which were elected indirectly through traditional African councils, while a small number of the elected members of the Legislative Council had also been made members of the Executive Councils. It was obvious that such institutions fell far short of the requirements of General Assembly resolution 1514 (XV). The participation of the entire people in the conduct of their Government could not be assured unless they were afforded an opportunity to work out constitutions leading to general elections on the basis of universal suffrage and, immediately thereafter, to independence. The strike in Swaziland was a manifestation of the growing impatience of the inhabitants.

40. In view of the unique geographical situation of the Territories and the hostile attitude of their powerful neighbour, the Committee should consider how best to guarantee their territorial integrity against possible acts of aggression after their accession to independence. None of them would be in a position to provide for its own defence against such aggression and one of them in particular was vulnerable to such forms of indirect aggression as a total blockade. The General Assembly in resolution 1817 (XVII) had declared that any act of aggression against any one of those Territories would be considered an act of aggression against the United Nations but it had not addressed itself to the task of instituting measures to prevent aggression. His delegation was of the opinion that the General Assembly could usefully study the possibility of instituting such measures, including the establishment of United Nations peace observation teams which could keep the appropriate organs of the United Nations informed of any violation of the sovereignty or territorial integrity of independent Basutoland, Bechuanaland and Swaziland.

41. The representative of Yugoslavia observed that the situation in the High Commission Territories had not changed substantially since the preceding year and that the provisions of General Assembly resolution 1817 (XVII) had not been implemented. The United Kingdom representative had mentioned no dates in the near future when the peoples of those Territories would enjoy their right to self-determination and independence. Although his delegation considered the talks on constitutional changes positive, it could not be satisfied with the statement of the Administering Power that negotiations were under way and that they would be useful for the gradual introduction of internal self-government. The General Assembly had drawn a definite line of distinction between the terms "internal self-government" and "independence", and the Committee was concerned with the implementation of a declaration on the granting of "independence".

42. The situation in the Territories was all the more serious as their geographical position exposed them to pressure from the South African Government, which had very powerful means at its disposal. The power of that Government, and its intentions towards the Territories, represented a serious threat to peace in that part of Africa and placed a special responsibility on the Administering Power. During the seventeenth session of the General Assembly, the United Kingdom representative in the Fourth Committee had offered his Government's guarantee that the High Commission Territories would not be transferred to South Africa. In the present conditions, however, his delegation was not concerned with the legal possibilities of transfer but with the danger of annexation through aggression on the part of South Africa. The Administering Power was under an obligation to give specific guarantees in that respect. The United Nations should also guarantee the inviolability of the Territories, possibly through the establishment of United Nations observation teams, with the consent, of course, of the peoples of the Territories.

43. An extremely difficult economic and financial situation existed in the Territories, and a great majority of delegations at the seventeenth session had felt that serious efforts should be made to provide aid through technical assistance programmes and through the specialized agencies. He regretted that there had been no indication by the Administering Power of any measures undertaken for the improvement of the economic and financial situation or of living conditions in the Territories. The failure to take such measures made it far easier for South Africa

to exert economic pressure on the Territories. Economic and financial assistance by the United Kingdom would be far more useful than the sending of troops to suppress strikes, as had been done in the case of Swaziland.

44. With respect to constitutional changes, his delegation held that the Administering Power should adopt effective measures for the revision of constitutional provisions. Tribal differences could not be accepted as justifying delay in granting self-determination. The only realistic and just way of working out a Constitution was to do so in consultation with the peoples concerned. The imposition of constitutional provisions without consultation, as had been done in the case of Swaziland, was unacceptable even as a temporary measure. The peoples of the Territories, like all other peoples, had the right to express their desires concerning their future, and that was possible only through general elections based on universal adult suffrage. After such elections were held the Administering Power should take the necessary steps to transfer power to the true representatives of the people and to grant independence as soon as possible.

45. His delegation was prepared to support all measures which would contribute to the improvement of the present situation in the Territories and which were aimed at the granting of the right of self-determination and independence to their peoples.

46. The representative of the Union of Soviet Socialist Republics observed that more than a year had elapsed since the Committee of Seventeen had considered the question of Basutoland, Bechuanaland and Swaziland and had made recommendations to the General Assembly subsequently embodied in resolution 1817 (XVII). The question to be asked now was how the Administering Power had responded to the recommendations set out in that resolution.

47. All the facts, and also the statement by the representative of the Administering Power, indicated that the United Kingdom Government had not yet taken any steps to implement the General Assembly's Declaration of 14 December 1960 and to transfer power to the peoples of Basutoland, Bechuanaland and Swaziland, although the Declaration emphasized that such steps must be taken immediately.

48. In Basutoland, the British High Commissioner still settled all questions of domestic and foreign policy, the Legislative Council having only advisory functions. In addition, half of the Legislative Council's members were appointed by the High Commissioner and Paramount Chief and the rest were elected through multi-stage elections. The Executive Council was appointed by the British; it consisted of eight members, four of whom were British officials.

49. In the economic sphere the situation remained as before. British policy had turned Basutoland into an agrarian appendage of the Republic of South Africa; the tariff union with the Republic made Basutoland dependent on the South African economy. Basutoland did not have its own industry, and nearly half of the able-bodied population was recruited for work in South Africa, where the workers were treated like slaves by the South African racists. The colonial Administration sold manpower to South African recruiting agents and used the receipts to cover its own administrative expenses. What was more, the income of the migrant workers was very heavily taxed by the Basutoland Administration. The slave trade, long since outlawed in international law, continued to exist in Basutoland, as in Angola. Before the advent of the Europeans there had been craft industry in Basutoland. Today the mineral and power resources of the country lay unused and only agriculture was promoted, but in that sphere too the interests of the colonialists were placed foremost. They had taken the best lands from the Basutos, and increasing amounts of land were being bought up by South Africans.

50. In Swaziland, the seizure of the best land by the colonialists deprived the Swazis of their only means of subsistence. The average plot of the African farmer had shrunk to three acres. Swazis were driven from the land and forced to work for hire under the worst conditions. The workers in Swaziland were kept in a state of semi-starvation while British and South African monopolies reaped the profits. The country's great resources of asbestos, iron ore, coal and wood were exploited by companies which shared none of their wealth with the Swazi people. British, South African and Danish capital held 29,000 acres of irrigated land used to grow sugar-cane, rice and citrus fruits. Great tracts of land were leased to South African cattlemen, while in the African reserves land was scarce.

51. Power in Swaziland was still in the hands of the British Resident Commissioner. Although racial discrimination had been formally abolished, it continued to exist. There were different laws and courts for the whites and for the blacks. The Africans were forced to live on thirty-five reserves which were separated by lands belonging to the United Kingdom authorities and to Europeans. Africans and Europeans went to separate schools. Fifteen times more was spent on the education of a European child than on that of an African child. For equal work a European earned dozens of times more than an African. In spite of all its promises, the United Kingdom Government had no intention of eradicating racial discrimination.

Under the new Constitution of Swaziland the Legislative Council consisted of twelve members elected by Europeans and twelve Africans who were nominally elected but who were actually appointed by the Paramount Chief. Even the Western Press acknowledged that the new Constitution was permeated with the spirit of apartheid.

52. In Bechuanaland the situation was not much different from that in Basutoland and Swaziland. The fertile land was held by companies or by the European colonialists. The mining industry was in the hands of foreigners, and the extracted ore was shipped outside the country. Political power was to all intents and purposes held by the Resident Commissioner. There was a European majority in the Legislative Council.

53. The situation existing in the three Territories showed that the United Kingdom was taking advantage of the fact that the national liberation movement in the Territories was developing under particularly difficult circumstances. That movement faced not only the British colonialists but also the leading circles of racist South Africa, which had long coveted the Territories and were trying to prevent the creation of independent African States in the vicinity of South Africa. The peoples of the Territories were thus beset on two sides: the colonial authorities were trying to force them to choose between a continuation of protectorate status and annexation to the Republic of South Africa.

54. Nevertheless, it was clear that the peoples of the Territories were not yielding to that blackmail but had decided on the path of independent statehood. Their struggle for independence was gaining greater and greater impetus. The political leaders of all three Territories demanded independence without delay. Needless to say, they had the support both of the African peoples, which at the recent Addis Ababa Conference had declared that they would not countenance the continued existence of colonial territories on the African continent, and of all freedom-loving peoples throughout the world.

55. It was the duty of the United Nations, the General Assembly and the Special Committee to give full support to the demands of the peoples of the Territories. The United Kingdom's failure to give effect to the General Assembly resolution on Basutoland, Bechuanaland and Swaziland tended not only to deprive the peoples of those Territories of their natural rights to independence and statehood but also to support the racists of South Africa and Southern Rhodesia in their endeavours.

56. The United Kingdom had been so shaken by the recent strike of asbestos miners in Swaziland that it had brought in additional troops from its military base in Kenya. That also demonstrated the purposes for which the United Kingdom maintained its bases in and around Africa. Equally symptomatic was the fact that the United Kingdom authorities hastened to hand over to the Verwoerd Government political refugees from South Africa who fled to the British Protectorates. The Committee should denounce the Administering Powers with regard to both those matters.

57. There was a certain connexion between the struggle of the Territories' peoples for freedom and independence and the struggle being waged by the peoples of South Africa and Southern Rhodesia. By supporting the inalienable right of the peoples of the Protectorates to independence, the United Nations not only hastened the implementation of the Declaration on the granting of independence, but also contributed to the realization of the hopes and aspirations of all of the peoples in the southern part of the African continent.

58. His delegation considered that the Committee should adopt a very specific resolution on the question of Basutoland, Bechuanaland and Swaziland, including the following points. First, the General Assembly's attention should be drawn to the fact that the United Kingdom had not complied with its resolution regarding the Protectorates or with other General Assembly decisions relating to those Territories. It should also be pointed out that the United Kingdom, while hypocritically asserting that it was prepared to co-operate with the United Nations, was actually acting contrary to its wishes. The most recent instance of lack of respect for the Committee and the United Nations as a whole had occurred when the United Kingdom representative had stated that he did not oppose the adoption of the draft resolution on Northern Rhodesia and Nyasaland but that his Government reserved its right to do, in effect, whatever it pleased with respect to those Territories.

59. Secondly, the Constitution and constitutional proposals elaborated by the United Kingdom authorities for the Protectorates were in conflict with the desires of the peoples and with the provisions of the Declaration and should be immediately revoked. The Administering Power should be asked to take speedy steps to give effect to the Declaration in the matters of transferring all powers and granting complete independence. As first steps in that direction, universal suffrage should be introduced and democratic elections held to organs which truly represented the indigenous population. The colonial administration should be abolished.

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60. Thirdly, the Committee should recommend that the General Assembly fix a date in 1963 for the granting of independence to the three Territories.

61. Fourthly, the Administering Power should again be asked to return at once to the indigenous population all land alienated by the colonialists, regardless of when, how and on what pretext the land had been alienated.

62. Fifthly, the General Assembly's attention should be drawn to the fact that during the past year neither the colonial Administration, nor the Republic of South Africa had taken any steps to show that the former had renounced the idea of joining the three Territories to South Africa as a solution to the problem, or that the latter had given up its hope of swallowing up those Territories with the connivance of the United Kingdom.

63. The representative of Mali said that he had hoped that in his statement the United Kingdom representative would have given the Committee some indication of his Government's intention to apply General Assembly resolution 1514 (XV) in the near future to Basutoland, Bechuanaland and Swaziland. The fact that he had not referred to any of the resolutions relating to those Territories, the most important of which were the resolution of the Committee of Seventeen^{13/} and General Assembly resolution 1817 (XVII), showed that the United Kingdom Government was little concerned with the aspirations of the peoples of those three Territories. Finding nothing new to add, the United Kingdom representative had recalled ancient history. Even if it was true that the Territories had originally sought United Kingdom protection, there was no reason to continue that protection now, when the people no longer desired it. It was clear that the Territories were still under colonial rule.

64. In Basutoland, the United Kingdom Government had granted a pseudo-constitution in 1959, under which some of the elected African members of the Executive Council had been given posts as ministers; but their powers were strictly limited. Such a "Constitution" was obviously unsatisfactory, as had been recognized by the United Kingdom itself, for after it had been in operation for only eighteen months, revision was now being considered, in consultation with the representatives of the major political parties. The Malian delegation welcomed the United Kingdom representative's statement that the report of the Constitutional Commission would be of the greatest importance in determining the next stage of constitutional

^{13/} A/AC.109/15.

advance in Basutoland. His delegation trusted that the next stage would be the implementation of paragraph 5 of the Declaration and paragraph 3 of resolution 1817 (XVII). Any other solution would be rejected by the Basuto people.

65. In Bechuanaland, the 1960 Constitution, which did not reflect the will of the people because it was based on the recommendations of a Constitutional Commission dominated by the representatives of the Administering Power, had proved inadequate almost as soon as it had been put into effect and was now being revised. The United Kingdom Government should, in accordance with General Assembly resolution 1514 (XV) convene a conference which would be really representative and transfer real power to the Africans.

66. As to Swaziland, the Constitutional Conference held in London at the beginning of 1963 had been a failure and the Secretary of State for the Colonies had had to decide, on his own responsibility, what form the new constitution should take. The proposals regarding the new Legislative Council, which had been outlined by the United Kingdom representative in his statement, had produced strong reactions in Swaziland, and there had been strikes and demonstrations which the United Kingdom had put down by force. It was the old story of colonial intervention, allegedly in the interests of progress, but no one had any illusions about the real aims.

67. Although the traditional institutions had played and still were playing an important role in the development of the African countries, they were undergoing far-reaching changes in order to meet the requirements of the new situation in which Africa must take its rightful place in the world community. The Administering Power should abandon subterfuges and frame a new constitution based on democratic principles. General Assembly resolutions 1514 (XV) and 1817 (XVII) should be its guides; the former declared that immediate steps should be taken to transfer all powers to the peoples of the dependent territories, without any conditions or reservations, in accordance with their freely expressed will and desire, and the latter reaffirmed the inalienable right of the peoples of Basutoland, Bechuanaland and Swaziland to self-government and independence. Pursuant to those resolutions, the United Kingdom should abolish the present Constitution, proceed to hold really free elections on the

basis of universal adult suffrage, and transfer power to democratically elected African representatives. His delegation would support a recommendation along those lines. He had deliberately refrained from mentioning social and economic conditions in the Territories, lamentable as they were, for independence was the only remedy for those and all the other ills from which the Territories now suffered.

68. The return of African nationalist refugees to South Africa by the United Kingdom authorities was most shocking. By its action, the United Kingdom - a Member State of the United Nations and a permanent member of the Security Council - was flagrantly violating the Principles of the Charter, human rights and relevant resolutions of the General Assembly; in addition, it was supporting the policy of apartheid, aggravating the situation in South Africa, and encouraging the South African Government to continue a policy which had been condemned by every United Nations body. He appealed to the United Kingdom to change its attitude and to take steps to prevent South Africa from annexing the three Territories.

69. The representative of Tanganyika said that the three High Commission Territories were colonial territories whose peoples should now be permitted to exercise their right to self-government and independence. Those African peoples, which had been under the colonial yoke for more than a hundred years, had shown their determination to be free; the struggle of the Basutos and Zulus against colonial domination during the first half of the nineteenth century was still an inspiration to all African fighters for freedom.

70. There was no need to review developments in those Territories, since that had been done in 1962 by the Committee of Seventeen and at the seventeenth session of the General Assembly. It was clear from the statement of the United Kingdom representative that the peoples of Basutoland, Bechuanaland and Swaziland had as yet had no opportunity to exercise their right of self-determination and that the constitutional reforms envisaged in those Territories were not very significant.

71. Instead of being protected by the United Kingdom, the African inhabitants of those Territories had been gradually deprived of their land and transformed into a reserve of cheap labour for South African industry. The dispatch of

United Kingdom troops to put down the recent strike in Swaziland was a familiar colonial practice. The strikes had simply reflected the aspirations of the African inhabitants, who were anxious to regain their lost dignity and throw off the colonial yoke. In the view of his delegation, a lasting solution to those problems could be achieved only by granting the just demands of the Africans, not by using armed force.

72. The Verwoerd Government was bitterly opposed to self-determination for the Africans of the three Territories, since their attainment of independence would surely hasten the emancipation of the Africans of Mozambique, Angola, South West Africa, Southern Rhodesia and South Africa itself.

73. It was therefore clear that any delay in granting independence to the High Commission Territories only served the interests of the European settlers and the abominable apartheid system.

74. The peoples of Basutoland, Bechuanaland and Swaziland shared the longing for freedom of their brothers throughout Africa, whatever might be said by the colonial Powers, which were fond of citing the attitude of the so-called traditional elements as an excuse for delaying the granting of independence. In any event, the racial discrimination on which the electoral system was based was deplorable anachronism, and universal adult suffrage should be adopted immediately in all three territories.

75. The economic backwardness of the three countries had been deliberately fostered by the Administering Power. As had been demonstrated in Tanganyika it could be eliminated only by independence. As far as the political situation was concerned, an article in the July issue of the United States periodical Africa Report provided information on how the white settlers' regime in South Africa and the colonial authorities of the three Territories worked together in suppressing the nationalist movements.

76. With regard to the defence of the Territories after the granting of independence, his delegation felt that the United Nations should guarantee their territorial integrity in the spirit of General Assembly resolution 1817 (XVII). In addition, co-operation should be encouraged between the nationalist forces of the three Territories.

77. The representative of Poland said that he would restrict his comments to developments since the adoption of General Assembly resolution 1817 (XVII). That resolution invited the United Kingdom to abrogate the present constitutional provisions and to convene immediately a constitutional conference with the participation of the democratically elected political leaders of Basutoland, Bechuanaland and Swaziland, with a view to setting a date for the attainment of independence. In his statement to the Committee, however, the representative of the Administering Power had said nothing whatever about implementing the resolution.

78. His delegation was disappointed at the Administering Power's refusal to meet the legitimate aspirations of the peoples of the High Commission Territories, which was contrary to the provisions of resolution 1514 (XV). The three Territories were still administered by a High Commissioner, who was also the United Kingdom's Ambassador to the Republic of South Africa and did not reside in the Territories. The constitutions of these Territories, under which absolute power was vested in this High Commission and which had been found by the General Assembly to be discriminatory against the indigenous inhabitants and not consistent with the Declaration remained in force.

79. In Basutoland, the National Council was composed of persons appointed by the High Commissioner and the chiefs - a fact which rendered the Congress Party's triumph in the elections utterly meaningless. The United Kingdom representative had said that a commission was to formulate proposals for the revision of the 1959 Constitution and would soon submit its report; however, the very composition of the commission, whose chairman was the Speaker of the so-called Basuto National Council, who was a South African, and its terms of reference made it unlikely that its work would lead to the implementation of the Declaration in the Territory.

80. In Bechuanaland, the 1960 Constitution continued to grant two-thirds of the seats in the Legislative Council to a minority of white settlers.

81. As to the new Constitution which had just been imposed on the people of Swaziland, it brought no real change in the system of government based on an alliance of white settlers and the colonial administration with a small

number of indigenous chiefs. In the Legislative Council of Swaziland, the white minority, which comprised less than 10,000 persons, would have as many seats as the 270,000 Swazis. It was not surprising that the two African nationalist parties of Swaziland had rejected the Constitution which was racial in character and discriminatory. It should be noted that the Administering Power was determined to apply the Constitution for a three-year period before contemplating further constitutional change. The United Kingdom Government was thus deliberately delaying the Declaration's application to Bechuanaland, Basutoland and Swaziland.

82. Moreover, the economic development of the three Territories had been seriously neglected. According to the London Observer the United Kingdom had not spent a penny on them up to 1945, while between 1945 and 1960 its aid had amounted to less than £10 million. As a result of this neglect the Territories increasingly depended on the wages of migrant labourers in South Africa and the Rhodesias and South Africa regarded the Territories as future Bantustans within the Republic and as permanent pools of cheap labour. As the Ethiopian representative had pointed out, the 1961 South African Constitution, which retained the provisions of the 1909 Constitution, provided for the possible annexation of the High Commission Territories. That was why the Administering Power had kept those Territories in a state of ignorance and poverty. In Bechuanaland, 43 per cent of the men had to go to work in the gold mines, industries or farms of South Africa. Since the Administering Power had done nothing to improve economic conditions, the racist Government of South Africa had the three Protectorates at its mercy. Tens of thousands of workers who had to go to South Africa to earn their living were subjected to shameful treatment there. Furthermore, with the agreement of the Administering Power, the South African Government had recently tightened border controls to the disadvantage of the people of the Protectorates. Moreover the role of the Administering Power in supporting Dr. Verwoerd's Government was exemplified in the treatment of South Africans who sought refuge in the High Commission Territories. Resident permits were now more difficult to obtain and some refugees had even been set back to South Africa.

The Basutoland Police Force also co-operated with the South African police; thus, at a raid by the police in Basutoland on the headquarters of the Pan-Africanist Congress a list of members active in South Africa had been discovered following which arrests were made in South Africa. The Administering Power also employed South Africans in a great number of senior positions.

83. The Administering Power was intensifying its fight against the national liberation movement. It had even gone so far as to send troops from Kenya to put down the general strike in Swaziland. The Special Committee could not remain indifferent in the face of such brutal measures, which had aroused the indignation of world opinion and constituted a flagrant violation of General Assembly resolution 1514 (XV).

84. In his view, the only solution for the three Territories which were still suffering from their long and distressing association with South Africa was the immediate granting of independence. The United Kingdom Government bore a unique responsibility to grant the High Commission Territories their independence without delay and faithfully to implement all the provisions of resolution 1817 (XVII).

85. The representative of Bulgaria said that colonialism assumed some of its cruellest forms in Basutoland, Bechuanaland and Swaziland.

86. The peoples of those Territories found themselves in a tragic state after nearly a century of British rule. Deprived of their most fertile lands by the British and South African settlers, they had to work in the mines or plantations or lead a life of destitution in the "reserves". The three Territories were thus a reservoir of cheap labour for South African industry. Their extensive mineral resources did not benefit the local inhabitants but were exploited by the British and South African colonialists. In that connexion, the growing penetration by the South African financial monopolies was particularly disturbing.

87. In a political sense, too, the peoples of the three Territories had been left with nothing. All power rested with the British residents. The Legislative Councils established by the Administering Power had only advisory functions, and European settlers comprised a majority of their

membership. The indigenous population was deprived of all human rights and was subject to the apartheid system in almost all fields.

88. The peoples of Basutoland, Bechuanaland and Swaziland, unable to endure that intolerable regime any longer, were following the example of their brothers in other African countries and intensifying their struggle for independence and freedom.

89. In its consideration of the three Territories the year before, the Special Committee had made recommendations which the General Assembly had adopted in its resolution 1817 (XVII).

90. In the light of that resolution and of the Declaration on the granting of independence to colonial countries and peoples, the Committee should propose measures enabling Basutoland, Bechuanaland and Swaziland to attain independence as quickly as possible. As the Committee was aware, the Administering Power had not applied any of the provisions of resolution 1817 (XVII) and the United Kingdom representative's statement had not given the least indication of the date on which the three Territories would become independent.

Resolution 1817 (XVII) also declared that any attempt to annex Basutoland, Bechuanaland or Swaziland, or to encroach upon their territorial integrity, would be regarded by the United Nations as an act of aggression violating the United Nations Charter.

91. His delegation was disturbed to see the United Kingdom pursuing a policy that encouraged the annexationist tendencies of the racist South African Government. The fact that the Administering Power persisted in attempting to impose on Basutoland, Bechuanaland and Swaziland constitutions which were rejected by their peoples made it difficult to believe that the United Kingdom Government sincerely wished to co-operate with the United Nations with a view to the immediate implementation of the Declaration on the granting of independence to colonial countries and peoples.

92. With regard to the general strike and the disturbances which had broken out recently in Swaziland, it was high time the United Kingdom Government realized that its policy of brutal repression was bound to fail and that the only solution was to grant independence.

93. His delegation would whole-heartedly support any action to enable the three Territories to regain their freedom.

94. The representative of India said that careful examination of the United Kingdom representative's statement on the High Commission Territories had led him to conclude that nothing significant had been done to implement General Assembly resolutions 1514 (XV) and 1817 (XVII). It appeared from a recent article in the London Observer that until recently the United Kingdom had done almost nothing to develop the three protectorates either economically or constitutionally, since it had thought that they would one day agree to incorporation by South Africa. Between 1945 and 1960, the Territories had received less than £10 million in aid from the United Kingdom. Worse yet, they had been starved of experienced technicians and administrators. That accounted for the testimony of the petitioners who had come to New York in 1962 and described the miserable and distressing conditions in which the indigenous population lived.

95. Since then, the situation in Swaziland had grown even worse. Mr. Duncan Sandys, the Secretary of State for Colonies, had decided on his own responsibility what form the new Constitution was to take. To judge by the details provided by the United Kingdom representative, that Constitution could not satisfy the Swazi people.

96. The conditions in Basutoland and Bechuanaland were also far from satisfactory. What was needed was the urgent convening of a constitutional conference to grant each of these Territories a constitution which would be in keeping with the spirit of the times, reflect African predominance and advance democratic representation. Not only were the present constitutional arrangements unjust, but they were also based on the false premise that the people of that part of Africa were not yet ready for independence and freedom. The Committee could not accept that premise.

97. The problem of those Territories was further complicated by their geographical position relative to the Republic of South Africa. Speaking at a function arranged by the Southern Africa Freedom Group, Mr. Harold Wilson, the United Kingdom Labour Party leader, had deplored the existence of close

co-operation between the Administration of those Territories and the South African police. The United Kingdom had already agreed to South Africa's controlling the movement of Africans across the borders of the three Territories; from 1 July, all Africans from Basutoland, Bechuanaland and Swaziland would be considered aliens in South Africa. It was to be feared in particular, that the Republic of South Africa was planning an economic strangulation of Basutoland, which was serving increasingly as an asylum for South African political refugees. Discussions were currently in progress concerning revision of the fifty-three-year-old customs agreement, upon which Basutoland relied for a third of its revenue, Bechuanaland for 20 per cent and Swaziland for 11 per cent. The Republic of South Africa now wanted to make a separate agreement with each Territory; if it succeeded, it would be able to "put the squeeze" on Basutoland while leaving alone the large South African investments in minerally rich Swaziland.

98. The representative of Syria said that the political situation in Basutoland, Bechuanaland and Swaziland had remained basically unchanged since 1962. The three Territories remained under the direct rule of the colonial Power and had no opportunity to throw off the shackles of traditionalism, the natural ally of foreign rule and the main impediment to progress and independence.

99. In Basutoland, for example, the 1959 Constitution, which was rejected by the people, was still in force, and the work of the Constitutional Commission formed to review it was progressing very slowly. The situation was scarcely better in Bechuanaland. According to the United Kingdom representative, the Resident Commissioner had undertaken to review the Constitution in the course of 1963 and the United Kingdom Government would consider any proposal concerned with the coming constitutional measure if it met with the agreement of the general opinion in the Territory. But what was meant by "general opinion in the Territory"? If the European minority was to have a voice equal to that of the overwhelming African majority and if the traditional chieftains were to have as much influence as the mass of the people, the results obviously would not satisfy either the aspirations of the people or the requirements of the Declaration on the granting of independence to colonial countries and peoples. In Swaziland, the Constitution which had been imposed on the Territory

also showed that the United Kingdom Government was concerned only for the foreign minority and the traditional chiefs.

100. It was difficult to understand the policy followed by the Administering Power with regard to the recommendations of the Committee of Seventeen and the resolutions adopted by the General Assembly. In view of its mandate, the Committee should act in accordance with the letter and the spirit of the Declaration on the granting of independence to colonial countries and peoples. For that reason, his delegation urged the United Kingdom Government to give effect to resolution 1817 (XVII), which was particularly concerned with the High Commission Territories.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

101. At the 201st meeting, the representative of Ethiopia introduced a draft resolution^{14/} jointly sponsored by Cambodia, Ethiopia, India, Iran, Iraq, Madagascar, Syria, Tunisia and Yugoslavia. Subsequently the Ivory Coast, Mali, Sierra Leone and Tanganyika joined as co-sponsors.^{15/}

102. Introducing the joint draft resolution the representative of Ethiopia drew attention to operative paragraph 5 which contained a new and important feature. It recommended that the General Assembly should study as a matter of urgency all measures for guaranteeing the independence and territorial integrity of the three Territories, such measures to include the possibility of establishing United Nations observation teams in those Territories. In that connexion, he recalled the very special geographical situation of the three Territories. Two of them were completely surrounded by hostile neighbours, and the third was on the threshold of the Republic of South Africa. They represented outposts of African nationalism, and when they became independent there was no certainty that the South African Government would be disposed to accept them as neighbours. The fact that Africans would have independent governments in those Territories might be considered by South Africa as contradicting the very doctrine of apartheid. In the interest of its own domestic policy, there was accordingly no certainty that it would tolerate those Territories. The South African Government was already uneasy about the fact that Africans could escape from its oppressive rule and take refuge there. That was why, in operative paragraph 5, the request was made for a study of preventive measures against possible aggression by a neighbouring State. The sponsors of the draft resolution had not wished to specify the nature of those measures. In referring to United Nations observation teams, they had not specified that those teams should be military in character or should involve themselves in peace-keeping operations. They were simply saying that there should

^{14/} A/AC.109/L.75.

^{15/} A/AC.109/L.75/Add.1.

be an effective United Nations presence which could assist the competent organs of the United Nations in obtaining authoritative information concerning any possible encroachment on the territorial integrity of the three Territories. They had likewise not specified the method to be followed for the establishment of the observation teams, for they had been aware that difficulties might arise for some delegations, in view of the stand taken by those delegations with regard to the peace-keeping operations of the United Nations.

103. At the 202nd meeting, the representative of Poland suggested the following amendments:

- (i) In the second preambular paragraph, the words "outlining the constitutional steps thus far taken in these Territories" should be deleted;
- (ii) The following new preambular paragraph should be inserted:
"Deprecating the repressive measures against the nationalistic elements of the Territories";
- (iii) In operative paragraph 3, the words "once more" should be inserted after the words "to request";
- (iv) In operative paragraph 5, the words following "such measures" should be deleted;
- (v) Operative paragraph 6 should note the Administering Power's responsibility for providing economic, financial and technical assistance to the three Territories.

104. The representative of Italy suggested the following amendments:

- (i) Replace the second preambular paragraph by the following:
"Noting that the Administering Power has not fully implemented the provision of the Declaration contained in General Assembly resolutions 1514 (XV) and 1817 (XVII)",
- (ii) Replace operative paragraph 3 by the following:
"3. To request the Administering Power to continue to proceed without delay and in consultation with the population of the three Territories to the creation and development of representative political institutions reflecting both the culture and traditions of the people and the needs of a modern democratic State."

105. The representative of the Union of Soviet Socialist Republics suggested:

- (i) that the draft resolution should express the Committee's view on the fact that the Administering Power was co-operating with the Republic of South Africa in favour of the policy of apartheid and in favour of strengthening the economic position of South Africa in the Protectorates;
- (ii) that the Committee should roundly condemn the United Kingdom's repression of the Swazi People's Liberation Movement and that the draft resolution should include the judgement of the use of the United Kingdom military base in Kenya for that purpose;
- (iii) In operative paragraph 5 that in the phrase "until such time that the General Assembly deems there is no longer a threat to their independence and territorial integrity", the words, "General Assembly" should be replaced by the words "United Nations";
- (iv) that operative paragraph 6 should be replaced by a paragraph urging the Administering Power to work out effective measures designed to improve the cultural and economic position of the peoples and perhaps indicating the sources from which the necessary funds could be obtained.

106. The sponsors then announced that, after considering the amendments suggested by various representatives, they had agreed to accept the amendment of the representative of Poland to operative paragraph 3, and the amendment of the representative of the Soviet Union to operative paragraph 5.

107. The representative of Australia said that his delegation would vote against the draft resolution, for the essential reason that it did not take account of the constitutional progress - slow perhaps, but nevertheless real - that had been made in the Territories. The Australian delegation considered that it would have been only right to take account of the efforts of the Administering Authority and it regretted that the amendments to that effect, which had been proposed by the Italian representative, had not been adopted. Furthermore, his delegation wondered whether the peremptory tone of operative paragraph 4 was justified, as the United Kingdom delegation and the representative of the Republic of South Africa had publicly declared, on several occasions, that the Territories in question would not be annexed by South Africa.

108. The representative of Denmark said that like the Australian representative, he regretted that the Italian amendments had not been accepted. That was the reason why his delegation would abstain in the vote.

109. The Special Committee then adopted the draft resolution, as orally revised, by a vote of 17 to 3, with 2 abstentions.

110. The representative of the United Kingdom said that, as references had been made in the Committee to the possibility of incorporation of the three Territories into South Africa, he wished to state once again, the position of his Government. He recalled that the responsible United Kingdom Ministers had declared on several occasions that, notwithstanding the Act of 1909 which contained a provision concerning the incorporation of those Territories into South Africa, there was positively no question of such annexation taking place. In any event, the Act of 1909 had ceased to have effect when South Africa had left the Commonwealth. He reaffirmed that his Government considered itself responsible for those Territories as long as they were entrusted to it. That was why his delegation objected to operative paragraph 5, which mentioned the possibility of acts of aggression.

111. Furthermore, the United Kingdom had voted against the draft resolution because it did not take account of the constitutional progress that had been made in the Territories. He had already described that progress in detail at the 199th meeting of the Special Committee. He had explained on that occasion that a Constitutional Commission in Basutoland was to revise the 1959 Constitution, that the Constitution of Bechuanaland would be redrafted in consultation with representatives of the political parties and of the public, and that as regards Swaziland, the Secretary of State had proposed a new Constitution which gave a predominant role to the people and attempted to strike a balance between the various parties.

112. In a letter^{16/} dated 26 July 1963 the Permanent Representative of South Africa referred to operative paragraph 4 of the draft resolution and drew attention to a statement made by his delegation in the General Assembly on 19 December 1962,

16/ A/AC.109/51.

at the time of the adoption of resolution 1817 (XVII) on the Question of Basutoland, Bechuanaland and Swaziland, and in which his delegation rejected "the charge contained in the penultimate preambular paragraph that it is the 'declared intention of the Government of the Republic of South Africa to annex these Territories'."

113. The resolution on Basutoland, Bechuanaland and Swaziland adopted by the Special Committee at its 202nd meeting on 26 July 1963 reads as follows:

The Special Committee,

Recalling General Assembly resolution 1817 (XVII) of 18 December 1962 regarding the Territories of Basutoland, Bechuanaland and Swaziland which was adopted on its recommendation, and in accordance with the terms of General Assembly resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962,

Having heard the statement of the representative of the Administering Power outlining the constitutional steps thus far taken in these Territories,

Regretting that the Administering Power has not taken effective steps to implement the provisions of resolutions 1514 (XV) and 1817 (XVII),

Being cognizant of the fact that the claim and the demand of the Government of the Republic of South Africa for these Territories to be transferred to it remain unchanged,

Recalling the declaration contained in General Assembly resolution 1817 (XVII) to the effect that "any attempt to annex Basutoland, Bechuanaland or Swaziland, or to encroach upon their territorial integrity in any way, will be regarded by the United Nations as an act of aggression violating the Charter of the United Nations",

Mindful of the unsatisfactory state of economic, financial and social conditions of these three Territories and their dire need for external assistance,

Recommends to the General Assembly:

1. To reaffirm the inalienable right of the peoples of Basutoland, Bechuanaland and Swaziland to self-determination and independence;

2. To reiterate 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. To request once more the Administering Power to convene immediately a constitutional conference for each of the three Territories, in which all groups representing all points of view 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. To call upon the Republic of South Africa to declare unequivocally that it will not attempt to annex or encroach upon the territorial integrity of these three Territories before and after their accession to independence;

5. To study as a matter of urgency all measures for guaranteeing the independence and territorial integrity of the three Territories, and to ensure that no aggression will be committed against any one of the three Territories; such measures to include the possibility of establishing United Nations Observation Teams in these Territories with the consent of the people until such time that the United Nations deems there is no longer a threat to their independence and territorial integrity;

6. To make increasing efforts to provide economic, financial and technical assistance commensurate with their special needs through the United Nations programmes of Technical Co-operation and the specialized agencies.

CHAPTER X

BRITISH GUIANA

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1962

1. Following its consideration of British Guiana, the Special Committee adopted, without objection, a resolution on this Territory on 30 July 1962.
2. In this resolution, the Special Committee, noting that both Houses of Parliament in British Guiana, in November 1961, had approved a motion calling on the United Kingdom Government to fix a date for independence in 1962, and taking into account the policy commitment of the United Kingdom Government to hold a Constitutional Conference for the independence of British Guiana, requested the United Kingdom Government and the Government of British Guiana to resume negotiations immediately with a view to reaching agreement on the date of independence for the territory, in accordance with the wishes of its people as expressed by their Parliament. The resolution also requested the Secretary-General of the United Nations to transmit the resolution to the Administering Power.
3. By letter dated 1 August 1962, the Secretary-General transmitted the Special Committee's resolution to the United Kingdom Government.

B. INFORMATION ON THE TERRITORY

Introduction

4. Detailed information on the Territory is contained in the report of the Special Committee to the seventeenth session of the General Assembly.^{1/}

Population

5. The estimated population of British Guiana at 31 December 1961 was 590,050, made up as follows: East Indians, 289,790; African descent, 192,660; Mixed, 68,420; Amerindians, 23,600; Chinese, 3,520; Europeans, 12,060.

Constitution

6. The present Constitution of British Guiana was introduced in 1961 by the British Guiana (Constitution) Order in Council 1961. The new constitution was based on the recommendations of a Constitutional Conference held at the Lancaster House in London in March 1960. It was also agreed at that Conference that an Independence Conference would be called whenever the British Guiana Legislature so wished, but not before August 1962.

7. The 1961 Constitution, which is now in force, provides for a bicameral legislature comprising a wholly elected Legislative Assembly of thirty-five members and a Senate of thirteen appointed members. The executive, the Council of Ministers, consists of a Premier and up to nine other Ministers.

1961 elections

8. General elections based on universal adult suffrage held on 21 August 1961 under the new Constitution were contested by the three main political parties: the Peoples Progressive Party (PPP); the People's National Congress (PNC); and the United Force (UF). A total of 88.5 per cent of the electorate voted. The results were as follows:

^{1/} A/5238, chapter VII, paragraphs 1-21.

<u>Party</u>	<u>Number of seats</u>	<u>Percentage of votes cast</u>	<u>Number of votes cast</u>
People's Progressive Party (Leader: Dr. Jagan)	20	42.6	93,075
People's National Congress (Leader: Dr. Burnham)	11	41.0	89,501
United Force Party (Leader: Mr. D'Aguiar)	4	16.4	35,771

9. Since the elections, the number of seats of the majority party (PPP) has been reduced by two as a result of the invalidation of the election of one member of the Party and another member sitting as an independent member of the opposition. The state of the parties at present is: PPP, 18; PNC, 11; UF, 4; and Ind., 1.

10. Following the elections, the People's Progressive Party (PPP) which secured a majority of seats in the Legislative Assembly, assumed office with its leader, Dr. Cheddi Jagan, as Premier.

Independence Conference postponed

11. The principle of independence for British Guiana was accepted by the United Kingdom Government at the Constitutional Conference of March 1960. In November 1961, a resolution was passed by both houses of the British Guiana Legislature asking the United Kingdom Government to name a date in 1962 for the granting of independence to British Guiana. In reply, the Secretary of State for the Colonies announced in January 1962 that he was willing to hold a conference in London in May 1962 to discuss the date and the arrangements to be made for the achievement of independence by British Guiana.

12. In February 1962, disturbances took place in British Guiana. These disturbances were such that the Governor, on the advice of the Council of Ministers, proclaimed a state of emergency.

13. On 13 March 1962, it was announced that the Secretary of State for the Colonies, after consultation with the Government of British Guiana, had appointed a Commonwealth Commission composed of three members "to inquire into the recent disturbances in British Guiana and the events leading up to them and to report thereon".

14. On 8 May 1962, the Secretary of State for the Colonies stated that although the United Kingdom Government had agreed in January to hold an Independence Conference in May, subsequent events had made that impracticable. He said that the Inquiry Commission, under the Chairmanship of Sir Henry Wynn Parry, would begin an inquiry into the February disturbances in Georgetown in the middle of the month. He also stated that his Government was discussing with the British Guiana Government measures aimed at enabling the conference to have before it a formulation of local ideas for an Independence Constitution, with initial ideas of disagreement narrowed as far as possible. The two Governments were also undertaking a joint examination of financial matters. To enable those measures to be completed some deferment of the conference was needed. He proposed to hold it in July provided the necessary preparatory steps were completed in time.

15. On 3 July 1962, the Secretary of State for the Colonies made the following written statement in reply to a question in the House of Commons:

"The commission appointed to inquire into the disturbances in February in British Guiana expect to submit their report in August. As I told the Government of British Guiana in mid-June, when urging the immediate submission by all parties of papers embodying proposals for consideration at the conference which I had proposed to hold in July, I consider it essential that the report of the Commission should be available to the conference before it starts. I regret, therefore, that it will be necessary to postpone the conference. I now propose to hold it as soon as practicable after the Commonwealth Prime Ministers' Conference in September."

16. The Commission of Inquiry held hearings in British Guiana from 21 May to 28 June 1962. The Report of the Commission^{2/} was published in July 1962.

Independence Conference 1962

17. The British Guiana Independence Conference was held in London from 23 October to 6 November 1962, under the Chairmanship of the Secretary of State for the Colonies, Mr. Duncan Sandys.^{3/} In addition to the representatives of the

^{2/} Report of a Commission of Inquiry into Disturbances in British Guiana in February 1962, Colonial No. 354, H.M.S.O.

^{3/} A copy of the report of the Conference was transmitted by the United Kingdom to the Secretary-General in a letter dated 20 November 1962 (A/5315).

British Government, the Conference was attended by delegates from the three parties represented in the Legislative Assembly of British Guiana: the People's Progressive Party, the People's National Congress and the United Force. After eighteen sessions, the Conference ended on 6 November 1962 without reaching agreement on the major issues involved.

18. Although a number of constitutional points were settled, no substantial progress could be made, because of the failure of the Conference to reach agreement on three major questions. These were: (1) whether elections should be on the basis of single-member constituencies as at present or on the basis of proportional representation; (2) whether the right to vote should be accorded at the age of 21, as at present, or at the age of 18; and (3) whether fresh elections should be held before independence.

19. The Government party, the PPP, advocated single-member constituencies, voting at 18 and no elections before independence. Both the PNC and the UF parties asked for proportional representation, voting at 21, and fresh elections. In the absence of agreement on these issues, the Conference recognized that there were only two possible courses: (a) to leave the United Kingdom Government to arbitrate on the questions at issue or (b) to adjourn the Conference.

20. The leaders of the three Guianese delegations were unwilling to agree to arbitration by the United Kingdom Government on the questions at issue. Mr. Sandys said that he would not consider it appropriate at this stage to impose decisions against the wishes of the Government party which held a majority of seats in the Legislative Assembly, or alternatively, against the wishes of the opposition parties which together had polled a majority of votes in the last election.

21. At the final session on 6 November 1962, it was agreed that the Conference should be adjourned to allow for further discussions between the parties in British Guiana. Mr. Sandys emphasized that, since continued political uncertainty must inevitably prejudice the social and economic progress of the country, the present state of affairs must not be allowed to continue much longer. He stated that if, after an interval, no agreed solution could be found, the United Kingdom Government might have to consider imposing a settlement on their own authority so as to enable British Guiana to go forward to independence.

Since that would be a most unhappy way of launching the new nation, he urged the three leaders to make a further serious effort to reach agreement amongst themselves.

Recent developments

22. In April 1963, in protest against the introduction of a Labour Relations Bill in the British Guiana Legislature by the Government, the Trades Union Council called a general strike. The strike began on 20 April and is reported to have seriously affected the Territory's economy as well as essential services. On 10 May, the British Guiana Government declared a state of emergency in order to maintain essential services. When the Committee began its general debate on British Guiana on 20 June 1963, the strike was still in progress.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

23. The Special Committee considered British Guiana at its 125th, 160th, 170th, 171st, 174-183rd, 184th-190th meetings on 7 March, 30 April, 10-27 June and 9-10 July 1963.

Written petitions and hearings^{4/}

24. The Special Committee circulated the following written petitions concerning British Guiana:

<u>Petitioner</u>	<u>Document No.</u>
Two petitions from Mr. L.F.S. Burnham, Leader, Peoples National Congress	A/AC.109/PET.49 and Add.1
Two petitions from Mr. Cecil Gray, Leader, National Labour Front	A/AC.109/PET.77 and Add.1
Five petitions from Dr. Cheddi Jagan, Premier of British Guiana	A/AC.109/PET.106 and Add.1-3
Mr. Felix Cummings, on behalf of the Premier of British Guiana	A/AC.109/PET.115
Mr. Hoosani Ganie, President, British Guiana Ahmadiyya Anjuman Isha'at-i-Islam	A/AC.109/PET.120
Two petitions from Mr. Andrew L. Jackson, Vice-President, British Guiana Trades Union Council	A/AC.109/PET.132
Mr. Milton Hanoman, Chairman, British Guiana Multi-Racial Democratic Committee	A/AC.109/PET.134
Four petitions from Mr. J.H. Pollydore, Secretary, British Guiana Trades Union Council	A/AC.109/PET.135
Town Clerk, Georgetown	A/AC.109/PET.136
Mr. A.E. Charles, President, British Guiana Freedom Association	A/AC.109/PET.137
Mr. C. Persaud Bhairan, on behalf of the British Guiana Freedom Association	A/AC.109/PET.138
Mr. G.L. Munrow, Secretary, United Force Overseas (Great Britain)	A/AC.109/PET.139

^{4/} Of these petitions, the following were circulated after the Special Committee had concluded its consideration of British Guiana:
A/AC.109/PET.106/Add.4, A/AC.109/PET.171 and A/AC.109/PET.172.

<u>Petitioner</u>	<u>Document No.</u>
Mr. Felix Cummings	A/AC.109/PET.153
Mr. David de Caires, on behalf of the New World Group	A/AC.109/PET.154
Mr. Maurice Allen	A/AC.109/PET.171
Two petitions from Mr. Ganga Persaud, General Secretary, British Guiana Freedom Association	A/AC.109/PET.172

25. The Special Committee heard the following petitioners concerning British Guiana:

Mr. L.F.S. Burnham, Leader, Peoples National Congress	(125th meeting)
Senator C.V. Nunes, Minister of Education, British Guiana	(160th meeting)
Mr. Andrew L. Jackson, Vice President, the British Guiana Trades Union Council	(171st meeting)
Mr. Brindley H. Benn, Vice Premier, British Guiana	(174th-175th meetings)

26. Mr. BURNHAM said that the present Constitution under which the elections of 21 August 1961 had been held, had instituted full internal self-government. At those elections the Peoples Progressive Party, led by Mr. Jagan, the Premier, had secured 42.7 per cent of the votes and twenty seats, the Peoples National Congress, led by Mr. Burnham, 41 per cent of the votes and eleven seats, and the United Force, led by Mr. Peter D'Aguiar, 16.3 per cent of the votes and four seats.

27. On 1 November 1961 the Premier had introduced a motion in the Legislative Assembly calling upon the United Kingdom to grant independence to British Guiana during 1962. The motion had been supported by the Peoples National Congress and had been carried by 31 votes to 4. The Peoples National Congress had always advocated and agitated for independence and in fact had been the first political party during the 1961 election campaign to suggest a date, that of 31 May 1962. When speaking on the motion he had made it clear that independence was not an issue between the two major parties. The question which would have to be settled was the constitution under which an independent Guiana would come into being. It was the thesis of the Peoples National Congress that the constitution must be acceptable to the majority of the people and guarantee them the protection of certain basic rights and freedom from fear. To that end, his party proposed an electoral system of proportional representation which would reflect in the Legislature less inaccurately than the present system the electoral support enjoyed by the various

28. The Peoples National Congress had welcomed the decision of the United Kingdom Government to hold a Constitutional Conference in London in May 1962 to discuss the date and arrangements for the achievement of independence by British Guiana. The proposed Conference had, however, been unilaterally postponed by the United Kingdom Government on 4 May 1962 and again on 30 June 1962, on the grounds that it was necessary to have available the report of the Commission of Enquiry into the disturbances of 16 February 1962. The Peoples National Congress had publicly opposed that postponement. The Conference had eventually been fixed for 23 October 1962. Before that date the Peoples National Congress had proposed to the Peoples Progressive Party that they should hold a conference in British Guiana to resolve their differences. The proposal had been rejected by the Premier, with the support of the Governor. It had become clear by that time that the main difference between the two parties centered round the electoral system. One spokesman for the Peoples Progressive Party had declared that rather than accept proportional representation his party would abandon its demands for immediate independence and continue to rule under the present Constitution until 1965.

29. At the Conference in London the United Force had supported the proposal of the Peoples National Congress that proportional representation should be introduced. Thus that system was favoured by the elected representatives of 57.3 per cent of the electorate as against 42.7 per cent who favoured the present system.

30. The Peoples National Congress, as a final effort, had proposed that a referendum should be held so that the voters could decide which electoral system they preferred. That suggestion had been rejected by the Premier and no satisfactory reason for the rejection had been given. The United Kingdom Government had used the difference as a pretext for not fixing the date for the attainment of independence and the present situation was one of deadlock.

31. The economic and fiscal problems of British Guiana were many and grave, but they were hardly likely to be solved until the question of the electoral system had been settled. In that matter the United Kingdom Government continued to use delaying tactics.

32. Independence was the inalienable right of the people of British Guiana. It would mean the final recognition of their human dignity and an opportunity for them to replace the old oppressive and dehumanizing colonial system by one in which there was real freedom for all and political and social democracy.

The only obstacle to the achievement of that goal was the unwillingness of the Governments of the United Kingdom and British Guiana to let the sovereign people speak.

33. Mr. NUNES expressed the regret of Mr. Jagan, the Premier of British Guiana, that he had been prevented by circumstances from appearing before the Committee.

34. It was common knowledge that the British Guiana Independence Conference held in London in October 1962 had been a total failure. He would not go into the subject in detail but would endeavour to apprise the Committee of the fundamental problems which had caused the collapse of the Conference. One of the basic difficulties from the outset had been the fact that the United Kingdom Government had allowed an item to be placed on the agenda which in substance was a question of the struggle for power among the political parties of the country and would not normally have been placed on the agenda of such a Conference. Contrary to its own past principles in dealing with conferences of the kind, the United Kingdom Government had violated General Assembly resolution 1514 (XV) and in particular paragraph 5 of that resolution. That procedure had set the stage for the intransigent behaviour of the opposition parties which had led to the breakdown of the Conference.

35. The situation in Trinidad and Tobago prior to its attainment of independence had been somewhat similar to that in British Guiana. The opposition had demanded a change in the electoral system to one of proportional representation. The Secretary of State for the Colonies, who had presided over the Trinidad and Tobago Conference, had quite rightly rejected that demand. Similar demands were being made by the opposition in British Guiana. The effect of the system of proportional representation on a multiracial and multireligious community such as British Guiana would be the intensification of a tendency towards separatism and intolerance which had recently greatly increased as a result of opposition tactics. The Government of British Guiana had been disturbed to note the complacency with which the opposition had frankly stated at the Independence Conference that the system of proportional representation would prevent any single party from obtaining a working majority. It felt that

the resulting instability would be disastrous in the context of British Guiana's needs and aspirations, and it could not in any circumstances agree to the system.

36. It was difficult to understand why there had been such a sharp departure from customary practice in the case of British Guiana. In his view it was discriminatory to impose upon that Territory any sort of condition or reservation prior to the transfer of the residual powers of defence and foreign affairs to the Government of British Guiana, in view of the different treatment meted out to other United Kingdom Territories.

37. It had been clearly understood in 1961, after internal self-government had been granted to British Guiana, that whichever party won the elections would lead the country to independence. Now, however, not only had the opposition parties reversed their stand but the United Kingdom had engaged in various subterfuges to arrest the smooth transition to independence. The long delay in the attainment of independence had created much unrest and had emboldened the opposition to create further disorders since the disturbances of February 1962. A continuation of that situation would threaten the peace, security and economic well-being of the country and might even lead to international conflict because of outside interference.

38. With reference to the statement made in the Special Committee by the leader of the opposition party in British Guiana,^{5/} strongly advocating the introduction of an electoral system of proportional representation, he maintained that the guaranteeing of certain basic rights would be achieved not by a change in the electoral system but by the entrenchment of those rights in the Constitution. The Peoples Progressive Party had ensured that that should be done not only in the existing Constitution but also in the draft constitution for independent Guiana.

39. The opposition had also charged that the Government was a minority Government. That was a most unfair charge, since it was the number of seats obtained and not the number of votes cast which constituted the majority. The elections had been held fairly; the constituencies had been delimited by a

^{5/} See paragraphs 26-32 above.

United Kingdom High Court Judge on behalf of the United Kingdom Government and there had been no charges of corruption.

40. In January 1962 the Permanent Representative of the United Kingdom had informed the Secretary-General that his Government was willing to hold a constitutional conference in London in May 1962 to discuss the date and the arrangements for the achievement of independence by British Guiana.^{6/} The United Kingdom Government had, however, failed to abide by the terms of that letter, since at the Constitutional Conference, which had been held in October and not in May, the date of independence had not been discussed. The United Kingdom Government had exploited the differences between the parties in order to delay independence and had insisted on the principle of unanimity although the demands of the two opposition parties had been unreasonable.

41. British Guiana wanted immediate independence with no prior conditions. The problem was that the opposition parties wanted independence on their terms only. The United Kingdom Government had strengthened the opposition by failing to take decisive action to transfer the remaining two areas of responsibility to the Government of British Guiana. That should be done immediately. Internal disputes could be settled at home. Nevertheless, at the Conference the Government party, in an effort to resolve the deadlock, had offered the Peoples National Congress, the major opposition party, the right to elect the President and four Ministers of the new State, but the offer had been rejected. Furthermore, the Government had offered to form a coalition government with the major opposition party; that effort, too, had met with no success. The Government was still prepared to share responsibility with the Peoples National Congress and even to hold new elections, provided they were held under the present system, but the opposition remained intransigent.

42. The United Kingdom Government was wholly responsible for the untoward developments in British Guiana; it had allowed the Conference to break down, in deference to an irresponsible opposition, and had sown the seeds of further trouble in the Territory. He urged the Committee to discuss the problem of

^{6/} A/C.4/520.

immediate independence for British Guiana and to call upon the General Assembly to put a stop to the United Kingdom's delaying tactics by resolving that a definite date for the independence of Guiana should be fixed.

43. Mr. JACKSON said that twenty-six trade unions, with a membership of approximately 60,000, were affiliated to the Trades Union Council. The Man Power Citizens' Association, an affiliate which represented sugar industry employees, most of whom were of East Indian origin, had a membership of 23,000. Only two unions, The Guiana Agricultural Workers' Union and the Rice Marketing Board Workers' Union, both of which were regarded as pirate unions, were outside the Council. The former was seeking recognition as a bargaining agent for the sugar industry workers despite the successes of the Man Power Citizens' Association in securing increased benefits which made them the highest paid plantation workers in the Caribbean area.

44. British Guiana had many grave problems. The gravest of them all was that the two largest groups in the country, those of Indian origin and those of African origin, were divided along racial lines. That division was almost rigid in the political field, but in the trade union movement the two groups could live and work in complete harmony. That was one of the primary reasons underlying the Trade Union Council's opposition to the Labour Relations Bill which had been published in the Official Gazette on 25 March 1963, and in the newspapers on the following day.

45. On 28 March the General Secretary of the British Guiana Trade Union Council had sent a letter to the Minister of Labour, Health and Housing strongly protesting against the Government's failure to ascertain the views of the Council on so controversial a matter, and requesting a six-week postponement of the first reading of the Bill to enable the Council to make its views known to the Government. The Minister had, however, proceeded with the first reading of the Bill on 2 April 1963.

46. On the morning of 16 April a delegation from the Executive Council of the British Guiana Trades Union Council had held discussions with the Minister in the course of which they had expressed the Council's objections to the Bill in its original form and had expounded the principles which, in the Council's view, should be incorporated in a Labour Relations Bill. The Minister had shown no sympathy for the Council's views on the matter, and the delegation's attempt

to have an audience with the Premier had proved unsuccessful. While the second reading of the Bill, which had begun on 16 April, had been in progress in the Legislative Assembly, the Premier had reluctantly invited the Trades Union Council to meet him on 19 April 1963. It had been agreed that the talks would continue until 22 April and that if no agreement had been reached by that date further debate in the Legislative Assembly would be delayed.

47. On 18 April 1963 an Extraordinary Congress of the Trades Union Council had recommended strike action to its twenty-six affiliates because of the Government's attitude, but the recommendation had not been put into full effect until 23 April, the day following the passage of the Bill in its second and third readings. On the latter date the Opposition had walked out of the Legislative Assembly in protest against the use of strike-breakers as official reporters, upon which the Premier had abruptly adjourned discussions with the Council.

48. Although the Bill was supposed to be patterned after the Wagner Act in the United States and its subsequent amendments, it bore no relationship to that Act except for the provisions concerning compulsory recognition by employers of trades unions and of the right to enter into collective bargaining.

In particular, the Bill empowered the Minister of Labour to proceed with a ballot without inquiring into the genuineness of the claim of the union seeking the right to represent workers in an industry or undertaking, and provided that even where an inquiry was conducted, the Committee conducting it need not report its findings, as could be seen from clause 5 (4) of the Bill, which merely stated that a report should be submitted "in due course".

49. It was evident from numerous statements by members of the governing party in the Legislative Assembly that the Government was determined to take control of the trade union movement. The British Guiana Trade Union Council, on the other hand, was determined to keep it free from control either by politicians or by employers. It was with that objective that the strike, which was now in its eighth week, had been called.

50. The present was the second general strike connected with a Labour Relations Bill. The first had occurred in 1953; on that occasion the then Minister of Health and Housing had been President of the Guiana Industrial Workers' Union,

which had failed to gain the recognition granted to the Man Power Citizens' Association. In 1963 one of the reasons for the Bill was to secure recognition for the Guiana Agricultural Workers' Union which had been set up in opposition to the Man Power Citizens' Association.

51. The Trade Union Council was satisfied that there was no longer any need for the introduction of legislation to secure the recognition of trade unions by employers. In order to meet the Government's desire, however, it had accepted the Bill in principle and had sought to secure amendments which would guarantee the workers' right to join the trade union of their choice and, at the same time, keep the movement free from domination either by politicians or employers. In the course of the negotiations between the Council and the Government, agreement had been reached on many points, but other points were still outstanding.

52. In the meantime, however, the workers' view of the Bill had changed considerably, and it was now felt that the Government should be asked to withdraw it. The same view was also taken by responsible bodies such as the Georgetown and Berbice Chambers of Commerce.

53. Instead of making a serious attempt to settle the dispute, the Government had engaged in strike-breaking first by invoking emergency powers and then by employing strike-breakers to run transport and postal services. The Government had also requested the United Kingdom to send warships to British Guiana. The presence of those warships had incensed the striking workers and more than thirty cables had been sent by the affiliates of the Council to the Colonial Secretary in London. It was paradoxical to find a Government which had continuously accused the United Kingdom of employing imperialist tactics in order to deny the granting of independence, now call for warships to meet a purely internal situation. It was also beyond his comprehension that the United Kingdom Government should have acceded to the request of the Government of British Guiana since the presence of those warships was unnecessary and since British Guiana was fully self-governing.

54. As a result of the strike the Government had lost millions in revenue and the industrial life of the country had been brought to a complete standstill.

The cost of maintaining troops and warships was adding to the burden of the inhabitants. Under the emergency powers the Government had taken over control of foodstuffs and other essential commodities. The striking workers and their families were facing starvation while it was believed that supplies were being diverted to the rural areas for the benefit of Government supporters. It was obvious that malnutrition would soon begin to take a heavy toll of lives. Since his arrival in New York further unfortunate events had occurred in British Guiana and more than 250 persons had been arrested. The blame for the situation rested squarely upon the British Guiana Government for its recalcitrant attitude and upon the United Kingdom Government for giving support to the Government of British Guiana. It was his fervent hope that the Committee would use its good offices by calling upon the United Kingdom Government to intervene so that an early solution favourable to all the parties concerned could be worked out.

55. Mr. BENN said that as attempts had been made to distort the facts and confuse the issues relating to independence for British Guiana he would briefly review the situation which had developed since the London Constitutional Conference of 1960. At that Conference the United Kingdom Government had accepted the principle of independence for British Guiana. It had not, however, acceded to the wish of the majority of the British Guiana delegation that independence should be granted by August 1961. Instead it had worked out a complicated formula providing that if at any time not earlier than two years after the first general election held under the new Constitution which was to result from the Conference, or upon its being decided that the West Indies Federation should attain independence, whichever period was shorter, both Houses of the British Guiana Legislature passed resolutions asking for independence, the United Kingdom Government would call a further conference to consider when it would be practicable to implement the request. The new Constitution anticipated by the Conference had been introduced in August 1961 but in the meantime, on 16 June of that year, the decision to grant independence to the West Indies Federation had been announced. Moreover, the announcement of the forthcoming accession to independence of Sierra Leone and Tanganyika -

countries with which British Guiana compared favourably in economic and social development and which were less advanced than it was constitutionally - had been made soon after the London Conference. When the new British Guiana Constitution had gone into effect in August 1961 elections had been held in which independence had been one of the major issues and the results of the balloting had constituted a decisive mandate in favour of that objective. It was in those circumstances that the new Legislature had passed resolutions in November 1961 requesting the United Kingdom Government to fix a date during 1962 for the attainment of independence. The resolutions had been adopted by overwhelming majorities, having the support of both the Peoples Progressive Party and the Peoples National Congress. It was important to point out that at the time of the August 1961 elections those two major parties had agreed, and the electorate had understood, that the party which won the elections would lead the country into independence without another general election. During the electoral campaign Mr. Burnham himself, the leader of the Peoples National Congress, had said that the people must make up their minds which party they wanted to lead them to independence and his party had expelled its Secretary, Mr. Sydney King, for opposing the demand for immediate independence. Mr. Burnham had also stated in a broadcast that the elections would usher in a Constitution which would be but a prelude to full independence within a matter of months and had said at a meeting in June that by the time the West Indies was celebrating its independence in May 1962 British Guiana would be doing likewise. If he had expected independence within so short a time he could hardly have had another general election in mind. It should also be noted that proportional representation had not been advocated at that time and had not been an issue in the election. Thus it had been clearly implied in the attitudes of the two major parties that the advance to independence would take the form of the transfer of the United Kingdom Government's residual responsibilities to the British Guiana Government resulting from the 1961 elections.

56. On 13 December 1961 Mr. Jagan, the Premier, had requested Mr. Maudling, Secretary of State for the Colonies, to act upon the resolutions calling for independence; Mr. Maudling, however, had refused to fix a date for the country's

accession to independence or even for a conference to decide on the date, merely promising to raise the matter in the Cabinet and inform the Premier of the latter's decision. Thereupon the Premier, interpreting the reply to mean that the United Kingdom Government might refuse the request for independence, had taken the matter to the United Nations. Following his statement to the Fourth Committee on 18 December 1961^{7/} a draft resolution^{8/} had been submitted calling upon the United Kingdom Government to negotiate the issue of independence with the Government of British Guiana. Action on the draft resolution had been deferred over the Christmas recess and on 14 January 1962, the day before the resumption of the Fourth Committee's deliberations, the United Kingdom Government had announced that it had agreed to hold a conference during the following May to discuss the date and the arrangements to be made for the attainment of independence by British Guiana.

57. In the meantime, the United Force, a right-wing party which had taken an equivocal stand on the question of independence during the elections, had decided to oppose independence and with the announcement of the new conference it had begun an intense anti-independence campaign. When, at the end of January, the Government, in an effort to raise money for economic and social development, had introduced a draft budget including proposals for increased taxation, a compulsory savings scheme and measures to prevent wide-spread tax evasion, the United Force had seized upon it as a weapon to be used in its struggle to block independence. Other opposition elements had then joined with the United Force and the campaign had become increasingly bitter. In an effort to discredit the Government, merchants had raised prices on all commodities, whether affected by the new taxes or not, and the riots of 16 February 1962 had been the result. The United Force had then used the rioting, which it had helped to bring about, as an excuse for demanding that independence should be withheld and its views had been echoed in sections of the British Press. In May 1962 the United Kingdom Government had announced that

^{7/} A/C.4/515.

^{8/} A/C.4/L.728.

the Conference would be postponed until July, and it had not actually taken place until October-November 1962. Thus it could be seen that the United Kingdom Government had allowed nearly a year to elapse between the date of the resolutions calling for independence and the conference. He had no doubt that its vacillation had led those in the Opposition to believe that the United Kingdom would delay or withhold independence on the slightest excuse and had thus emboldened them in their attacks.

58. At the time the Independence Conference was meeting, all the pointers, and especially the election results and resolutions on independence which had been passed, had seemed to favour a decision to transfer the United Kingdom's residual responsibilities to the Government of British Guiana. The Opposition, however, smarting under its defeat, had injected an entirely new issue by demanding that the traditional electoral system should be replaced by proportional representation.

59. During the Conference the Government of British Guiana had made many concessions to the Opposition. In particular it had agreed to set up inter-party consultative committees on economic and social questions to consider proposals on planning made to the Council of Ministers. It had also agreed to allow the Opposition to elect the Head of State, who was to be vested with the power of veto regarding imports of military equipment, the establishment of foreign bases and declarations of war. It had made an offer, to which no clear answer had been received, to give the main Opposition party four seats in the Council of Ministers. Despite its strongly held views, it had agreed to extend the franchise to persons of eighteen years of age, in consideration of the fact that a high proportion of the population were young people. Although it regarded the Opposition demands for further elections before independence as unjustified, since before the elections the Opposition had agreed to forego any such further consultation, the Government would have been willing to agree to them if the United Kingdom had made new elections a condition of independence; the Premier had recently confirmed that concession in a public statement. Finally, the Government, despite its objections of principle, had agreed to accept a second chamber as an added safeguard for minority interests.

60. Despite all those concessions the Conference had ended in a deadlock, since the Opposition had remained adamant on the matter of proportional representation, which was an issue on which the Government could not give way, since it believed that such a system would have tragic consequences in a multiracial and multireligious community such as that of British Guiana and would intensify the separatist tendencies that already obtained. Moreover, its political and economic consequences would be no less disastrous, for it would destroy the balance of power between two equally strong parties in favour of a small minority group and make a strong and stable government such as British Guiana needed impossible. The outcome might in fact be a military dictatorship.

61. The Opposition had claimed that proportional representation would prevent the establishment of an authoritarian regime after independence. Yet many countries which had introduced that system had fallen a prey to authoritarian rule, while others had been characterized by a multiplicity of parties and weak and ephemeral governments.

62. The Opposition claimed that the Peoples Progressive Party was a "minority Government" representing only 42.7 per cent of the electorate. The aim of the elections, however, was to secure seats, not votes, and although it had not put forward candidates for six of the thirty-five constituencies, the Peoples Progressive Party had won twenty of them and the two Opposition parties together only fifteen. Had the Peoples Progressive Party put forward candidates for those six seats it would have won a still greater percentage of the vote. A situation in which a party secured the majority of seats but not of votes was a commonplace in political science.

63. It was at that stage that the Government had proposed the addition of an Upper House to the legislature to represent special interests, to safeguard which it had already proposed the incorporation in the Constitution of a Bill of Rights guaranteeing human freedoms and rights. When the Opposition had turned down the suggestion for an Upper House, the Government had suggested that the United Kingdom should be requested to impose any form of constitution

that had been adopted by the Colonial Office in recent years for any emergent Territory, but that suggestion had also been rejected by the Opposition.

64. It was clear from the foregoing that British Guiana's failure to achieve independence at the Conference had been due to the unprincipled and intransigent behaviour of the Opposition, which wanted independence on its own terms alone, and to a breach of faith by the United Kingdom Government, which had used the Opposition's recalcitrance as an excuse for denying independence to British Guiana. The purpose of the Conference had been to fix the date and arrangements for the country's independence, and the United Kingdom's proper course of action would have been to transfer its residual powers to the Government of British Guiana.

65. The withholding of independence had had many serious consequences for British Guiana. First of all, it had delayed the country's economic expansion. In 1956 an ILO expert had warned that if no new opportunities for employment were created the number of unemployed, which already amounted to 18 per cent, with 9 per cent under-employed, would be trebled by 1966. Although there had been some increase in production since then, the great acceleration of economic growth that the situation demanded was not possible under colonialism.

66. Next, the delay had encouraged the Opposition to foment disorder and unrest, with a view to overthrowing the Government and thwarting independence. The general strike called in April 1963 by the Opposition-controlled Trade Union Council had been caused by such a desire rather than by dissatisfaction with labour conditions.

67. Aside from encouraging dissident elements, the United Kingdom's equivocal attitude had ensured that the parties elected to the Government did not control the machinery of State and hence had not the power to govern; once independence was granted the disaffection would subside, but it could only be further inflamed by any added delay in granting independence.

68. The Government had been greatly concerned by the outside interference in the internal affairs of the country which had been another consequence of the delay. During the 1961 campaign two United States citizens, Dr. Schwartz and Dr. Sluis, had openly supported the United Force Party and had admitted spending

\$BWI176,000 during the campaign. There was also evidence that United States organizations and individuals had been involved in the recent unrest, particularly the general strike, which was still going on. An American journalist, Victor Reisel, had revealed that leading trade unionists had been trained by the American Institute for Free Labour Development, which was financed by the United States Government. Those persons had returned to British Guiana with the aim of overthrowing the Government and were receiving money and advice from United States trade unionists. Independence would necessarily put an end to such interference.

69. There was a further consideration of importance for the future, one which threatened the very continuance of parliamentary traditions and conventions in British Guiana. Under existing constitutional arrangements responsibility for internal matters vested in the elected Government, functioning through Ministers, while defence and foreign affairs were reserved for the metropolitan Power, acting through a Governor. The elected Ministers exercised their functions through departments staffed by civil servants. The latter, however, were appointed by and subject to the authority of the Public Service Commission appointed by the Governor after consultation with the Premier, and the Commission's decisions were subject to review by the Governor, who was not bound by their advice. The police and the judiciary were in a similar position. Indeed, in the case of the Judicial Service Commission the elected Government had no voice in the appointment of its members. The position was therefore that the authority of the elected Ministers was exercised subject to concurrence by civil servants answerable to the representative of the metropolitan Power. It was no secret that the United Kingdom Government did not sympathize with the policy of the Government Party in British Guiana, and that fact had been reflected in the attitude of the civil service towards the Government since the attainment of internal self-government in 1961. In 1962 the civil service had joined in the strike against the Government's fiscal proposals, and civil servants who did not toe the line had been subjected to intimidation. It had acted similarly in the case of the general strike, and heads of important

Government Departments were currently on strike while some of their juniors were still at work. Yet the British Guiana Civil Service had never taken similar action against the United Kingdom Government.

70. In the case of the police the situation was even worse, for the Commissioner in charge of the force was an Englishman who evidently acted in accordance with the wishes of the metropolitan Power. Such dual authority rendered the executive power ineffective. The result was that Opposition elements could openly defy prohibitions against public meetings and engage in acts of violence, while the police turned a blind eye and the British Commissioner insisted that the situation was peaceful. Thus the British Government had created a situation in which subversion and rebellion were reaping rich rewards and the Government was unable to implement its electoral programme. The remedy was simple: the British Government should honestly fulfil its obligation to assist the elected Government to govern.

71. The Government's difficulties were not due to the United Kingdom alone. Groups such as the International Confederation of Free Trade Unions, American oil companies operating in British Guiana, and others, had instituted lock-outs and an economic blockade aimed at destroying the Government. Such action was being taken in the name of "democratic" trade unionism, although more than half the workers in the country's trade unions opposed it and supported the Government.

72. The question to be answered in British Guiana was really a universal one, namely whether the democratic processes could function in a country whose Government was determined to institute change and abolish vested colonial interests and the status quo. The Peoples Progressive Party had always conducted its struggle against British imperialism by non-violent and constitutional means. It had twice won elections under adverse conditions. The current situation, however, made a mockery of constitutional Government and clearly revealed the metropolitan Power's subversion of the democratic process to which it paid lip-service.

73. The Government of British Guiana requested the Committee to call upon the British Government to discharge its constitutional obligations towards ,

British Guiana honestly and sufficiently, so as to ensure that the elected Government had the authority to govern and the security with which to exercise that authority. Secondly, it requested the Committee to require the British Government to co-operate with it to restore and maintain law and order in Georgetown and eliminate the criminal and violent elements which dominated that city's politics. Thirdly, it requested the Committee to require the British Government immediately, in consultation with the British Guiana Government, to fix a date for independence, and on that date to hand over its remaining power to the latter. Lastly, it hoped that the Committee would send a delegation to observe the situation in British Guiana.

General statements by Members

74. The representative of the United Kingdom noted that in his statement to the Committee of Seventeen last year, the British representative had informed the Committee that a constitutional conference in preparation for the granting of independence to British Guiana would be convened as soon as practicable. The Permanent Representative of the United Kingdom had subsequently transmitted a copy of the official report of the Conference in a letter to the Secretary-General dated 26 November 1962.^{9/} Since the adjournment of the Conference, the Governor of British Guiana had made repeated efforts to assist the leaders of the political parties to reach agreement among themselves. On 29 November 1962, only a few weeks after the adjournment, the Governor had presided over a meeting attended by Mr. Jagan and Mr. Burnham, but that meeting, unfortunately, had produced no concrete results. The Acting Governor had written letters to the leaders of the parties in December and January reminding them that he was at their disposal to facilitate further discussions, but neither side had shown any desire to resume formal negotiations. There had been a lengthy correspondence between Mr. Jagan and Mr. Burnham during that period on the possible formation of a coalition Government, which had led to a private meeting between them on 22 February 1963; but no agreement was reached at that meeting.

^{9/} A/5315.

Shortly afterwards Mr. Burnham had left the Territory to appear before the Committee and the terms of his statement before it^{10/} indicated that the negotiations between the leaders had not made much progress. Finally, after Mr. Burnham's return to the Territory, the Governor had issued a further invitation to the leaders of all three parties on 27 March to renew their talks under his chairmanship, but that invitation had not been accepted.

75. It would be clear that the Governor of British Guiana, on behalf of the British Government, had taken every opportunity to bring the parties together and find a way of resolving the constitutional deadlock. Unfortunately, his efforts had been unsuccessful and the lack of progress on the constitutional front had been accompanied by a steady deterioration in the political and economic situation. The Government of British Guiana had introduced a Labour Relations Bill to which the Trades Union Council, representing the majority of workers, had been strongly opposed. When the Government of British Guiana had decided to pass the Bill through the Lower House of the Legislature despite the protests of the Trades Union Council, the Council had called a general strike with effect from 20 April. On 9 May the Government had advised the Governor to declare a state of emergency, and the Governor had been bound by the Constitution to comply with that request. On 18 June, on the advice of the Premier, the Governor had prorogued the Legislature; as one consequence, the Labour Relations Bill had lapsed.

76. The United Kingdom Government deeply regretted that the two principal political parties in British Guiana had failed to reach agreement and that its attempts to resolve the deadlock had been frustrated by the mounting tension in the Territory. The struggle was recognized as more political than industrial. United Kingdom troops had had to stand by to assist, when needed, in maintaining law and order. It was to be hoped that, since the immediate cause of the strike had been removed with the lapsing of the Labour Relations Bill, all parties in British Guiana would work constructively towards remedying the economic damage done to their country in recent weeks.

77. The object of his Government's policy remained to bring British Guiana to independence at the earliest possible date, but the events he had described showed

^{10/} See paragraphs 26-32 above.

how forbidding were the obstacles which were first to be cleared away. The various initiatives by the Governor on the constitutional front demonstrated the determination of the British Government to assist the leaders of the parties in finding a way out of the deadlock. However the Governor's efforts in the constitutional field had been overshadowed by the general strike and the proclamation of the state of emergency and the subsequent deterioration in the economic and political situation. His Government hoped that both the economic and political life of the country would speedily return to normal and permit the resumption of negotiations on the constitutional issues still unresolved.

78. The representative of Cambodia recalled that when British Guiana had been discussed by the Committee in 1962 the main question had been the holding of a conference to set the date for the independence of the Territory. The failure of the conference held in London in November 1962 had been a great disappointment. Independence, which had seemed so near, had been postponed for a long time. Judging by the report of the conference,^{11/} the question of the transfer of power had not even been discussed. The conference had dealt mainly with constitutional issues, which it had not been possible to settle and which had finally led to the adjournment of that important meeting.

79. Although the Administering Power did not say so explicitly in its report on the conference, it regarded the prior settlement of the constitutional issue as a condition for the granting of independence. Such an attitude ran counter to the provision of paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples. Both the 1961 elections and the resolution adopted by the deputies of the Peoples Progressive Party and of the Peoples National Congress had demonstrated the "freely expressed will and desire" of the people of British Guiana to become independent. Mr. Burnham himself had announced that his party had always stood for independence.

80. Differences of opinion with regard to electoral systems were not unusual and sometimes occurred even in countries which had long been independent, where they were settled by the sovereign people.

81. In his delegation's view the unjustified impasse at the London Conference in November 1962 constituted the major obstacle to the application in British Guiana

of the Declaration. An even more serious factor was that there had been no developments since the adjournment of the Conference which might give ground for thinking that the political parties had moved closer to the settlement of their differences. Political tension had indeed increased and disturbances, accompanied by acts of violence, had broken out in the Territory. Soon there might be bloodshed and the deplorable situation might threaten international peace and security.

82. The antagonism between the two main political parties had prevented the establishment of a common front capable of frustrating the manoeuvres designed to delay the granting of independence to British Guiana. Although unanimity or a large majority was not a sine qua non of independence, his delegation would like there to be a community of views on that question, which was of fundamental importance for the people of a territory still under foreign domination.

83. The representative of the Government of British Guiana had suggested that observers should be sent to the Territory. The dispatch of such a mission might be justified in so far as certain more or less controversial issues deserved to be studied thoroughly by absolutely impartial persons. Such a mission might also try to reduce the differences between the two main opponents in an endeavour to find a satisfactory solution. In any event, the transfer of power should occur independently of the attainment of the latter objective.

84. There was a further aspect of the question which had not been mentioned openly but which was regarded by many as an obstacle to the granting of independence in the present circumstances. It related to the political tendencies of the party in power. Quite clearly, his delegation could not endorse any such views. Cambodia upheld the Bandung Conference principle of non-interference in the internal affairs of other countries, which had been restated by Prince Norodom Sihanouk, the Cambodian Chief of State, at the Belgrade Conference in 1961.

85. On the basis of the foregoing, his delegation reached the following conclusions: the Administering Power, having accepted the principle of the independence of British Guiana, should apply it without any conditions or reservations; independence should be granted to the Territory in accordance with the clearly expressed wishes of the people and their elected representatives; elections having been held on the basis of universal suffrage and a lawful Government having been constituted, power should be transferred to that Government;

should the Government of British Guiana so request, a visiting mission might be sent to the Territory to study the serious situation prevailing there and to make recommendations for the restoration of order and peace. The dispatch of a mission might even precede any other step which the Special Committee might take. Those four conclusions were not formal proposals but merely expressed his delegation's point of view on the difficult problem before the Committee.

86. The representative of the Union of Soviet Socialist Republics said that before the Committee could determine its attitude towards the two problems involved in the discussion of British Guiana - independence and the present situation in the country - it was necessary to make a thorough analysis of the main forces and factors in the political life in British Guiana: namely, the United Kingdom, the Government of British Guiana, the opposition parties, with particular reference to the Peoples National Congress, and the United States of America.

87. The United Kingdom still retained control of the main levers of influence over the situation in the Territory. Under the 1960 Constitution the territorial Government was responsible for internal affairs only, whereas all the main Government functions, including foreign policy and defence, had remained in the United Kingdom Government's hands. The British Governor retained control over the police and services responsible for carrying out the territorial Government's directives. During the Constitutional Conference the United Kingdom had promised early independence, but not before a year had elapsed; yet two years had already gone by since the 1961 elections and independence had still not been granted. The Committee should not be misled by the subterfuges and excuses to which the United Kingdom was now resorting in order to avoid carrying out its unambiguous promises to the people of British Guiana and to the world public.

88. With reference to the position of the Government of British Guiana formed by the Peoples Progressive Party after its victory in the August 1961 elections, it should be stressed that the Party had come to power in conditions which, in essence, had been determined by the United Kingdom Government. On three occasions, in 1953, 1957 and 1961, under colonial constitutions and in conditions of colonialism, the people of British Guiana had expressed their wishes regarding the party that should lead the country, thereby convincingly demonstrating their complete confidence in the present Government, which was enjoying the people's time-tested support.

89. An analysis of the position of the Peoples National Congress (PNC) showed that the Party's platform in the 1961 elections had included a call for immediate independence regardless of the outcome of the elections. The leaders of that party had now retreated from their election promises and were stating that they did not want independence as long as new elections in British Guiana were not held on the basis of proportional representation. The Committee had no guarantee that, were the PNC to be defeated in elections held under the system of proportional representation, it would not advance yet another electoral principle and call for further elections, again renouncing independence on that pretext. It was legitimate to ask whether that process was to go on for ever or until such time as the PNC came to power. The fundamental factor which had to be taken into account in assessing the PNC's position was that all the parties which had participated in the 1961 elections had agreed to the present Constitution and to the electoral system approved by the United Kingdom.

90. On the question of United States interference in the affairs of British Guiana, the Committee's position must be quite definite. Such interference was inadmissible, regardless of whether British Guiana was an independent State or under United Kingdom rule. The motives underlying United States activities with regard to British Guiana were well known and could only be condemned.

91. British Guiana's economic and political situation was complex. It might be asked who was responsible for that situation and why a country whose people wanted independence and whose Government was doing its utmost to attain independence, raise levels of living, satisfy the people's needs and develop culture and education was facing grave difficulties. The main reason lay in the fact that independence had not yet been granted, although the United Kingdom had promised it long since. The present Government, elected by the people in elections in which they had opted for independence, did not possess all the necessary means for leading the country to happiness and prosperity: it lacked the main attribute - independence. No Government of an independent country would be able to remain in power for one month in the conditions with which the Government of British Guiana had to contend; yet the latter had been in power for nearly two years despite the fact that the United Kingdom had not only failed to grant independence to the Territory but had not even handed over the necessary political and economic powers.

The Government of British Guiana had also had to contend with intrigues in which the activities of the United Kingdom and of the United States were clearly discernible. It was hardly to be expected that in such circumstances peace and order would reign in the country and that all government, political and economic institutions would function normally.

92. In order to determine what position the Committee should take and whether or not it should become an arbitrator and endeavour to find a common platform between the United Kingdom and the Government and the Opposition in British Guiana, it was necessary to recall the Committee's terms of reference. The General Assembly had entrusted the Committee with the task of seeking ways and means of ensuring the implementation of the Declaration on the granting of independence to colonial countries and peoples. It followed that in the case of British Guiana the Committee's main task was to express its opinion on the question of its being granted independence. Independence should have been granted to the Territory long ago, even according to the United Kingdom's original point of view, not to mention the provision of the Declaration that all colonial countries must be granted immediate independence without any conditions or reservations.

93. The United Kingdom's attitude in the question must be described as unprecedented hypocrisy. In the case of Southern Rhodesia, the United Kingdom, while conducting negotiations with the white settler Government, refused to listen to the people's representatives. In the case of British Guiana, however, it was stating that it could not grant independence in view of the absence of unanimity between the opposition parties and a Government lawfully elected under conditions which the United Kingdom itself has proposed. The Committee could not agree with the United Kingdom's argument on the basis either of the Declaration or of the facts.

94. British Guiana must be granted all the prerogatives and resources normally enjoyed by all Governments. The conclusion which the Committee was bound to reach was that the sooner independence was granted to British Guiana, the sooner would peace and order reign in the Territory and the internal difficulties be overcome. The Government of British Guiana had appealed to the Committee to send a mission to the Territory. In his delegation's view, the appeal should be heeded, it being understood that the mission would be guided in its activities by the provisions of the Declaration.

95. The representative of Iraq said that the hope that British Guiana would become an independent country by the end of 1962, in accordance with the territorial legislature's request to the United Kingdom Government in 1961, had been dashed when the outbreak of turmoil and rioting in the Territory early in 1962 had been seized upon by the United Kingdom Government as a pretext for postponing the Independence Conference. That Conference had finally been held after two postponements but unfortunately it had ended in failure, without agreement on the date for independence. Furthermore, the country's economy was being crippled by a general strike which had already lasted for over two months.

96. The mandate entrusted to the Committee by the General Assembly was to find the best ways and means of expediting the granting of independence to all colonial countries and peoples. Her country held that all dependent Territories should accede to independence within the shortest possible period of time. Despite the political and racial strife and the differences and difficulties besetting British Guiana, the local leaders should assume responsibility for governing the Territory and should make a fresh attempt to reach agreement on the country's future and independence. The electoral system seemed to be the main cause for disagreement; that problem should be settled by the leaders of the various groups and parties in the Territory, for the longer such problems were allowed to exist, the more complex and dangerous they became.

97. While the Administering Power could not be absolved of its share of responsibility for the present state of affairs in the Territory, it behoved the people of Guiana to reach agreement among themselves and prevent any further postponement of their independence. It was quite clear that, since each of the two major parties commanded wide support among the people, they would both have to compromise. The future of the people as a whole was at stake and no one party was in a position to lose the co-operation of the other.

98. There was no doubt that external influences had been interfering in the affairs of British Guiana. Such interference by outside groups and Powers could lead to civil war and internal strife. She sincerely hoped that all those who truly cared for the welfare of the people of British Guiana would cease their dangerous game and leave it to the people themselves to resolve their problems. The political parties and different sections of the people should realize the dangers of collaboration with foreign elements or of reliance upon support. They should

know that foreign interests pursued selfish goals and were not concerned with the true interests of the people and the country.

99. In the view of her delegation, a new conference should be called in the near future at which every effort should be made to secure agreement among the representatives of the people of Guiana and to set a date for independence. It might also be useful for the Committee to send a small mission to the Territory as soon as possible to ascertain local conditions and report back to the Committee. She sincerely hoped that the United Kingdom Government would extend its co-operation and assistance to the Committee and the people of British Guiana and that an independent State of Guiana would soon be admitted to membership of the United Nations.

100. The representative of Sierra Leone said that it was clear from the statements of the petitioners that a tense situation prevailed in British Guiana. One of the petitioners, a Minister in the present Government, had maintained that the United Kingdom Government could do much more than it had done so far to help maintain law and order. It had also been suggested that the present regime could handle the situation better if the Territory were granted independence and if the Government's hands were not tied by the constitutional framework in the country. A different interpretation of the situation had been given by Mr. Burnham and by a trade union leader, but it was quite clear that unless something was done quickly, the situation might deteriorate rapidly.

101. It was difficult to divorce the situation in British Guiana from broader questions outside British Guiana. Indeed, certain suggestions had been made in the Committee. In the view of his delegation, however, the Committee needed additional facts before it could reach any conclusions on those matters. That was why his delegation was strongly in favour of the suggestion that a sub-committee should be sent to British Guiana to investigate the situation, establish contacts and thus help the people to achieve independence. There had been clear indications that the problem of British Guiana had some racial implications, and it was likely that a sub-committee with a multiracial composition could establish the kind of contacts and exert the kind of influence that was desirable.

102. There was general agreement that independence for British Guiana was a matter of urgency. The United Kingdom Government itself had stated often enough that the

Territory should obtain independence. The sooner it became independent the better it would be for all concerned and the sooner the people would be able to tackle the economic problems, which were assuming ever greater dimensions.

103. The representative of Venezuela recalled that at the Ninth and Tenth Inter-American Conferences, held in 1948 and 1954, the American republics had declared their desire to eliminate colonialism and the occupation of American Territories by extra-continental countries and their support for the legitimate aspirations of peoples under domination to achieve sovereignty. The people of Venezuela, in particular, were interested in the future of British Guiana and their concern would continue until Guiana had become a stable and progressive sovereign State.

104. It was well known that there was a border problem between Venezuela and British Guiana, but his Government had never held that the independence of British Guiana should be subject to the prior settlement of that problem. The two problems were independent; no matter what the status of British Guiana might be in the future, Venezuela's rights would be the same and could not be abandoned.

105. In order to investigate the most suitable ways and means for the speedy and total application of the Declaration on the granting of independence to colonial countries and peoples to all Territories which had not yet achieved independence, the Special Committee had adopted a procedure which included the securing of information and documentation on the Territory under consideration, the hearing of petitioners, statements by members of the Committee and the appointment of visiting missions. After discussing the question of British Guiana in 1962, the Committee had adopted a resolution requesting the Governments of the United Kingdom and British Guiana to resume negotiations with a view to reaching agreement on the date of independence for British Guiana. The Conference held in London in October 1962 had not, however, come to any agreement on that date. The Committee should not re-examine the entire problem but it should examine the reasons for the failure of the Conference and seek the most suitable means of applying the Declaration to British Guiana.

106. All the petitioners who had appeared before the Committee agreed that independence should be achieved as soon as possible. The disagreement among them concerned the basis on which independence should be granted. In his delegation's

view the most important condition for the achievement of independence was that a Territory should have a Constitution freely expressing the will of the people. Only the people of Guiana could decide the basis upon which independence should be attained; the Committee could only determine whether or not the will of the people had been respected. The Vice-Premier of British Guiana had told the Committee that there was substantial opposition in British Guiana to the Government in power. From the statements of other petitioners, including that of Mr. Burnham, leader of the Peoples National Congress Party, it could be deduced that that opposition was due to differences with respect to the Constitution under which Guiana should attain independence. It was those differences which had caused the recent disturbances in British Guiana.

107. There was general agreement that British Guiana should be granted independence. It lay with the Committee, therefore, to study the factors which were delaying the granting of independence and to take action, within its terms of reference, to eliminate any obstacles.

108. The Venezuelan delegation considered, firstly, that the Committee had no authority to make any recommendations in respect of the causes of the disagreement; it could only appeal to the political parties, the trade unions and all the people of British Guiana to make every effort to achieve agreement and the supreme goal of independence. Secondly, the Administering Power should be asked to convene a new Constitutional Conference as soon as possible at which all the interested parties will be represented in order to establish the date for independence. Thirdly, the Committee should offer its good offices to help the parties concerned to settle their differences. Fourthly, a mission should be sent to the Territory to obtain the additional information the Committee required.

109. The representative of Ethiopia reviewed the circumstances which had preceded the Special Committee's resolution of 30 July 1962 on the question of British Guiana and recalled that the resolution had requested the United Kingdom and British Guiana Governments to resume negotiations immediately with a view to reaching agreement on the date of independence for the Territory.

110. The United Kingdom representative had informed the Committee that at the Conference held in London in October 1962 it had been found impossible to make substantial progress until decisions could be reached on three major questions: whether elections should be fought on the basis of single-member constituencies or

on the basis of proportional representation; whether the right to vote should be accorded at the age of twenty-one or at the age of eighteen; and whether fresh elections should be held before independence. There were, however, hopeful signs of reconciliation. Statements made in the Committee by members of the British Guiana Government had indicated that agreement might be reached on the questions of fresh elections and the voting age; thus the three major questions could be narrowed down to one. While it appreciated the difficulties, his delegation felt that it should be possible to reach agreement through continued talks between the principal parties of British Guiana. The collaboration of the Administering Power was of vital importance and he was confident that the United Kingdom Government would lend its full co-operation.

111. His delegation did not intend to make any formal proposals at the moment but would support the suggestions put forward by previous speakers, particularly the proposal for the establishment of a smaller group of the Committee, with the mandate of finding the best ways and means of implementing the Committee's earlier resolution.

112. The representative of Poland recalled that, under pressure from the national liberation movement, the United Kingdom had accepted the principle of independence for British Guiana and had granted that country internal self-government under the 1960 Constitution. Moreover, the question of independence had been a major issue in the campaigns of all parties in the 1961 elections and the majority of the people had understood that the victorious party would lead British Guiana to independence. In November 1961 both Chambers of the British Guiana Legislature had approved the motion that the United Kingdom Government should fix a date for independence in 1962. Yet, the United Kingdom was delaying the granting of independence under various pretexts; it had postponed the Constitutional Conference from May to July and then until October 1962, thus encouraging hostile elements in the Territory who had been interested in instigating disturbances to subvert the Government and who had openly advocated the postponement of constitutional talks.

113. In all cases of colonialism the United Kingdom had sought to justify its position by maintaining that its actions were based on the principles of democracy and the need for a representative Government. The Government of British

Guiana which the people had supported in three consecutive elections held during the last ten years was, however, fully representative and the reason for the attitude of the United Kingdom was its obvious dislike of that Government. The political charges which the United Kingdom had made against the Government of British Guiana since 1953, when the Peoples Progressive Party lead by Dr. Jagan won the election, were of the type that were always used by the colonial forces in their attempts to crush the struggle for independence in any part of the world. The colonial Powers applied the principles of Western democracy only when it suited them to do so. Despite the provisions of paragraph 2 of General Assembly resolution 1514 (XV), the elected Government was disregarded if its policy was not to the liking of those who had vested interests in the Territory. Almost the entire economy of British Guiana was in the hands of foreigners mostly British and American and a great deal of the wealth generated there was leaving the country. It was significant that, according to The New York Times of 31 May 1963, two United States oil companies operating in British Guiana intended to ask their Government to protect their property and interests in the Territory. That recalled the prelude to the tragic events in the Congo.

114. The arbitrary nature of the delay in granting independence to British Guiana could be seen from the attitude of the United Kingdom Government during the Constitutional Conference of 1962. The main subject of the Conference, the establishment of a date for the independence of British Guiana, had not been discussed. Moreover, the United Kingdom Government had allowed the Conference to break down and was still delaying the granting of independence under the pretext of the lack of agreement between the two major political parties on the question of the electoral system. That attitude of the Administering Power was contrary to the spirit and the letter of the Declaration on the granting of independence to colonial countries and peoples. The representative of Tunisia had rightly pointed out^{12/} that the Declaration did not make the existence of a Constitution a condition for the transfer of all powers to the people. In the case of British Guiana, the people had already expressed their desire for independence and the Administering Power had only to transfer the powers of defence and foreign affairs

^{12/} A/AC.109/SR.137.

to the Government of the Territory without any conditions or reservations. The long delay in British Guiana's attainment of independence had already created much unrest. The disturbances in the Territory were likely to continue until independence was granted, since no Government could function effectively unless it enjoyed all the attributes of power. Only when it gained independence would British Guiana be able to overcome the many difficulties and grievances inherited from over 130 years of colonial rule.

115. The Polish delegation would support the proposal made by the Vice-Premier of British Guiana that a sub-committee should be sent to the Territory, on the understanding that the sub-committee's terms of reference would be based on General Assembly resolutions 1514 (XV), 1654 (XVI) and 1810 (XVII).

116. The representative of Chile said that any further delay in granting independence to British Guiana would create new difficulties for the Administering Power and might have unfavourable repercussions on international relations. It was the duty of the Committee to consider the question objectively, with due regard for the principles of the United Nations.

117. Although the United Kingdom undoubtedly intended to grant independence to the Territory, no progress was being made towards the liberation of the people of British Guiana. At the Conference held in 1962, the question of the Constitution and the internal regime of the Territory had perhaps been confused with the related question of a date for independence and the transfer of powers. It was regrettable that the representatives of British Guiana had not agreed among themselves at the Conference and had not succeeded in finding a solution to the difficulties, in the interests of the independence of their country and the future of their people. Since then the situation had deteriorated to such an extent that the Territory was on the brink of economic bankruptcy and the only possible solution was for the people of British Guiana to achieve independence. Chile and the other Latin American countries were following the unhappy events in British Guiana with concern and brotherly understanding. At various inter-American Conferences, they had expressed their determination to achieve the elimination of colonialism in America. It was therefore the duty of the American countries to do everything possible to ensure that British Guiana achieved independence without delay.

118. Independence was an irreversible process and, in accordance with paragraphs 3 and 5 of General Assembly resolution 1514 (XV), it could not be subject to any conditions. If peoples were not prepared for independence, that was the fault of the colonial Powers. The internal situation of a Non-Self-Governing Territory could not be used as a pretext for delaying the granting of independence. That did not mean, however, that everything possible should not be done to create the conditions necessary for independence, which should promote the dignity, freedom, development and well-being of the people. The other countries of Latin America had achieved independence at a time when the United Nations had not existed, but in most cases it had been a joint undertaking. Today, with the help of the United Nations, it should be possible to achieve independence in better conditions than had then been possible.

119. The Chilean delegation would join in any appeal to the leaders of the various parties in British Guiana to reconcile their views and shoulder their responsibilities. In particular, the hostility between Indians and Africans should cease and political differences should not be transformed into racial hatred. In Latin America there had always been harmony and co-operation between different races and, since the composition of the Government and labour unions in British Guiana was multiracial, such co-operation should be equally possible there.

120. His delegation was confident that the Administering Power would use its influence to maintain order in the Territory and arrange for the resumption of negotiations which would lead to the rapid convening of a conference with a view to granting independence to British Guiana. A sub-committee should visit the Territory and report on the situation. The problem urgently required attention because British Guiana was wasting its energies and resources and was likely to become a source of international conflict.

121. The representative of Uruguay recalled that there was general agreement on the need to grant independence to British Guiana and that General Assembly resolution 1514 (XV) had specified that powers should be transferred without conditions or reservations. It was clear that powers should be transferred to the legitimate representatives of the people. Resolution 1514 (XV) had laid down no specific procedure for the election of such representatives because it had been felt that the establishment of a specific procedure might serve as a pretext

for delays. Elections on the basis of universal adult suffrage were the generally accepted method of expressing the will of the people, but the choice of the system of representation was also important.

122. Uruguay had a system of proportional representation. His delegation recognized, however, that in certain circumstances it might be desirable to adopt other systems providing greater guarantees of stability or unity and reflecting more accurately the sociological situation in a country. For the purposes of the application of resolution 1514 (XV), any system was valid if it had a rational basis and met the requirements of public order. Other newly independent countries had adopted systems similar to that followed in British Guiana and the validity of the mandate given to the representatives of the people had never been questioned. Each country should choose its own electoral system and the Committee was not competent to make recommendations on that subject, for that would violate the principle of non-intervention.

123. His delegation therefore concluded that British Guiana had de jure achieved the right to immediate independence and that steps should be taken forthwith, including the convening of a new Constitutional Conference, to transfer all powers to the people of the Territory in accordance with their freely expressed wishes. It also considered that the Committee was empowered to take action on the situation in British Guiana and should use its good offices to promote harmony and national unity there. The experience of the Latin American countries, which had on many occasions indicated their desire to end colonialism in America, had taught them that freedom should be granted to all countries which desired it.

124. The representative of Mali recalled that on 1 August 1962 the Secretary-General had transmitted to the Administering Power the resolution adopted by the Special Committee at its 90th meeting, requesting the Governments of the United Kingdom and British Guiana to resume negotiations immediately with a view to reaching agreement on the date of independence for British Guiana, in accordance with the wishes of the people as expressed by their Parliament. Since that date nothing had been done to help the Territory to attain independence. Indeed, the situation had deteriorated, as could be seen from the strikes which were slowing down the country's economy and creating a climate of social instability favourable to foreign interference.

125. His delegation had no wish to intervene in a domestic dispute by trying to enumerate the successes of the present Government or by expressing views in favour of or against a regime which was and would remain within the exclusive competence of the people of British Guiana.

126. An analysis of the statements made by the petitioners, who included a leader of the Peoples National Congress, a senior trade unionist and the Vice-Premier of British Guiana, and of the detailed documentation made available to the Committee had led his delegation to the conclusion that the only point at issue was that of the granting of independence to British Guiana. The Territory had traversed all the normal stages towards independence. No further preliminary condition should be set. The Constitutional Conference convened by the United Kingdom in March 1960, in response to pressure from the national liberation movement, had approved a new Constitution, providing for full internal self-government, to enter into force in August 1961. At that Conference the United Kingdom Government had also accepted the principle of independence for British Guiana and provision had been made for holding an Independence Conference in 1962. Accordingly, in October 1961 the two Chambers of the British Guiana Legislature had adopted a resolution requesting the United Kingdom Government to hold such a Conference. The United Kingdom Government had acceded to that request and had set a date in May 1962 for the Conference.

127. It was easy to see that the country had progressed naturally towards full sovereignty. The elections held on the basis of universal suffrage after the 1960 Conference, had led to the formation of a lawful Government headed by Mr. Jagan, the leader of the Peoples Progressive Party, which had won 42.6 per cent of the votes cast and had been the winning Party in the 1953 and 1957 elections.

128. The hopes born of the 1960 Conference had, however, been dashed. For reasons which were difficult to determine and which obviously did not correspond to the will of the people, the United Kingdom Government had reopened the question of independence and had postponed the Independence Conference. As a result of foreign interference, party strife had been fanned and social unrest created in order to impede a Government anxious to proceed with its task and, above all, in order to justify the argument, invoked by every Administering Power, that the people were not ready for independence. Such an attitude was totally incompatible

with the provisions of paragraph 5 of the historic Declaration on the granting of independence to colonial countries and peoples.

129. Despite the present differences of opinion among the people of British Guiana, which, he was certain, would give way to national interest, the yearning for independence was shared by one and all. His delegation appealed to the statesmen of British Guiana to realize that the reasons for unity far outweighed their differences. It invited the United Kingdom Government to continue the admirable task begun at the 1960 Conference and, without delay, to hold a Conference for the purpose of transferring the powers and attributes of sovereignty to the Government which had been put in office by the will of the people. Any other course would amount to the shirking of responsibility.

130. His delegation supported the proposal put forward by some members of the Committee that a visiting mission should be sent to the Territory. It was convinced that no effort should be spared to help the parties to overcome their present difficulties so that British Guiana could attain independence without delay. The mission should be regarded as a good offices mission and not as a mission of inquiry. He hoped that the United Kingdom Government would co-operate in the matter.

131. The representative of Tanganyika said that after the accounts which had been given by the Premier and Vice-Premier of British Guiana, the leader of the opposition Peoples National Congress and a leader of the Trades Union Council, as also by the representative of the Administering Power, the Committee was familiar with the major aspects of the problem. British Guiana was a self-governing colony on the verge of independence. In fact, the Committee had been given to understand that the major obstacle to independence, which was now long overdue, was the failure of the various groups and leaders in the Territory to reach agreement among themselves.

132. His delegation strongly deplored the unfortunate fact that it had hitherto proved impossible for the various groups and parties and the Administering Power to reach agreement on a matter of paramount interest to the people, namely freedom, national sovereignty and independence. His delegation was familiar with situations and periods in the history of various colonial Territories where internal differences and conflicts had appeared insurmountable and the attainment of

independence remote. Such divisions created fertile ground for the classical practices of "divide and rule" long cherished by the colonial Powers and their agents. Sooner or later, however, the people realized that they had to learn to live together in harmony and unity and work for freedom and national reconstruction. He was convinced that, whatever the differences, the people of British Guiana could and should reach agreement and become independent. The sooner the parties and the leaders in the Territory did so, the better it would be for their country. They would be able to save the people of British Guiana from the scourge of hatred, strikes and violence and to mobilize them for the great work of development and reconstruction with which every new nation was faced. They should realize that there were many colonized peoples in various parts of the world who were struggling to achieve British Guiana's rather enviable position of having only to agree on the terms of independence. The different peoples in the Territory should not forget that they had to live together and that only harmony, good will, trust and co-operation would save them from chaos and untold suffering.

133. His delegation would support any measure or decision which might lead to reconciliation and to immediate independence in accordance with General Assembly resolution 1514 (XV). For that reason it supported the suggestion that a sub-committee should be sent to British Guiana.

134. The representative of Tunisia expressed his delegation's profound disappointment at the fact that British Guiana had not yet attained independence and that the prospects of independence seemed remote. He regretted the failure of the talks in London and Georgetown. He was convinced that given more good will on the part of all concerned, and particularly of the United Kingdom Government, an arrangement could have been found for the transfer of power to the representatives of the people in accordance with resolution 1514 (XV).

135. The present situation in the Territory was not such as to pave the way for a fair solution of the problem. The Government and the Opposition were moving farther apart and the situation, which was deteriorating from day to day, might degenerate into the worst kind of civil war - that between different races living in the same country.

136. His delegation refused to throw its support behind either of the two political groups between which the people of British Guiana were more or less equally

divided. Nor did it wish to assess the respective merits of the system of single-member constituencies as against that of proportional representation.

137. The Guianese were divided by feelings which went deeper than differences about electoral systems, the minimum age for voting, election dates, budget and labour legislation problems or racial antagonisms. Each party was firmly convinced that the other was in the pay of foreign interests. The Guianese should overcome that mistrust without delay since the continuation of the colonial regime could only lead to greater differences and deeper suspicions. The two main groups in the Territory must realize that their country could not live either without the people of Indian origin or without those of African origin, that it could not live without the followers either of the Peoples Progressive Party or of the Peoples National Congress. Guiana was too small a country to dispense with any of its people; it needed the efforts of one and all. His delegation was convinced that if all the leaders of Guiana, particularly Mr. Jagan and Mr. Burnham, who had already given such proof of their devotion to their country, could rise above the atmosphere of passion and suspicion prevailing at Georgetown, it would be possible to overcome the political crisis and to set a very early date for independence.

138. It was incumbent upon the Committee to make the people of British Guiana and its leaders heed the language of common sense. For that reason his delegation was in favour of the establishment of a sub-committee whose main task would consist in helping the parties concerned to find a formula for reconciliation leading to immediate independence. Such a sub-committee should be a good offices organ rather than a visiting mission. There was no reason why the United Kingdom Government should object to such a mission of conciliation. If it did object, the views of all those who, explicitly or implicitly, had been accusing it of prolonging the present differences with a view to perpetuating the colonial regime would be justified.

139. If, contrary to his expectation, the United Kingdom Government once again refused to admit the sub-committee to the Territory, the sub-committee should be authorized to proceed to neighbouring countries. In that respect, the co-operation, advice and powers of persuasion of the Government of Trinidad and Tobago, in particular, might be sought because of the close proximity, the similarity of racial composition and the good relations between the two countries.

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140. In the view of his delegation, such a sub-committee should consist of the representatives of one African State, one Asian State and one Latin American State. His delegation attached great importance to the contacts which the sub-committee could have in British Guiana and thought that it might effectively promote a solution consistent with the Declaration on the granting of independence to colonial countries and peoples. His delegation would vote in favour of any draft resolution which was designed to secure internal reconciliation and immediate independence.

141. The representative of India said that his delegation noted with satisfaction the statement by the United Kingdom representative at the 177th meeting that the object of the United Kingdom remained to bring British Guiana to independence at the earliest possible date. It did not, however, share the view that the political differences in British Guiana constituted an insurmountable obstacle in the way of early independence. In democracies, differences between political parties were neither wholly unknown nor entirely unexpected. In the colonies they were often not only aggravated by vested interests but used by those interests as a pretext for postponing independence. From the statement made by the United Kingdom representative it would appear that no immediate action was contemplated by the United Kingdom Government with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples, unless the two major political parties agreed on each and every one of their differences. The vital fact, however, was that the parties were at one in seeking independence for British Guiana. He was hopeful that the differences between them could be settled.

142. The possibility of transferring power to a coalition Government composed of the major political elements in the Territory might perhaps be explored. Existing differences could then be settled by an independent Guiana. The suggestion by several delegations that a sub-committee should be sent to the Territory was helpful and might lead to positive results.

143. The Committee's main task was to work for the immediate implementation of resolutions 1514 (XV), 1654 (XVI) and 1810 (XVII). They were applicable to British Guiana and it was his earnest hope and desire that the Administering Power would make it possible for them to be applied immediately so that the people could attain freedom and independence without delay.

144. The representative of Yugoslavia said that, since the trend in the Committee seemed to be towards the adoption of an interim measure, he would merely make a few remarks concerning the problem of British Guiana.

145. Almost two years had elapsed since the formation of the present Government as a result of elections by universal suffrage; the party in power had won the majority of seats and the whole electoral campaign had been conducted with the understanding that the winning party would lead the country to independence. Yet the Administering Power had continually postponed independence and, despite the unequivocal wording of paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples, the transfer of all powers had not yet been effected. It was that attitude on the part of the Administering Power which was the principal cause of the present tension in British Guiana. The longer independence had been delayed, the further the situation had deteriorated. The Government of British Guiana was having to contend with powerful foreign interests which had succeeded in exploiting not only the difficulties caused by economic backwardness but also racial differences.

146. Although the unity of a people under foreign domination was an important condition for the success of the struggle for national independence, it should not be considered as a sine qua non for independence. Differences of opinion about the constitutional regime or the electoral system could not be used as a pretext for delaying independence; that had always been the position of the Committee and of the United Nations.

147. The second principle which should guide the United Nations in the consideration of colonial problems was the principle of non-interference in the internal affairs of States. The United Nations was not concerned with the character or political orientation of a regime, provided that it had been established as a result of a consultation of the people, based on universal suffrage. Nothing would be more detrimental to the cause of decolonization than for the Members of the United Nations, and especially those on the Committee, to take sides on the basis of the economic, social or political character of the regimes in the various Non-Self-Governing Territories. The main task of the Committee was the implementation of the Declaration to colonial countries and peoples; the internal systems of those countries and peoples were matters exclusively within their competence.

148. His delegation was in favour of sending a sub-committee to British Guiana, with the task of reconciling the two main political parties in the Territory and trying to convince them that the common interest should be placed above specific interests. It was convinced that the national interest, the attainment of national independence by British Guiana, would prevail over narrow, selfish party interests. It should, however, be understood that the immediate and unconditional granting of independence to British Guiana was the obligation of the Administering Power and that the fulfilment of that obligation could not be made conditional on the success of the mission of the proposed sub-committee.

149. The representative of Bulgaria noted that the increasingly tense situation in British Guiana was a subject of serious concern to the United Nations. The efforts of the Committee to accelerate the implementation of the Declaration had been blocked by the obstinacy of the United Kingdom Government, which was trying to postpone indefinitely the granting of independence to the Territory, in order to protect the selfish interests of the British colonialists.

150. The Constitutional Conference held in London in March 1960 had drafted a Constitution granting home rule to British Guiana and accepting the principle of independence for the Territory; that Constitution, which had been approved by the United Kingdom Government and by the main political parties in British Guiana, had come into force in 1961 and in the same year Mr. Jagan's Government had come into power as a result of elections held on the basis of universal suffrage. In November 1961 both Houses of Parliament in British Guiana had passed a resolution asking the United Kingdom Government to grant independence to the Territory in 1962. Following the legislative elections, the United Kingdom had allegedly granted internal autonomy to the Territory, but it had retained control over the administration and the police force and had kept matters of foreign policy and defence of the country completely in its hands. Although, after the 1961 elections, it had reiterated its intention of granting independence to British Guiana, the United Kingdom Government had so far refused to do so, using all kinds of pretexts and taking advantage of the economic and political complications and of the intrigues and manoeuvres of the imperialist forces.

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151. As the Press had often reported, British and American interests, dissatisfied with the policy of the Government in power, were doing their best to prevent British Guiana from becoming an independent State under the leadership of the Prime Minister, Mr. Jagan, and his followers. That was the real cause of the serious and unfortunate events taking place in British Guiana.

152. He thought that he was expressing the opinion of the majority of the members of the Committee when he said that the postponement of independence was the real cause of all the present difficulties in British Guiana. It was known that it was not the aim of the colonialists to foster the unity of the forces struggling for political and economic independence. Their aim was to disrupt the unity of the national and democratic forces in the dependent territories, as a means of defending the selfish interests of colonialism.

153. The attitude of the United Kingdom Government in the question of the granting of independence to British Guiana was a flagrant violation of the Declaration. In its desire to find pretexts for refusing independence to the Territory, the United Kingdom wanted to make unanimity among the political parties, on matters entirely within the purview of British Guiana's internal policy, a condition for the granting of independence. Yet, as several members of the Committee had pointed out, internal political differences existed in all countries, even in those with centuries of independent political life. Hence to deny British Guiana independence on the pretext of the existence of internal political differences there was only a subterfuge by means of which the United Kingdom Government intended to maintain its domination over the Territory. The task of the Committee was to seek the most suitable ways and means to ensure the speediest possible application to British Guiana of the Declaration. The important fact for the Committee was that an overwhelming majority of the population of the Territory had on several occasions expressed itself in favour of the political movement which had formed the present Government of British Guiana. Since that Government and the Parliament of British Guiana were demanding independence for the country, there was no reason to refuse it. The pretexts advanced by the United Kingdom Government were contrary to paragraph 5 of the Declaration, by postponing independence, that Government was, in the opinion of the Bulgarian delegation, committing a flagrant violation of resolution 1514 (XV).

154. The only positive solution to the problem lay in the immediate and unconditional granting of independence to the people of British Guiana. His delegation supported the request of the Government of British Guiana that a visiting mission of the Committee should be sent, on the understanding that the mandate of the mission would be in accordance with the provisions of resolution 1514 (XV). He expressed the hope that the work of the Committee would be fruitful and that the people of British Guiana would soon join the family of independent nations.

155. The representative of Syria expressed his concern that British Guiana should be involved in domestic strife at a time when it should already have taken its proper place among the free and independent nations of the world. The situation was the result of purely local causes, but also, without the slightest doubt, of interference by foreign interests.

156. All the political parties of British Guiana desired independence without further delay. They differed only about the means of attaining that objective. The Peoples Progressive Party, which had come to power in 1961 and whose mandate did not expire till 1965, was asking for independence, but on terms which were not acceptable to the Peoples National Congress. The crucial problem was that of the electoral law, but he did not think it appropriate for the Committee to discuss that question or the other questions which divided the political parties. Those were questions which would have to be settled by the people of British Guiana.

157. What did concern the Committee, however, was the fact that those political differences were fostering racial tension and thereby creating a serious obstacle to the achievement of independence, which remained the principal objective. Slowly but surely a racial dichotomy was being established in British Guiana, with dire consequences for the well-being and peace of the country. He could not hide his fear that the political situation might degenerate into racial strife, which would play into the hands of those who were in no hurry to see the Territory emerge as an independent and sovereign State. He therefore wished to make a solemn appeal to the people of British Guiana not to let their present differences deflect them from a happy and prosperous future. It was the Committee's duty to help them to compose their differences and to find solutions acceptable to all. The Syrian delegation therefore joined the speakers who had preceded it in proposing that a sub-committee should be sent to British Guiana, or to a neighbouring country, to lend its good

offices and undertake a mission of conciliation. It hoped that the Administering Power would give the sub-committee its full co-operation.

158. It was, of course, only an interim measure designed to help overcome the difficulties which had been used as a pretext for delaying the fixing of a date for British Guiana's independence. That date should have been fixed immediately after the 1961 elections but, contrary to the provisions of paragraph 5 of the Declaration, it had not been, and the present situation in the Territory could not be divorced from that unwise decision. If the Committee were to accept the principle that independence could not be granted to a Non-Self-Governing Territory as long as there were differences among the political parties in that Territory, it would be acquiescing in the continued subjugation of the people concerned. The independence of British Guiana had been delayed on account of such differences, as had been the case with Zanzibar the previous year. It might legitimately be asked whether it was to be postponed indefinitely as long as those differences persisted.

159. The Syrian delegation was confident that those differences could be surmounted and that the political parties of British Guiana would soon achieve agreement, for the greater good of their country. If, however, that objective was to be achieved, the Administering Power would have to give its full support to every effort at conciliation. The United Kingdom would demonstrate the sincerity of its declared intention to grant independence to British Guiana by facilitating the task which the Committee now felt in duty bound to undertake.

160. The representative of Iran considered that the question of British Guiana was one of the most complicated ever to come before the Committee, the more so since the Committee's possibilities of action were very limited. While Mr. Jagan's government was accusing the British Government both of postponing the granting of independence to British Guiana, and thereby helping to prolong and aggravate the critical situation existing in the Territory, and of failing to give adequate assistance to the local Government in maintaining internal order and security, the minority parties, the Peoples National Congress Party and the United Force Party, were firmly opposed to the granting of independence until such time as radical changes had been made in the Constitution.

161. In such a situation, what could the Committee do to fulfil its mandate, which was to apply the provisions of General Assembly resolution 1514 (XV)? It

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was bound to note that the principal obstacle to the independence of British Guiana was the divergency of views between the political parties. The Committee could, of course, invite the leaders of those parties to consider the gravity of the situation and to spare no effort to reach agreement, but it was also its duty to seek the most suitable ways and means to obtain detailed and accurate information about the present situation in the Territory. The best way of obtaining such information was, as a number of representatives had suggested, to send a sub-committee to British Guiana, on the basis of whose report the Committee would be able to take the requisite decisions.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

162. At the 182nd meeting on 27 June 1963, the Union of Soviet Socialist Republics submitted a draft resolution^{13/} by which the Special Committee would decide to dispatch a visiting mission to British Guiana and, if necessary, to London with a view to consultations being held on the question of British Guiana's accession to independence at the earliest possible date. The visiting mission, whose members were to be designated by the Chairman, would be instructed to report to the Special Committee on the results of its work not later than 10 July 1963.

163. At the 183rd meeting, 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 stage 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 to decide, will be required to report to the Committee as soon as possible, and in any case during the present session of the Committee."

164. The statement of consensus made by the Chairman was accepted by the Special Committee without objection as expressing its interim decision on the question of British Guiana.

165. The representative of the United Kingdom said that his delegation had taken note of the consensus that the Chairman had read out, appreciated the spirit in which it had been drafted, and would communicate it to his Government without delay.

166. The representative of the Union of Soviet Socialist Republics stated that his delegation was in agreement with the interim decision taken by the Special Committee and that therefore he would not insist on his draft resolution being put to the vote.

167. At the 189th meeting, the Chairman announced that the Sub-Committee on British Guiana would consist of Mali (Chairman), Syria (Rapporteur), Chile, Iran and Sierra Leone.

168. At the 190th meeting on 10 July 1963 the representative of the United Kingdom referred to the proposals contained in the consensus read out by the Chairman on 27 June and in particular to the appeal to the United Kingdom Government for its co-operation in ensuring the success of the Sub-Committee's efforts. He recalled that in his statement of 20 June he had reaffirmed that it was the object of United Kingdom policy to lead British Guiana to independence at the earliest possible date and he had drawn attention to the repeated efforts made by his Government to bring the leaders of the political parties together and to help them to reach agreement on the constitutional problem.

169. There had been two important developments since then. In the first place, the General Council of the British Trades Union Congress had decided to send Mr. Robert Willis, Chairman of its Commonwealth Advisory Committee, to British Guiana to assist in the settlement of the general strike. Upon his arrival on

30 June, Mr. Willis had at once begun intensive negotiations with the Government of the Territory and with the British Guiana Trades Union Council. As a result of his efforts, most of the strikers had returned to work on Monday, 8 July. Secondly, Mr. Duncan Sandys, Secretary of State for the Colonies, had decided to pay a personal visit to British Guiana. He had left London the previous day and would be back on 16 July. His object was to see the situation for himself and to hold discussions with the Governor and the chief political leaders. He had not gone with any preconceived plans.

170. The United Kingdom Government appreciated the spirit in which the consensus had been made and, in particular, the suggestion of "good offices" it embodied. His delegation would co-operate to the best of its ability in the Sub-Committee's work in New York. During the debate which had preceded the consensus, however, there had been much talk of the Sub-Committee's visiting British Guiana. Any visit by a mission sent by the Committee, whatever its terms of reference, should be considered against the background of the United Kingdom Government's long-established attitude towards the United Nations in respect of the Non-Self-Governing Territories under its administration. In British Guiana, as in any other Territory, the United Kingdom Government could not share its responsibilities with the United Nations and it consequently could not agree to any visits to United Kingdom Territories by any body representing the Committee. It therefore regretted that it would not be able to agree to any visit by the Sub-Committee to British Guiana if such a request were made.

171. He pointed out, moreover, that it was not within the competence of the Premier of British Guiana to authorize such a visit. Any such request must be addressed to Her Majesty's Government in the United Kingdom, which, under the provisions of the Constitution of British Guiana, retained responsibility for that country's external affairs.

172. The representative of Chile regretted that the United Kingdom Government did not agree to the Sub-Committee's visiting the Territory of British Guiana. As he had stated earlier, impartial and objective visiting missions should be authorized to visit Territories which, while legally dependent on the Administering Power, came also within the competence of the United Nations in other respects, particularly from the moral standpoint.

173. Since the United Kingdom had full responsibility for the external affairs of British Guiana and considered that the Premier of the country was not competent to admit a United Nations mission, he would like to know whether representatives of the people of British Guiana were free to leave the country to come to New York or elsewhere or whether they required the United Kingdom's authorization in order to do so.

174. The representative of the United Kingdom replied that the inhabitants of British Guiana were free to travel abroad, as were the inhabitants of the great majority of States represented in the Committee.

175. The CHAIRMAN recalled that, when the Special Committee had been originally established under General Assembly resolution 1654 (XVI), it had been authorized "to meet elsewhere than at United Nations Headquarters, whenever and wherever such meetings may be required ...". During 1962, the Committee had considered the possibility of sending visiting missions as one of the means available to it for the effective discharge of its task, and at the seventeenth session, the General Assembly, in approving the Committee's report, had taken note with approval of the methods and procedures which the Committee had adopted. When the time came, the Committee would take into account that aspect of the problem, as also the resolutions already adopted concerning its methods of work. Only in that context would it be able to appraise the statement just made by the United Kingdom representative that the Sub-Committee could not visit British Guiana.

E. ACTION ARISING OUT OF THE REPORT OF THE SUB-COMMITTEE
ON BRITISH GUIANA

176. The Sub-Committee on British Guiana was composed of Mr. Sori Coulibaly (Mali) as Chairman, Mr. Humberto Diaz-Casanueva (Chile), Mr. Mohied Din Nabavi (Iran), Mr. Gershon B.O. Collier (Sierra Leone) and Mr. Najmuddine Rifai (till 9 September 1963) and Mr. Tarek Jabri (Syria).

177. The Sub-Committee was unable to visit British Guiana because of the refusal of the United Kingdom to agree to such a visit. On the suggestion of Dr. Jagan and Mr. Burnham respectively the Sub-Committee considered the possibility of meeting with these leaders in London or in Barbados. It decided that, in view of the attitude of the United Kingdom Government, it would not be possible to meet the two leaders in any of the places suggested. Finally, the Sub-Committee invited

Dr. Jagan and Mr. Burnham to come to New York. After discussions with the two political leaders, the Sub-Committee unanimously adopted its report^{14/} on 30 September 1963.

178. The report of the Sub-Committee on British Guiana was introduced by the Chairman, in his capacity as Chairman of the Sub-Committee, at the 216th meeting of the Special Committee on 8 October 1963, and was considered by it at the same meeting.

179. The Chairman, in introducing the report of the Sub-Committee, recalled that after its efforts to proceed to British Guiana had proved unsuccessful, the Sub-Committee had invited Mr. Jagan and Mr. Burnham to come to New York, where a number of meetings had been held. Although British Guiana's two political leaders had been unable 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. Those recommendations were included in paragraphs 59 to 65 of the report.

180. The representative of the United Kingdom recalled that at the 190th meeting of the Special Committee on 10 July he had announced that his Government appreciated the spirit in which the consensus establishing the Sub-Committee had been made and the suggestion of "good offices" embodied in it. He had added that his delegation would co-operate with the Sub-Committee, so far as it could, during its work in New York, but that his Government regretted that it would be unable to agree to any visit by the Sub-Committee to British Guiana. Thus, when the Chairman of the Sub-Committee had written to his delegation expressing the hope that his Government might agree to the Sub-Committee's visiting British Guiana, his delegation, in a letter dated 24 July 1963^{15/}, had replied that his Government had been unable to reconsider its position. Nevertheless, in accordance with his undertaking to co-operate with the Sub-Committee during its work in New York, he had met the Sub-Committee on 19 July 1963 and had informed it of a very important statement made by the Secretary of State for the Colonies on 17 July.^{16/}

^{14/} The Report of the Sub-Committee on British Guiana is contained in the Appendix to this chapter.

^{15/} A/AC.109/L.88, annex II.

^{16/} A/AC.109/L.88, annex III.

181. Despite the efforts made since July, the leaders of the British Guiana parties had not been able to resolve the differences which had led to the breakdown of the 1962 independence conference. Accordingly, and in conformity with his statement of 17 July, the Secretary of State for the Colonies had announced on 4 October that he had invited the Premier of British Guiana and the two Opposition leaders to bring delegations to a conference opening in London on 22 October 1963. It was hoped that the conference would lead to the finding of solutions to the problems responsible for the breakdown of the 1962 conference. It was now necessary to await the outcome of the conference. In the circumstances, the proposal in paragraph 62 of the Sub-Committee's report regarding the appointment by the Secretary-General of a team of constitutional experts was not appropriate in the present situation. With regard to the recommendation in paragraph 63, British Guiana had had the advantage of the services of many experts provided under United Nations Technical Assistance arrangements and he hoped that it would be able to benefit from that assistance in the future as in the past.

182. The representative of Venezuela said that while his delegation agreed in principle with the Sub-Committee's conclusions and recommendations, it wondered whether the recommendations in paragraphs 62 and 63 concerning technical assistance to British Guiana were within the Sub-Committee's terms of reference. The Committee would recall that when, during the discussion of Malta, the Italian delegation had proposed that the Committee should recommend the provision of technical assistance for that Territory, the representatives of Mali and Iraq had objected on the grounds that a precedent might be established and that the sovereign State of Malta would be in a position to seek assistance from the United Nations and the specialized agencies.^{17/}

183. The basic principle underlying the granting of technical assistance by the United Nations was that such assistance was requested by and through the Governments concerned. With reference to paragraph 62, he felt that the Sub-Committee might recommend to the Government of British Guiana that it should approach the Secretary-General with regard to assistance, since such assistance should be granted with the

^{17/} A/AC.109/SR.169.

consent of the Government concerned and should be requested through official channels, in that instance the United Kingdom Government. With reference to paragraph 63, he thought that it was outside the Sub-Committee's or even the Committee's terms of reference to make the appeal direct to the Secretary-General. In paragraph 65, the last phrase might be amended to read "in accordance with General Assembly resolution 1514 (XV), with particular reference to paragraph 5", since the resolution as a whole was applicable to British Guiana.

184. The Chairman, speaking as Chairman of the Sub-Committee on British Guiana, recalled that the Sub-Committee had been appointed "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 had done precisely that. It had sought the views of Mr. Jagan, the Premier, and of Mr. Burnham, the Opposition Leader, and had been told by both that, as an immediate step, the British Guiana leaders should be provided with United Nations assistance to enable them to seek solutions to their difficulties with regard to constitutional arrangements. The Sub-Committee had deemed it its duty to transmit the British Guiana leaders' request to the Special Committee.

185. The United Kingdom representative had expressed the view that the recommendation in paragraph 62 should be delayed pending the outcome of the constitutional conference proposed to be held in London on 22 October. He could not understand that argument, since it had been Mr. Jagan and Mr. Burnham, the representatives of the people of British Guiana, who had deemed it indispensable to agree between themselves on constitutional matters before proceeding to a constitutional conference in London. As a "good offices" body, the Sub-Committee could only welcome the suggestions made by both Mr. Jagan and Mr. Burnham. Now that the two political leaders had placed their confidence in the United Nations, it was impossible for the Committee to slough off its responsibility. If the United Kingdom was indeed desirous of seeking a solution to the problem of British Guiana in conformity with resolution 1514 (XV), namely in line with the wishes of the people, it should have no difficulty in acceding to the request made by Mr. Jagan and Mr. Burnham.

186. With reference to the statement by the Venezuelan representative, he did not think that the Malta precedent was applicable to British Guiana. The request for the particular type of United Nations technical assistance under discussion had

been made by the two main political leaders of the Territory. British Guiana was facing a specific problem caused by social unrest and the division of the population into distinct ethnic groups, and that problem called for specific solutions. British Guiana's political leaders wished to be able to draw on the largest possible fund of experience in constitutional matters and their request was deserving of the Committee's consideration.

187. He suggested that the Committee might take note of the United Kingdom representative's reservations and might adopt the Sub-Committee's report as it stood.

188. The representative of Uruguay said that it would be useful to know whether Mr. Jagan and Mr. Burnham had accepted the invitation to the constitutional conference in London.

189. The representative of the United Kingdom replied that the invitation had been issued only four days previously and that he did not know whether the leaders of the political parties of British Guiana had accepted it. He was bound to assume that the Conference was to take place unless he heard to the contrary.

190. The Chairman said that it was his belief that Mr. Jagan and Mr. Burnham wished to hold further consultation together, with assistance from the United Nations, before attending a constitutional conference. The Sub-Committee's recommendations were designed to help the leaders to reach agreement before the conference was held, and he hoped that the United Kingdom would consider the suggestion carefully in the light of the views of those directly concerned.

191. The representative of Uruguay observed that the United Kingdom's invitation to the political leaders of British Guiana had supervened since the Sub-Committee's adoption of its report. If the leaders concerned agreed to attend the Conference, that might be regarded as altering the situation. The Committee could perhaps adopt the report with the understanding that paragraphs 62 and 63 should be interpreted as allowing the Administering Power to see how the proposed talks proceeded before expressing any reaction to the suggestions in those paragraphs.

192. The Chairman said that the Secretary-General would naturally have to consult the Administering Power, as was provided in paragraphs 62 and 63, before taking any action on the proposals. The United Kingdom delegation would be able to inform the Secretary-General of its views on the desirability of the proposed measures. The Sub-Committee had made its recommendations because it had become

convinced that they represented the only course likely to lead to the speedy accession of British Guiana to independence. He hoped that the Special Committee would be able to endorse the recommendations and adopt the report.

193. The representative of Australia said that he doubted whether the Committee could do more than take note of the Sub-Committee's report in view of the new circumstance of which it had been informed by the United Kingdom representative.

194. The Chairman said that he did not see why the fact that the United Kingdom was taking certain action prevented the Committee from making recommendations. The Committee had made proposals on other territories in similar circumstances. There did not seem to be any incompatibility between the recommendations and the measures contemplated by the United Kingdom.

195. The representative of India said that in his view there was no incompatibility between the Sub-Committee's report and the proposed holding of a constitutional conference. He saw nothing in the report to which exception could be taken; it did not prejudge the issue but merely expressed views, with which his delegation was in agreement. He believed that, if the political leaders of British Guiana agreed to attend the proposed conference and if it did take place, the recommendations of the Sub-Committee would assist rather than obstruct the work of that conference and might be of value to the participants.

196. The representative of Iran regretted that the United Kingdom delegation had been unable to reply to the Uruguayan representative's question whether the Premier and the other political leaders of British Guiana had agreed to participate in the conference. With regard to the recommendations of the Sub-Committee, his delegation considered that the Sub-Committee had done its best to perform the task entrusted to it.

197. He said that in examining the question of British Guiana, it should be constantly borne in mind that the main obstacle to independence was the discord between the political leaders in the Territory, which the Sub-Committee had endeavoured to resolve. He therefore considered that the recommendations in paragraphs 62 and 63 of the report were in complete conformity with the Sub-Committee's terms of reference. Hence the adoption of the report should not constitute an obstacle to the convening of the constitutional conference, provided the political leaders agreed to participate. He therefore hoped that the report would be adopted unanimously.

198. The representative of Syria agreed with the view expressed by the Chairman and by other representatives that there was no incompatibility between the Sub-Committee's recommendations and the holding of a constitutional conference. Indeed, he considered that the Sub-Committee's recommendations might be used as a basis of discussion at the conference. He hoped that the Sub-Committee's report would be adopted unanimously.

199. The representative of Sierra Leone observed that when Mr. Jagan and Mr. Burnham had been in New York they had agreed to a suggestion that the Secretary-General should be asked to send a team of constitutional experts to British Guiana. They had said that they would endeavour to persuade the United Kingdom Government to postpone the constitutional conference - in other words, they would prefer to use the good offices of the United Nations rather than hold another conference with the United Kingdom Government. He therefore considered that the Sub-Committee's report should be adopted.

200. The representative of Tanganyika considered that the report should be adopted subject to the reservations that had been expressed.

201. The representative of Chile said that, despite the new developments announced by the United Kingdom representative, her delegation did not think that the adoption of the report would preclude the holding of a further constitutional conference. She hoped that the report would be adopted.

202. The representative of the United Kingdom said that in the light of the Chairman's statement his delegation would not wish to oppose the adoption of the report at the present time. He asked, however, that his delegation's reservations with regard to paragraph 62 of the report should be noted and he reserved the right to state his Government's views at greater length when the Committee's recommendations were debated in the General Assembly.

203. The representative of Poland agreed with the Chairman that there was no discrepancy between the adoption of the report and the holding of a constitutional conference. His delegation was unable to understand why the United Kingdom insisted on its reservations. The decision to hold a constitutional conference must mean that British Guiana would achieve independence; indeed it was clear from the statement made by the Colonial Secretary on 17 July 1963 that if the political leaders of the Territory were unable to reach agreement the United Kingdom Government would be obliged to impose a solution. He felt sure that

it would be reluctant to do so and that it would co-operate if the Committee adopted the recommendations that had been agreed to by the political leaders.

204. The Committee should make clear recommendations. In his delegation's view, British Guiana should not be dealt with differently from the other Territories which the Committee had examined. It had a Government which had been elected by universal adult suffrage and to which all powers should be transferred. During the debate it had been established that the principal issue at the most recent elections had been the question of independence. His delegation supported the recommendations in the Sub-Committee's report.

205. The Chairman said that to satisfy some delegations which had expressed reservations with regard to the attitude of Mr. Jagan and Mr. Burnham, he would explain that both leaders had told him that they hoped the Sub-Committee's recommendations would be adopted, especially that concerning the dispatch of a team of experts to British Guiana, since they felt that if they were to attend the conference without having reached agreement they might encounter another failure.

206. The representative of Syria pointed out that in other cases reports by Sub-Committees had been adopted by means of a resolution. His delegation would have preferred that course to be followed in the present case. He would not, however, press the point if the Committee decided otherwise.

207. The representative of India said that, in accordance with normal practice, it was open to any delegation to table a resolution on British Guiana when the report of the Special Committee came up before the General Assembly.

208. The Chairman said that it was still open to the Committee to wind up the debate on British Guiana in the form it thought best. The adoption of the report of the Sub-Committee need not prevent any delegation that wished to do so from submitting a draft resolution.

209. The Special Committee, after having noted the observations made by the representative of the United Kingdom unanimously approved the report of the Sub-Committee on British Guiana.

APPENDIX

REPORT OF THE SUB-COMMITTEE ON BRITISH GUIANA^{a/}

Establishment of the Sub-Committee

1. 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 stage 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.

^{a/} Previously issued under the symbol A/AC.109/L.88.

"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 to decide, will be required to report to the Committee as soon as possible, and in any case during the present session of the Committee."

2. 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.

3. The Sub-Committee established as a result of this decision was composed as follows:

Mali:	Mr. Sori Coulibaly (Chairman)
Chile:	Mr. Humberto Diaz-Casanueva
Iran:	Mr. Mohied Din Nabavi
Sierra Leone:	Mr. Gershon B.O. Collier
Syria:	Mr. Najmuddine Rifai (till 9 September 1963)
	Mr. Tarek Jabri

4. Following the decision to establish the Sub-Committee on British Guiana, the Chairman requested the representative of the United Kingdom on the Special Committee to approach his Government with a view to facilitating the visit of the Sub-Committee to British Guiana.

5. At the 188th meeting on 8 July 1963 the Special Committee approved the circulation as a petition of a cable dated 28 June 1963 from Dr. Jagan, Premier of British Guiana,^{b/} in which Dr. Jagan welcomed the establishment of the Sub-Committee and formally invited it to visit British Guiana immediately.

6. At the 190th meeting of the Special Committee on 10 July 1963, the representative of the United Kingdom said that his Government appreciated the spirit in which the consensus had been made and would co-operate to the best of its ability in the Sub-Committee's work in New York. With reference to the suggestion that the Sub-Committee should visit British Guiana, he stated that any visit by a mission sent by the Committee, whatever its terms of reference, should be considered against the background of the United Kingdom Government's

long-established attitude towards the United Nations in respect of the Non-Self-Governing Territories. In British Guiana, as in any other Territory, the United Kingdom Government could not share its responsibilities with the United Nations. Consequently it could not agree to a visit by the Sub-Committee to British Guiana. He also pointed out that it was not within the competence of the Premier of British Guiana to authorize such a visit. Any such request would have to be addressed to Her Majesty's Government in the United Kingdom which, under the provisions of the Constitution of British Guiana, retained responsibility for that country's external affairs.

7. The Sub-Committee held seventeen meetings on 10, 19 and 30 July, 8, 21 and 22 August and 6, 12, 13, 17, 18, 19, 20, 23, 26, 27 and 30 September 1963.

Preliminary arrangements

8. The Sub-Committee held its first meeting on 10 July 1963 at which it considered the methods it would adopt in carrying out the mandate entrusted to it by the Special Committee. The Sub-Committee decided to inform the Premier and the Leader of the Opposition in British Guiana of its terms of reference and intentions and to appeal to the United Kingdom Government to reconsider its position concerning a visit by the Sub-Committee to British Guiana.

(a) Proposed visit to British Guiana

9. In a letter dated 12 July 1963 addressed to the Permanent Representative of the United Kingdom,^{c/} the Chairman recalled that in accordance with the consensus of the Special Committee and with the official invitation from the Premier of British Guiana he had requested the representative of the United Kingdom on the Special Committee to approach his Government with a view to facilitating the visit of the Sub-Committee to British Guiana. The Sub-Committee had considered the statement made by the United Kingdom representative at the 190th meeting of the Special Committee and was surprised and disappointed at the refusal by the United Kingdom to agree to the Sub-Committee's visit to British Guiana. The letter pointed out that such a visit was fully in keeping with the decisions of

^{c/} See Annex I.

the General Assembly and that, further, the purpose of the establishment of the Sub-Committee was to assist in the early attainment of independence by British Guiana in accordance with the principles contained in the Declaration, an objective which was equally shared by the United Nations and the United Kingdom. For those reasons, the letter continued, the Sub-Committee requested the Permanent Representative to approach his Government so that the Sub-Committee might proceed to British Guiana in accordance with the wishes expressed by the Special Committee and by the political leaders of British Guiana. The letter expressed the hope that the United Kingdom Government would find it possible to reconsider its position with a view to co-operating fully with the Sub-Committee and ensuring the greatest possible success to its endeavours.

10. The reply of the United Kingdom Government was contained in a letter dated 24 July 1963.^{d/} In this letter the Permanent Representative of the United Kingdom pointed out that the basis on which his Government had agreed to participate in the Special Committee had been set out in his letter to the President of the General Assembly dated 23 January 1962.^{e/} In this letter he had affirmed that his Government's agreement to participate was on the clear understanding that the Committee would not attempt to intervene in the Territories for which his Government was responsible. Subsequently, his delegation had made it clear on a number of occasions in the course of the Committee's debates that his Government considered the despatch of visiting missions to these Territories as interference in their administration. In the light of this, his Government found it surprising that the Sub-Committee should have expected anything other than a refusal to agree to the proposed visit. Accordingly, for the reasons already given in the Committee, his Government was unable to reconsider its position concerning a visit by the Sub-Committee to British Guiana. He also added that, as his delegation had explained to the Committee, it did not fall within the competence of the Premier of British Guiana to authorize a visit by the Sub-Committee.

11. The Sub-Committee deeply regrets that the United Kingdom Government would not agree to allow the Sub-Committee to visit British Guiana. Had the Sub-Committee

^{d/} See Annex II.

^{e/} A/5084

been permitted to hold its meetings with the British Guiana leaders in the Territory, it would have enabled it to carry out its tasks in a more efficient manner and perhaps even with more effectiveness and certainly within a shorter time. Furthermore, it would also have avoided the inconvenience that the two leaders were put to in having to travel to New York and to spend a considerable amount of time away from their important duties.

(b) Other arrangements to meet the Premier and the Leader of the Opposition

12. In accordance with the decision taken at its first meeting, the Sub-Committee, on 11 July 1963, sent cables to the Premier of British Guiana, Dr. Cheddi Jagan, and the Leader of the Opposition, Mr. L.F.S. Burnham, informing them that the Sub-Committee had been entrusted with the task of seeking, together with the interested parties, the most appropriate ways and means for enabling British Guiana to accede to independence without delay. The Sub-Committee had begun its work in New York and intended to visit British Guiana subject to the co-operation of the United Kingdom. The two leaders were also informed that the Sub-Committee would welcome their co-operation and assistance in carrying out its task and hoped to meet with them in Georgetown or, failing that, at any other convenient place.

13. In view of the urgency of the matter and of the possibility that the United Kingdom Government would not reconsider its position concerning the visit of the Sub-Committee to the Territory, the Sub-Committee, on 19 July, decided to invite the two leaders to suggest a suitable alternative meeting place.

14. In reply, Mr. Burnham suggested Barbados as a meeting place, while Dr. Jagan suggested British Guiana or London.

15. The Sub-Committee considered these suggestions at its meeting on 8 August and decided that in view of the attitude of the United Kingdom Government it would not be possible to meet the two leaders in any of the places suggested. The Sub-Committee then decided that there was no alternative but to invite them to come to New York. The two leaders were accordingly informed of this decision by letters dated 9 August 1963 and invited to come to New York early in September. By cables dated 20 and 23 August, the Sub-Committee was informed that these arrangements would be suitable.

Statement to the Sub-Committee by the representative of the United Kingdom

16. At its meeting on 19 July the representative of the United Kingdom informed the Sub-Committee of a statement made by the Secretary of State for the Colonies on his return from British Guiana on 17 July. The text of the statement by the Secretary of State is annexed to this report.^{f/}

Hearing of Mr. Richard A. Ishmael, President of the British Guiana Trades Union Council

17. At the request of Mr. Richard A. Ishmael, President of the British Guiana Trades Union Council, the Sub-Committee at its meeting on 21 August 1963 heard a statement by Mr. Ishmael. At its next meeting on the following day, Mr. Ishmael answered questions put to him by members of the Sub-Committee.

18. Mr. Ishmael stated that he personally and the Trades Union Council, which represented 52,000 organized workers in British Guiana regretted that the Sub-Committee was unable to visit British Guiana. He hoped that the United Kingdom Government would change its position and that the Sub-Committee would be able to go to British Guiana. He was certain that the good offices of the Sub-Committee could be used to assist the people of British Guiana in correcting the situation in that country which was a matter of concern to all of its people who were interested in its independence and future.

19. Mr. Ishmael gave the Sub-Committee his account of the strike called by the Trades Union Council in protest against the Labour Relations Bill and the related events in British Guiana.

20. He explained that the Trades Union Council was not aligned to any political party and that its members were free to vote as they saw fit. The Trades Union Council wanted immediate independence.

21. The Trades Union Council recognized that racial divisions in the country were delaying its independence. It believed that proportional representation was the only solution to the problem of racial strife and the deadlock that existed in British Guiana. Therefore the Trades Union Council advocated proportional representation to be followed by independence. Since there was no agreement on this question, he proposed the holding of a referendum on the electoral system by the United Nations so that the people could freely express their will on the matter.

Discussions with Dr. Cheddi B. Jagan, Premier of British Guiana and leader of the Peoples Progressive Party (PPP) and Mr. L.F.S. Burnham, leader of the Peoples National Congress (PNC)

22. At its meeting on 6 September, the Sub-Committee considered the procedure to be followed in its discussions with Dr. Jagan and Mr. Burnham. It was agreed that the Sub-Committee should first hear the views of the two leaders separately and then hold joint meetings as necessary.

23. At the meeting on 12 September, on the invitation of the Chairman, both leaders took seats in the Sub-Committee. The Chairman then explained to them the terms of reference of the Sub-Committee. He emphasized the concern of the Special Committee with regard to the situation in British Guiana and the desire of its members to see the Territory achieve its independence without further delay. He also stated that the main function of the Sub-Committee was one of good offices and expressed the willingness of the Sub-Committee to assist in finding a satisfactory solution.

24. Following the Chairman's statement it was agreed that Dr. Jagan would present his views first. Accordingly Mr. Burnham withdrew.

25. Dr. Jagan expressed his deep regret that the Sub-Committee was not able to go to British Guiana because of the United Kingdom's refusal to agree to such a visit. He felt that a visit by the Sub-Committee would have helped it and the Special Committee to understand the situation more clearly.

26. Dr. Jagan said that the Administering Power had used every technique and device to destroy the independence movement in British Guiana. It had used the differences and the divisions, which it had created, as an excuse for delaying independence.

27. He said that the electoral system based on proportional representation demanded by the Opposition had nothing to do with independence. His party was willing to give all necessary assurances to allay the fears of the Opposition whether they were real or imaginary. He also referred to the propaganda being conducted against his Government, particularly in the United States, as well as to foreign influences in British Guiana, which were acting through trade unions and in other ways.

28. He stated that, in order to make a compromise with the Opposition, he was willing to agree to:

1. include in the Constitution adequate safeguards including provisions safeguarding fundamental rights;
2. pursue a policy of neutrality and non-alignment;
3. bring about unity in the country by way of a coalition government or in some other way;
4. the setting up of Consultative Committees of a representative character on economic, social and cultural matters so that these matters could be discussed before being brought up in the Cabinet or in the Legislature.

29. Dr. Jagan also stated that he was willing to agree to the neutralization of the country guaranteed by the United Nations or by the great Powers and to the establishment of a United Nations presence in British Guiana.

30. Dr. Jagan indicated that he had full confidence in the Sub-Committee and that he would be prepared to examine any proposals that the Sub-Committee could suggest in order to find a speedy solution to the problems facing British Guiana.

31. At the next meeting on 13 September, Mr. Burnham appeared before the Sub-Committee. He also expressed his regret that the Sub-Committee was not able to visit British Guiana. He pointed out that during the visit of the United Kingdom Colonial Secretary to British Guiana in July 1963 he had made efforts to persuade him to agree to the Sub-Committee's visit. His efforts were, however, unsuccessful.

32. Mr. Burnham pointed out that independence was the major concern of himself and his party. In his view the problem in British Guiana was not whether there should be independence, but was concerned with the conditions under which the Territory should accede to independence and the type of Constitution under which the people should move forward to independence. It was the view of his party that the Constitution should be acceptable to the majority of the people. It should give every citizen the feeling of safety and the confidence that they would not be discriminated against. It should ensure that the people would not be subjected to a dictatorship. Difficulties had arisen, however, in reaching agreement on such a Constitution..

33. The difficulties which his country had faced recently had made it clear - although it had always been clear to the PNC - that unless there was agreement

between the two parties, the country was hardly likely to move forward even if it were to achieve independence.

34. Mr. Burnham said that politically the country was divided into two main sections, the PPP and the PNC. Various proposals had been made and considered for the two parties to come together, but while it was easy to express sentiments, it was difficult to translate them into action.

35. Mr. Burnham stated that the people had many fears about the future. While he did not wish to go into details, he pointed out that any agreement between the parties should include terms which would remove the fears and mistrust now existing among the people. He continued that British Guiana was becoming part of the cold war. His party wanted independence for British Guiana, but did not want the country to become a satellite of any power bloc. What they wanted was the ending of colonial rule.

36. One of the difficulties faced by the country was the racial problem, which had come to the forefront within the last few months. In this connexion, the PNC had proposed that a team of sociologists and social scientists be invited from the University of the West Indies to give advice concerning this problem. His party was in favour of asking the United Nations to make necessary arrangements in this regard.

37. Mr. Burnham said that it was a source of embarrassment and frustration that British Guiana was still under colonial rule. A solution to the problem, he concluded, should, in the final analysis, be found by the people themselves and their political leaders. He was willing to explore all possible avenues for a solution acceptable to both parties.

38. On 17 September, the Sub-Committee met jointly with Dr. Jagan and Mr. Burnham.

39. Dr. Jagan said that since his last meeting with the Sub-Committee, he had had consultations with Mr. Burnham in the hope of arriving at some agreed solution so that British Guiana could move forward to independence. He regretted that it had not been possible to arrive at a satisfactory conclusion.

40. As he had stated earlier, he was prepared to enter into a coalition with the PNC, which would continue even after attainment of independence. But, Mr. Burnham would accept nothing less than an equal number of ministerial posts. He had

previously offered a ratio of 6 to 4. However, in the interests of the country he was now persuaded to offer a 6 to 5 ratio. This too has not been accepted by Mr. Burnham.

41. The ~~Opposition~~ had also asked for the portfolio of Home Affairs, which had control of the police. For various reasons, including the fact that there was no army in British Guiana, the PPP had not been prepared to place the Ministry of Home Affairs in the hands of the Opposition. It had been suggested that the Ministry of Home Affairs might be allocated to the Opposition, the Ministry of Defence being given to the PPP. In a spirit of compromise, he was prepared to go along with that suggestion. In addition to the coalition arrangements, the PPP was also prepared to enter into broad co-operation between the two parties at various levels and to establish machinery for that purpose.

42. He said that the fears of the Opposition could be allayed by providing in the Constitution the necessary guarantees and safeguards. In this connexion he repeated the specific proposals he had mentioned to the Sub-Committee at its meeting on 12 September.^{g/}

43. In view of the fact that it had not been possible to reach agreement between the two parties, Dr. Jagan felt that he had no other choice than to request the Sub-Committee and the Special Committee to recommend to the United Kingdom to transfer immediately all residual powers to the Government of British Guiana and to fix a date for the independence of his country in accordance with General Assembly resolution 1514 (XV).

44. The Chairman thanked Dr. Jagan and Invited Mr. Burnham to give his views.

45. Mr. Burnham regretted that no agreement had been reached between himself and Dr. Jagan. He stated that he and his party were interested only in British Guiana and how its people could come together to achieve independence and build a strong democratic nation. They were not concerned with any interests of foreign countries in British Guiana. He reiterated that his party was very anxious that British Guiana should achieve its independence at the earliest possible opportunity.

46. He said that the present electoral system had been imposed by the United Kingdom. His party stood by the demand for a new electoral system based on proportional representation. Since the two parties had not been able to reach agreement on the electoral system, the PNC wanted that the question of whether

^{g/} See paragraphs 28 and 29.

the electoral system should be based on proportional representation or not be submitted to the people of British Guiana for their decision.

47. Mr. Burnham said that he was concerned about the division in the community, the resulting tensions and the delay in the achievement of independence. It was in that context that the PNC was prepared to consider the possibility of a coalition government with the PPP. However the PNC were prepared to form a coalition only on the basis of equality, that is, the two parties having equal number of Cabinet posts. Such equality should also be extended to other bodies and institutions. However, the PPP was unwilling to agree to parity.

48. Referring to the proposals for co-operation at various levels between the two parties which had been mentioned by Dr. Jagan, Mr. Burnham said that in July 1962 he had accepted proposals to set up inter-party Committees, but that there had been some difficulty on the part of Dr. Jagan's Government in consulting fully with the PNC and in giving it the rights to which they were entitled by virtue of their political support. For example, he said that, in the National Economic Council, out of a membership of five, four were from the PPP and only one from the PNC.

49. Mr. Burnham said that the fears of his party were real. They had lived with the situation for some time and experience had shown that it was one thing for the leader of the Government Party to make statements of principle and quite another thing for him to translate them into action. The PNC want deeds and not words. If the PPP wanted to negotiate a coalition in good faith, they should accept the PNC as equals.

50. Mr. Burnham stated that the alternative to a coalition based on equality was the settling of the question of proportional representation.

51. He said that while he was grateful for the good offices of the Sub-Committee, the final solution would have to be left to the people of British Guiana.

52. The Chairman expressed to the two leaders the Sub-Committee's regret that it was not possible for them to reach agreement concerning the formation of a coalition government. At the same time, he requested them to continue their consultations under the auspices of the Sub-Committee and to explore the possibilities of finding other areas of agreement on which a solution might be found.

53. Subsequently, the Chairman had a number of informal talks with the two leaders individually and jointly in an effort to find common ground.

54. At its meeting on 20 September, the Sub-Committee held further discussions with Dr. Jagan. At this meeting, Dr. Jagan proposed that the Secretary-General of the United Nations, in consultation with the British Guiana Government (which will consult with the Opposition leader, Mr. Burnham) and the United Kingdom Government appoint a Conciliation Committee of Jurists from Commonwealth countries to consult with the British Guiana Government, the political leaders of British Guiana and the United Kingdom Government and to convey advice and suggestions on constitutional matters with a view to helping the political leaders in British Guiana to reach a solution on constitutional questions on the pattern of other Commonwealth countries.

55. Dr. Jagan stated that he had discussed this proposal with Mr. Burnham and that the latter had agreed to it in principle. He also said that he had great hopes of the role of the United Nations in British Guiana's future.

56. On 23 September, the Sub-Committee held a meeting with Mr. Burnham. The Chairman explained to Mr. Burnham the proposal made by Dr. Jagan on 20 September.

57. Mr. Burnham stated that the proposal to appoint a Conciliation Committee (Commission) to consider and make recommendations on a generally acceptable Constitution for British Guiana had been discussed between him and Dr. Jagan and that he had agreed with it in principle.

58. Mr. Burnham, in confirming his agreement in principle, made the following reservations:

(a) The PNC should be consulted directly in connexion with appointment of members of the Conciliation Committee and not through the British Guiana Government. Similarly, the Committee, when appointed, should consult directly with the PNC and not through an intermediary.

(b) The membership of the Committee should not be limited to Commonwealth countries.

(c) The terms of reference of the Committee should not be limited in advance by providing that the Constitution should be based on the pattern of other Commonwealth countries.

Conclusions and Recommendations

59. Following the opening statements made before it by Dr. Jagan^{h/} and Mr. Burnham,^{i/} the Sub-Committee had hoped that the two leaders would be able to reach agreement on a coalition government as being the best means of leading the country to independence. The Sub-Committee regrets that after discussions which are reflected in this report, it was not possible for the two leaders to agree on the details of such a coalition.

60. The Sub-Committee notes with regret the distrust that continues to exist between the two political leaders. In the view of the Sub-Committee, this constitutes a serious obstacle to the creation of harmony which would help the country along the path of independence in peace and concord.

61. The Sub-Committee feels that the United Nations should do all in its power to assist the leaders of British Guiana to foster a climate of harmony and unity in which the territory could speedily accede to independence.

62. Under these circumstances, and in the light of its discussions with the two leaders as set out in this report, the Sub-Committee recommends that the Secretary-General of the United Nations be requested to appoint, after necessary consultations, including with the Administering Power, a team of constitutional experts drawn from Commonwealth and non-Commonwealth countries. The terms of reference of this team would be to proceed to British Guiana, and after studying the conditions on the spot to help the parties concerned to formulate recommendations with a view to arriving at a Constitution acceptable to them.

63. The Sub-Committee further recommends that the Secretary-General be requested to provide, in consultation with the Administering Power, United Nations experts in those fields where their services might be necessary for the solution of specific problems confronting British Guiana.

64. The Sub-Committee notes that both Dr. Jagan and Mr. Burnham expressed regret that the United Kingdom Government did not permit the Sub-Committee to visit British Guiana and that they welcomed the opportunity afforded to them by the Sub-Committee to meet in New York and to discuss the future of their country

^{h/} See paragraphs 25 to 30.

^{i/} See paragraphs 31 to 37.

under the auspices of the United Nations. The Sub-Committee wishes to express the hope that the two leaders will maintain the contact established between them and will make every effort to settle their differences keeping in view the interests of the country as a whole and the inescapable fact that British Guiana's future lies in the different communities living and working together for a common goal, namely the well-being of all its people. It would emphasize the responsibility resting upon the political leaders of British Guiana not to allow personal or other considerations to stand in the way of national unity and the immediate attainment of the country's independence.

65. The Sub-Committee recommends that the Special Committee invite the Government of the United Kingdom to do its utmost so that British Guiana should achieve independence as soon as possible without any conditions or reservations in accordance with paragraph 5 of resolution 1514 (XV).

Approval of the Report

66. The Sub-Committee discussed the form and content of its report to the Special Committee at its meetings on 18, 23, 26, 27 and 30 September. This Report was approved unanimously by the Sub-Committee at its meeting on 30 September 1963.

ANNEX I

Letter dated 12 July 1963 from the Chairman of the Special Committee
addressed to the Permanent Representative of the United Kingdom

Sir,

I have the honour to refer to the consensus adopted by the Special Committee on 27 June 1963 at the conclusion of the general debate on the question of British Guiana.

By this consensus the Special Committee decided, as an interim measure, to set up a Sub-Committee whose terms of reference would be to seek, with the parties concerned, the most appropriate ways and means of enabling British Guiana to accede to independence without delay.

As Chairman of the Committee, basing myself on this consensus and on the official invitation from Mr. Jagan, Premier of British Guiana, and the invitation in the statement made by Mr. Burnham before the Committee on 7 March 1963, I asked Mr. King, the United Kingdom representative on the Special Committee, to approach his Government with a view to facilitating the visit of the Sub-Committee to British Guiana.

At the 190th meeting of the Special Committee, the representative of the United Kingdom informed the Special Committee that his Government was willing to co-operate with the Sub-Committee in New York but that it would be unable to agree to any visit of the Sub-Committee to British Guiana.

At its meeting on 10 July the Sub-Committee took the United Kingdom representative's statement into consideration.

While expressing its appreciation of the co-operation that the United Kingdom Government is willing to give it in New York, the Sub-Committee would like to express its surprise and even its disappointment at the United Kingdom's refusal to agree to its visiting British Guiana.

The refusal of the United Kingdom to agree to the visit of the Sub-Committee to British Guiana reopens the question of the relevant provisions adopted by the General Assembly concerning the terms of reference of the Special Committee and the way in which the Committee is to discharge its duties.

In this connexion I should like to point out that paragraph 6 of General Assembly resolution 1654 (XVI) authorizes the Special Committee to meet elsewhere than at United Nations Headquarters whenever that is deemed necessary.

Further, in accordance with the directive given to the Special Committee by the General Assembly "to carry out its task by the employment of all means which it will have at its disposal within the framework of the procedures and modalities which it shall adopt for the proper discharge of its functions", the Special Committee has adopted methods and procedures, one of which is to send visiting missions. At its seventeenth session the General Assembly, after having considered the report of the Special Committee on its work in 1962, adopted resolution 1810 (XVII). In this resolution the General Assembly, inter alia, reaffirmed resolutions 1514 (XV) and 1654 (XVI) and took note with approval of the methods and procedures that the Special Committee had adopted for the discharge of its functions.

Thus the proposed visit of the Sub-Committee to British Guiana is fully in keeping with the decisions of the General Assembly

Furthermore, the purpose of the Special Committee in setting up the Sub-Committee is to assist in bringing about the necessary conditions for the early attainment of independence by British Guiana, in accordance with the principles enunciated in the 1960 Declaration, an objective which is shared by the United Nations and the United Kingdom.

For all these reasons, the pertinence of which you will undoubtedly recognize, the Sub-Committee has asked me to send you this letter requesting you to be good enough to approach your Government so that the Sub-Committee may proceed to British Guiana in accordance with the wishes expressed by the Special Committee and with the desire of the parties concerned in this question.

In these circumstances, I should like to express the hope that your Government will find it possible to reconsider its position with regard to the Sub-Committee's visiting British Guiana and will give its full co-operation in order that the Sub-Committee may have the greatest possible success in its endeavours.

(Signed) Sori Coulibaly
Chairman of the Special Committee and of
the Sub-Committee on British Guiana

ANNEX II

Letter dated 24 July 1963 from the Permanent Representative of the United Kingdom addressed to the Chairman of the Special Committee

I have the honour to refer to your letter TR 412/2 of 12 July on the subject of British Guiana and, on instructions from my Government, to reply to it as follows.

Your Excellency's letter refers to a number of General Assembly resolutions relating to the terms of reference and procedures of the Special Committee. As you are aware, my Government abstained in the voting on each of the General Assembly resolutions cited in your letter, for reasons fully stated to the Assembly at the time; and the basis on which they agreed to participate in the Special Committee was explained in my letter dated 23 January 1962 to the President of the Assembly, accepting the invitation to be represented on the Committee. This letter, which was circulated as General Assembly document A/5084, expressly affirmed that the agreement to participate was on the clear understanding that the Committee would not attempt to intervene in the administration of territories for which my Government are responsible. It has subsequently been made clear by my delegation on a number of occasions in the course of the Committee's debates that my Government consider the despatch of visiting missions to these territories as intervention in their administration. In the light of this, my Government for their part find it surprising that the Sub-Committee should have expected anything other than a refusal to agree to the proposed visit to British Guiana; and they regret that the proposal should have been advanced when it was clearly bound to run counter to the understanding on which my Government are known to participate in the Committee.

My Government have accordingly instructed me to inform you that, for the reasons already given to the Committee, they are unable to reconsider their position concerning a visit by the Sub-Committee to British Guiana. I am to add in this connexion that, as my delegation explained to the Committee on 10 July, it does not fall within the competence of the Premier of British Guiana to authorize a visit by the Sub-Committee; this applies equally to any other invitation emanating from British Guiana.

Since your letter, the Secretary of State for the Colonies made a statement to Parliament on 17 July following his recent visit to British Guiana and talks with the leaders there. I would respectfully draw this statement to the attention of Your Excellency as of immediate relevance to the work of the Sub-Committee, and in particular the following passage in that statement:

"I think that it is right to give the party leaders a further short period in which to make a last effort to reach agreement among themselves but, in any case, I intend to reconvene the conference (i.e. the conference held in London last autumn on the question of independence) not later than October. If, in the meantime, they are able to resolve their differences that will greatly ease my task. Failing agreement, I think that it is now generally accepted that the British Government will have to settle the outstanding issues on their own authority; and that is what we propose to do."

(Signed) Patrick Dean

/...

ANNEX III

Statement made by the Colonial Secretary, Mr. Sandys,
in the House of Commons on 17 July 1963

"I returned yesterday from a short visit to British Guiana, and I think the House would like to hear my frank impressions of the situation in that unhappy country.

"Wherever I went in town and village, I received a warm and openhearted welcome from crowds of all races. In one place after another simple people expressed a touching belief that I would be able to lift from them the shadow which overhangs all their lives - the shadow of fear and suspicion. From one end of the country to the other, from the highest to the lowest, the people of British Guiana are gripped with fear and cleft in two by mutual suspicion. The Africans fear the Indians and the Indians fear the Africans. They live in constant dread of assault, murder and arson; and this has got to the point where even neighbours of long standing in the same village no longer trust each other. The police, who are mainly African, are doing a fine job, despite the fact that their impartiality is quite unjustifiably questioned by the Indian community including I am afraid Ministers.

"Against this background, it is not surprising that the British soldier is universally welcome among all sections of the population. His calm and cheerful presence has undoubtedly had a steadying effect and has done much to prevent the situation from getting completely out of hand.

"In addition to the immediate fear of violence, each race has a deeprooted fear of the prospect of living under a government controlled by the other, after independence. On this aspect of the problem, I received much advice from many quarters. The Government and the predominantly Indian Party expressed the view that the trouble would cease at once if I would fix an early date for independence. The remedy of the Opposition whose members are predominantly African was the introduction of proportional representation.

"I made it clear to both leaders that I was not prepared to discuss independence or constitutional changes under present conditions. I told them

that it was their duty temporarily to join together to stop the bloodshed between their supporters. I urged them temporarily to put aside party politics and to form an emergency government of all parties for the single purpose of restoring peace.

"The leader of the main Opposition party, Mr. Burnham, and the leader of the smaller Multi-Racial Party, Mr. d'Aguiar, both declared themselves willing in principle to participate in such a government. But Dr. Jagan, the Premier and Leader of the predominantly Indian Party, did not feel that an all-party government with this limited objective would be practicable. However, he offered to consider the formation of a coalition with Mr. Burnham's party, provided they could first agree to a joint programme covering the main aspects of political and economic policy. They held their first meeting on Sunday and will be resuming the talks tomorrow.

"I was naturally disappointed not to be able to secure the formation at once of a joint administration to call an immediate halt to racial violence, all the more so because I am well aware of the difficulties which the two leaders will have in reaching agreement on basic political and economic policies. Nevertheless, I hope that the very fact that they are meeting and talking may help to some extent to reduce tension between their supporters.

"The restoration of law and order is, of course, not the whole problem. When that has been done we shall still be left with the acute political differences which led to the breakdown of the conference in London last autumn. I am convinced that the constitutional future of British Guiana must now be decided without much further delay.

"I think it is right to give the party leaders a further short period in which to make a last effort to reach agreement among themselves. But in any case I intend to reconvene the conference not later than October. If, in the meantime, they are able to resolve their differences, that will greatly ease my task. Failing agreement, I think it is now generally accepted that the British Government will have to settle the outstanding issues on its own authority; and that is what we propose to do.

"Before ending, I am sure that the House would wish to join with me in paying a tribute to the Governor, Sir Ralph Grey, whose wisdom and impartiality has won the respect and admiration of all fair-minded people in the colony and outside."

CHAPTER XI

GAMBIA

A. INFORMATION ON THE TERRITORY

General

1. Except for about thirty miles of coastline, the Gambia is completely surrounded by Senegal. It consists of the last 295 miles of the River Gambia with a strip of land on each bank varying from seven to twenty miles in width. Its area is just over 4,000 square miles (10,000 square kilometres). The capital, Bathurst, has a population of 25,000.
2. The latest estimate of population of the Gambia is 300,000, most of whom are Africans. The main ethnic groups are the Mandingos (122,000), the Fulas, the Woloffs, the Serahulis and the Jolas, all of which are also to be found in the adjoining areas of Senegal. There are also a few hundred Europeans, Syrians and Lebanese, who are either civil servants or merchants.

Government

Status

3. British association with the Gambia dates back to 1588. During the nineteenth century British authority, originally confined to the small areas centred on Bathurst at the river mouth, was extended to its present boundaries, being divided into the original "Colony" of twenty-nine square miles (the Island of St. Mary on which Bathurst is situated and the adjoining division of Kombo St. Mary) and the "Protectorate" lying along both banks of the river with an area of about 4,000 square miles.^{1/}

Previous Constitutions

4. In 1915 the first unofficial members were appointed to the Legislative Council. In 1947 an unofficial majority was introduced in the Legislative Council which included, for the first time, one elected member. In 1951 the number of elected members was increased to three. All the elected members were appointed to the Executive Council and two became members of the Government without portfolio.

^{1/} During brief periods of time, the Gambia was administered from Sierra Leone but that relationship ceased in 1888.

5. A new Constitution came into force in 1954 and the Legislative Council was reconstituted as follows: 14 elected members, 2 nominated unofficial members, 4 ex officio members, 1 nominated official member, and a Speaker. The Executive Council included 4 ex officio members, the nominated official member of the Legislative Council and 6 unofficial members from the Legislative Council. In 1960, the membership of the legislature was enlarged and was renamed the House of Representatives. It comprised the Governor as President, a Speaker, 4 ex officio members, not more than 3 nominated unofficial members and 27 elected members. Of these, 7 were elected from the Colony and 12 from the Protectorate, on the basis of universal adult suffrage; the remaining 8 were Head Chiefs elected by an electoral college composed of all the chiefs. The Executive Council was reorganized and 6 Ministers were appointed. In March 1961 the first Chief Minister, a Gambian, was appointed.

Present Constitution

6. The present Constitution of the Gambia embodies the recommendations of the London Conference of July 1961, which was attended by representatives of all political parties and the Chiefs. The main provisions of the present Constitution, which is contained in the Gambia (Constitution) Order in Council, 1962, are set out below.

(a) Governor

7. The Governor is appointed by the Queen and is the head of the administration. The Governor has exclusive responsibility for external affairs, defence, internal security and the public service (including appointment, dismissal and disciplinary control of officers).

8. The Governor is required to consult the Executive Council and act in accordance with its advice in exercising all powers other than those already mentioned. However, he is not obliged to consult the Executive Council in any case in which, in his judgement:

- (i) the service of Her Majesty would sustain material prejudice thereby;
- (ii) the matters to be decided are too unimportant to require such consultations; or
- (iii) the matters to be decided are so urgent that it is necessary for him to act before that recommendation, advice or concurrence can be obtained.

9. The Governor may also act without the recommendation, advice or concurrence of the Council in any case in which, in his judgement, it is expedient to do so in the interests of public order, public faith or good government.

(b) Executive Council

10. The Executive Council consists of the Governor, the Premier and not fewer than eight other Ministers. The Governor appoints as Premier the elected member of the House of Representatives who appears to him to command the support of a majority of the other members. Ministers are appointed by the Governor on the recommendation of the Premier.

11. The Executive Council is the principal executive body of the Territory. The Attorney-General attends the meetings of the Council in an advisory capacity. All the present Ministers are local inhabitants of the Territory.

(c) House of Representatives

12. The legislative organ of the Territory elects its own Speaker and is composed of the Attorney-General, thirty-six elected members and not more than two nominated members.

13. The elected members consist of seven members elected from electoral districts in the Colony, twenty-five members elected from electoral districts in the Protectorate and four members elected by the Head Chiefs from among their number.

14. Under the Constitution, the Governor may make laws "with the advice and consent" of the House. Bills for imposing or increasing taxes, or for altering salaries, allowances and conditions or service of public officers, as well as bills affecting the reserved powers of the Governor may not be presented to the House except on the recommendation of the Governor, in his discretion. Any bill or motion not passed by the House within such time and in such form as the Governor thinks reasonable and expedient, may be declared passed by the Governor in the interests of public order, public faith or good government. Such declaration must, however, be submitted to the assent of a Secretary of State of the United Kingdom Government. The Secretary of State may also disallow any law assented to by the Governor.

15. The life of the House is five years, but it can be dissolved sooner by the Governor.

Elections

16. The last elections for the House of Representatives took place in May 1962 at which 72 per cent of those registered voted. Thirty-two of the members were elected in single-member constituencies on the basis of universal adult suffrage and four by the Head Chiefs in Assembly. The results of the elections for the thirty-two seats were as follows:

Peoples Progress Party	18
United Party and Allies	13
Democratic Congress Alliance	1

17. Following the elections, the leader of the Peoples Progress Party, Mr. D.K. Jawara, as the leader of the party which commanded the support of the majority in the House was appointed Premier. On the recommendation of the Premier, eight Ministers were appointed to the Executive Council.

18. In March 1963, the Court of Appeal ruled that certain electoral lists used in the 1962 elections in the Gambia had been invalid. The leaders of the United Party and the Gambia Congress asked the United Kingdom Government to dissolve the House of Representatives and organize new general elections. They also asked that Mr. Jawara's Government be revoked and all acts it had passed considered illegal.

19. On 28 May 1963, the Secretary of State for the Colonies stated in the House of Commons that the register of voters in the Protectorate used in the 1962 elections had been compiled in 1961, after the 1959 register, on which the elections were to be held, had been found to be very faulty. An amending law to substitute the 1961 register for the defective 1959 register had been passed by the House of Representatives with the support of both Government and Opposition parties. However, owing to the imprecise drafting of one phrase in that law, the Court of Appeal reversed the decision of the High Court of the Gambia upholding the validity of the register.

20. The Secretary of State announced that he would submit a draft Order-in-Council correcting retrospectively the single defective phrase in the law so as to give it the effect which both parties had clearly intended, and thereby validate the 1961 register and the elections held on it.

21. In accordance with this announcement the Gambia (Validation) Order-in-Council 1963 (No. 1051) was made on 30 May 1963.

Public Service

22. Control of the public service is vested in the Governor. A Public Service Commission consisting of a Chairman and five other Gambian members advises the Governor on questions relating to the appointment, promotion, transfer, dismissal or disciplinary control of public officers, or on any other question affecting the public service.

23. Efforts at the "Gambianisation" of the Public Service have been continuing for several years.. In October 1962, there were 120 non-Gambians (of whom sixty-three were on contract) and seventy-six Gambians in senior posts in the administration. According to the instructions given to the Public Service Commission, no non-Gambian may be recruited to a post for which a qualified Gambian is available. Non-Gambian officers are recruited on pensionable terms only in the most exceptional circumstances. Scholarships are awarded to Gambian students and officers for higher education and for departmental training in the United Kingdom and other countries in West Africa.

Judiciary

24. There are two separate judicial systems in the Gambia: in the colony (Bathurst and the surrounding district) there is a Supreme Court, two magistrates courts and a Court of Requests. In the Protectorate (the remainder of the Territory) there is a High Court with subordinate courts and district tribunals. Both the Supreme Court of the Colony and the High Court of the Protectorate are presided over by the Chief Justice of Gambia. Appeal from the Supreme Court and the High Court is to the Gambia Court of Appeals. There is also a Court which exercises jurisdiction in causes and matters between or exclusively affecting the Moslem inhabitants of the Territcry.

Local government

25. Bathurst has a town council consisting of fifteen elected members, four nominated members and one official member. Its responsibilities comprise the normal range of local government functions such as street lighting, supervision of markets, sewers and cleansing services, etc. The Council draws revenue from

rates levied on private, commercial and government premises which are all subject to annual valuation, market dues, sundry grants from the Government and duties on palm wine entering the town. The adjacent town of Kombo St. Mary also has a council with similar powers. It has twenty elected, six nominated and one official member. Outside Bathurst and Kombo St. Mary the Territory is divided into thirty-five districts each with a district authority. The district authorities are expected to maintain order and good government in their areas and have powers to make rules and orders for a variety of matters. In the last few years these districts have been combined into six groups, each of which has a central treasury, and the Gambia Government is in the process of forming six area councils (two were established in 1961) based on these treasuries. The area councils will be composed partly of Chiefs and partly of members elected by universal adult suffrage; they will gradually take over the executive functions (relating to development and the provision of services) of the various district authorities, leaving the Chiefs and their advisers in each district responsible for law and order and the administration of justice.

Political parties

26. The Peoples Progress Party is led by Mr. David Jawara who was appointed Premier after his party had won the 1962 elections. The Party is supported by the Democratic Congress Alliance. In April 1963, a Conference of these two parties passed a resolution urging the Government to renegotiate immediately with the United Kingdom Government for the attainment of independence by the Gambia within the Commonwealth before the end of 1963, "without prejudice to any form of closer association this country would wish to effect with her neighbours, in furtherance of the practical achievement of African unity".

27. The United Party is led by Mr. Pierre J. N'jie who was Chief Minister before the elections. Mr. N'jie has urged the British Government to dissolve the House of Representatives and organize new elections. The Party opposes any consultations or negotiations with Senegal before full independence has been granted to the Gambia and before the people of the Gambia have been consulted on this issue.

28. The Gambia Congress is led by Mr. Garba-Jahumpa, Chairman of the Bathurst Town Council.

Economy

29. The Gambia depends mainly on agriculture and, for its exports, almost wholly on groundnuts. The economy has been greatly affected by the size of the groundnut crop and the fluctuations in the world price of groundnuts. All groundnuts and palm kernels are purchased by the Oilseeds Marketing Board which markets these products to the best advantage. The Farmers' Fund, established from the profits of the Board provides funds for the development of agriculture. The cultivation of rice as a secondary cash crop has also been encouraged in the last few years.

30. In 1961, the total value of exports amounted to £3.2 million, of which groundnuts accounted for £3 million. Total imports were valued at £4.5 million.

31. The Territory's estimated expenditure for 1963 will amount to £2.5 million and the estimated revenue will be £1.9 million. The United Kingdom has in the past provided grants-in-aid for the administration and development of the Territory. It has been estimated that a grant-in-aid of about £590,000 would be necessary for the current year.

32. Economic relations between the Gambia and Senegal are very close. Farmers from neighbouring countries, including Senegal, migrate to the Gambia, grow groundnuts on the basis of arrangements made with local farmers and return to their own countries at the end of the season. There is also extensive trade across the frontiers in either direction.

Association with Senegal

33. Following consultations between the Governments of the Gambia and Senegal, the two Governments, on 26 October 1962, issued the following joint communique:

"The Government of the Republic of Senegal and the Government of the Gambia, with the consent of Her Majesty's Government in the United Kingdom, have recently given consideration to the possibility that, on the attainment of full sovereign independence by the Gambia, some form of association might be entered into between the Gambia and Senegal. During their discussions the Premier of the Gambia proposed that a joint approach might be made by the Government of Senegal and the Government of the United Kingdom, acting in respect of the Gambia, to the Secretary-General of the United Nations to appoint, under technical assistance arrangements, a team of constitutional, economic and fiscal experts. This team of experts would lay before the Governments economic and political data on which decisions can be taken as to the form which their future relationships should take.

"This proposal was accepted by the Senegalese Government, and the Secretary-General of the United Nations has confirmed his willingness to appoint such a team. Subject to the endorsement of this proposal by the Gambian House of Representatives this team will be appointed in consultation with the two Governments, who hereby affirm their determination to co-operate fully with the team and to provide such information as it may require to perform its appointed task.

"The conclusions reached by the experts will be studied by the two Governments and will form the subject of subsequent negotiations, with a view to achieving a close and friendly association between the Gambia and Senegal. The two Governments hope thus to make an important contribution to the stability, development and prosperity of their two countries and to the cause of African unity."

34. On the same day, the Government of the Gambia issued the following statement as a supplement to the Joint Communiqué issued by the Governments of the Gambia and Senegal:

"1. The Government of the Gambia, in furtherance of its declared intention to lead the country to independence, has recently been giving careful deliberation to the future economic and political development of the Gambia.

"2. In the course of these deliberations the Gambia Government has been guided by two main principles: firstly, that independence must provide an effective means of leading the Gambian people towards greater prosperity and well-being, and that, for economic reasons, the Gambia might find it difficult to sustain this objective as an isolated sovereign independent state; secondly, that independence, when attained, should contribute to the wider cause of African unity. In the light of these two principles and in view of the close economic, geographical and ethnological links which bind the two countries, the Government decided that steps should be taken, after preliminary discussion with the Senegalese Government, to acquire the necessary information which would enable the Government and the peoples of the Gambia to consider the question of some form of association with Senegal on the attainment of independence. The Gambian Government has been informed that the United Kingdom Government, for their part, would be prepared actively to support any such move towards closer association between the two countries.

"3. At the same time the Gambian and Senegalese Governments have recognized the fact that due to the differing traditions and culture on which Senegal and the Gambia have developed, and to the differing political, economic and fiscal systems which obtain in the two countries, the problems involved in achieving political and economic association are considerable.

"4. With these considerations in mind the Premier of the Gambia, the Hon. D.K. Jawara, informally approached the President and Prime Minister of the Senegal Republic on 24th September with a proposal that consideration should be given by the two Governments to making a joint approach to the Secretary-General of the United Nations requesting that a team of constitutional, economic and fiscal experts should be appointed under technical assistance arrangements, in consultation with the two Governments. These experts would lay before the Governments the economic and political data on which the Governments and peoples of the two countries could decide what form their future relationship should take. In putting forward this proposal the Premier of the Gambia made clear the need for his Government to await the conclusions of the team of experts before reaching any decision on the nature of such a future relationship.

"5. In addition, the Premier emphasised that in the event of any form of union between the two countries being agreed the Gambia Government would wish to see reserved in any such agreement certain essential safeguards concerning the measure of autonomy which would be enjoyed by the Gambia after association. These matters would concern those which the Government would wish to retain under its own control in any association with Senegal and would include responsibility for internal administration, the police, civil service, and local government; preservation of Gambian civil and criminal law, educational and professional standards and qualifications; and the maintenance of the close ties of association between the Gambia, the United Kingdom and the Commonwealth. They would also concern those matters which the Gambia would wish to consider sharing with Senegal (defence, foreign policy /including joint representation overseas/, financial matters and development). Ancillary to these matters the Gambia Government would also wish to see secured conditions ensuring joint representation for matters for which responsibility might be apportioned; conditions which would ensure continuance of Gambia's trading remaining liberalised; and provision for some form of constitutional appeal to protect safeguards and conditions secured in any final agreement.

"6. The President and Prime Minister of Senegal have informed the Premier of the Gambia that they welcome these proposals and have accepted them in principle subject to detailed negotiation on the terms of any eventual association in the light of the team of experts' findings. The Secretary-General of the United Nations has also confirmed his willingness to appoint such a team.

"7. Subject, therefore, to the endorsement of this proposal by the Gambia House of Representatives, it is anticipated that the team of experts will be appointed towards the end of the year and, in the meantime, consideration will be given by the two Governments to the membership of the team and to its terms of reference.

"8. The Gambia Government fully endorses the hope expressed in the joint communique that the outcome of the team's enquiry will form a satisfactory basis for further negotiations between the two Governments contributing to the stability, development and prosperity of the two countries and to the cause of closer African unity."

35. The United Kingdom has informed the Premier of the Gambia that if, in the light of the experts' report, a satisfactory basis for association between the two countries can be worked out, Her Majesty's Government will be prepared to grant independence to the Gambia so that she may conclude the necessary agreements with Senegal as a sovereign nation.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

36. The Special Committee considered Gambia at its 205th to 210th meetings between 6 and 13 September 1963.

General statements by Members

37. The representative of the United Kingdom said that prior to 1960 the Gambia had had an Executive Council composed of five official members and at least six appointed members, while the Legislative Council had consisted of a Speaker, fourteen elected members, three nominated unofficial members and four official members. The Governor had presided over both Councils. The Legislature had been enlarged in 1960 to include twenty-seven elected members; direct elections had been extended to the whole Territory and the Executive Council had been reorganized to include a greater number of elected members of the House of Representatives.

38. In July 1961 a Constitutional Conference between the elected representatives of Gambia and the United Kingdom Government had been held in London to consider further political progress for the Territory and had reached agreement on a constitution giving a considerable measure of internal self-government, which had come into force in April 1962. Its main features had been that the Executive Council should consist of a Gambian Premier and eight Ministers drawn from the Legislature under the chairmanship of the Governor and that the House of Representatives should consist of a Speaker, thirty-six elected members, including four chiefs elected by the chiefs in assembly, and two nominated members. The Governor had retained responsibility for certain matters, including external affairs and defence, internal security and the public service.

39. Elections for the House of Representatives had taken place under the new Constitution in May 1962. Seventy-two per cent of the registered electors had voted; the Peoples Progressive Party, led by Mr. Jawara, had won eighteen seats, the United Party and its allies had won thirteen seats and the remaining seats had been won by the Democratic Congress Alliance. As the leader of the majority party, Mr. Jawara had been appointed Premier, which office he still held.

40. In December 1962 the Premier had visited London and had raised the question of further constitutional advance for Gambia. Further discussions had been held between the Governor of Gambia and the United Kingdom Government in May 1963, and on 2 July the Governor had announced to the Gambian House of Representatives that the United Kingdom Government had agreed that Gambia should become fully self-governing as soon as the necessary procedures could be completed. Full internal self-government would mean that while the Governor would retain a certain residual responsibility for foreign affairs, defence and internal security until the Gambia was fully independent, all other questions appertaining to the government of the country would become the sole and exclusive responsibility of the elected Gambian Government and that, subject to the Governor's residual responsibility, foreign affairs, defence and internal security would also become a ministerial responsibility. The Premier would become the Prime Minister and the Executive Council would become the Cabinet, and responsibility for the civil service would be transferred to an executive Public Service Commission. The necessary legislation bringing those changes into effect would be introduced at the end of the current month or in the first week of October.

41. In connexion with the question of the attainment of independence by Gambia in some form of association with its neighbour, Senegal, the Governments of the Gambia and Senegal had on 26 October 1962 issued a joint communique. The representative of the United Kingdom then read out the joint statement together with the statement by the Government of the Gambia which are set out in paragraphs 37 and 38 above.

42. In a statement issued on 26 October 1962, the Secretary-General of the United Nations, in response to the request contained in the joint statement, had declared his willingness to appoint a team of experts to lay before the

Governments of Gambia and Senegal economic and political data on which the two countries could decide what form their future relationship should take. The task of selecting suitable experts had been proceeding and it was expected that the team would start work on or about 1 October.

43. The Committee would realize that very complex problems would have to be solved if a satisfactory basis for association between the two countries was to be achieved and that the issue should not be prejudged until the findings of the team of experts had been received and considered. Moreover, a reasonable period of time should be allowed in which the Government and civil service could gain experience of the working of the fully self-governing constitution which would shortly come into force. In those circumstances it was impossible to forecast with any certainty the timing of the next constitutional step in the territory; detailed consideration of those matters would be carried on when the United Nations team had submitted its report.

44. The representative of the United States of America said that the consideration of the Gambia did not present the Committee with any controversial problems. He thought all members would agree that there had been an orderly and progressive series of steps towards the fulfilment of the provisions of the Declaration on the granting of independence to colonial countries and peoples.

45. The Secretariat Working Paper and the statement made by the United Kingdom representative provided up-to-date information on those developments, the latest of which, the achievement of full internal self-government, was anticipated for the end of the current month or the first week of October. There seemed to be no significant difficulties in the way of the further and full implementation of the Declaration and his delegation would congratulate the people of the Gambia and the Administering Power on their achievements and the manner in which that progress had been made.

46. The joint communiqué issued by the Governments of Senegal and the Gambia on 26 October 1962 did not fall directly within the purview of the Committee; it dealt with the form of independence the people of the Gambia might choose but did not place in doubt the full implementation of the Declaration. The decision concerning association with Senegal and the form it might take lay entirely in the

hands of the peoples and Governments of the two countries concerned. It was not for the United States delegation or the Committee to express opinions on such a possible association. The Committee would, however, recall that the General Assembly in adopting the Declaration had recognized that the process of decolonization could be achieved either through emergence as a sovereign independent State, free association with an independent State, or integration with an independent State, in accordance with the desires of the people concerned. His Government viewed with interest the initiative taken by the Governments of the Gambia and Senegal in requesting that a United Nations technical mission composed of constitutional, economic and fiscal experts should lay before the Governments economic and political data on which decisions could be taken as to the form which their future relationships should take. The technical mission would soon be in the Gambia and it was to be hoped that all concerned would facilitate the speedy conclusion of its work.

47. The next steps in the development of the Gambia were in the hands of the Government of Gambia in agreement with the Government of Senegal. The United Kingdom had made clear its willingness to co-operate in solving the many difficult and complex problems which arose. The United States delegation wished success to all concerned and would watch ensuing developments with interest.

48. The representative of Cambodia said that his delegation had noted with satisfaction, firstly that a new Constitution had come into force in April 1962, secondly that the Constitution provided for an Executive Council and for a House of Representatives most of whose members were elected, thirdly that elections held in May 1962 had led to the formation of a Government which had the support of the majority in the House of Representatives, fourthly that the Gambia and the United Kingdom had agreed on the granting of complete internal self-government not later than the first week of October 1963.

49. His delegation assumed that following the great progress that had been made the Gambia would achieve independence without delay. It was disappointed that the date of independence had been postponed on the pretext that it was linked with administrative and economic considerations and with the negotiations concerning association with Senegal.

50. His delegation understood the sentiments expressed by the Government of the Gambia in its statement of 26 October 1962; independence should provide an effective means of leading the Gambian people towards greater prosperity and well-being and should contribute to the success of the larger cause of African unity. Those aims could, however, be achieved by a fully independent and not merely self-governing country. Once independent, the Gambia would have the right to enter freely into any form of association with any other State. His delegation, therefore, while approving all the steps that had been taken to set up an indigenous Government and to obtain external assistance in studying the problems arising from possible association with a neighbouring country, considered that the question of the granting of independence to the Gambia should not necessarily depend upon the conclusions of the United Nations team of experts or the progress made by the Government and Administration of the Territory. That view was supported by the Declaration on the granting of independence to colonial countries and peoples, in particular operative paragraphs 2 and 3.

51. While his delegation congratulated the Administering Power on the constitutional and political progress that had been made in the Gambia, it hoped that an early date would be fixed for the granting of independence to the Territory in accordance with the freely expressed wishes of the people. It welcomed the Secretary-General's decision to provide assistance to facilitate the negotiations for close and friendly association between the Gambia and Senegal.

52. His delegation would support any recommendation that the Administering Power should take appropriate steps to accelerate the achievement of independence by the Gambia.

53. The representative of Syria said that on the basis of the available material it appeared that the constitutional development of Gambia since 1915 had been persistent but very slow and gradual. The Administering Power had seemingly allowed an increasing number of Gambians to participate in the machinery of government. The latest Constitution appeared to grant the people of the area wider representation than they had had previously. While those developments were in themselves commendable, the Governor, who was appointed by the United

Kingdom Government, still retained almost exclusive powers in his hands: he need not consult the Executive Council in matters in which, in his judgement, the service of Her Majesty would sustain material prejudice, which were so urgent that he must act before he had had a chance to consult the Council, or which were too unimportant to require consultation. In view of those and the other powers reserved to the Governor, it was clear that a very broad area of governmental machinery was still concentrated in the hands of the representative of the Administering Power. The Syrian Government considered that the constitutional progress which was taking place, apparently with the blessing of the United Kingdom Government, should not be mere progress on paper but should be accompanied by the transfer of governmental powers at the highest level to the inhabitants of the Territory and their representatives.

54. The decision by the People's Progress Party and the Democratic Congress Alliance in April 1963 to reopen negotiations with the United Kingdom Government for the purpose of obtaining independence within the Commonwealth before the end of 1963 should be given very serious consideration. The United Kingdom Government should supplement its declaration of 2 July 1963 with another declaration embodying target dates for the attainment of self-government and the transfer to the people of the Gambia of full powers of government at all levels.

55. The second aspect of the Gambia's progress towards self-government concerned the establishment of a suitable and mutually beneficial association between the Gambia and Senegal. His delegation would not wish to pronounce upon that aspect of the matter until the report of the United Nations team of experts had been received.

56. The Syrian Government fervently hoped that in the very near future the people of the Gambia would enjoy the attributes of self-government. His delegation would vote in favour of any resolution that took into account the points he had enumerated.

57. The representative of Poland observed that the situation in the Gambia was similar in concept and practice to that in other Non-Self-Governing Territories under United Kingdom administration. In the political field, almost absolute

power was vested in the hands of the Governor. Although the Constitution provided for an Executive Council and a House of Representatives, neither organ had any executive power to speak of and the Governor could impose such decisions and laws as he might deem necessary. Any bill or motion not passed by the House within such time and in such form as he thought reasonable and expedient could be declared passed by the Governor. He could also act without the recommendation, advice or concurrence of the Executive Council whenever he judged it expedient to do so in the interests of public order, public faith or good government. Moreover, he had exclusive responsibility for internal security, the public service, defence and external affairs. Thus very few important tasks were left to the Executive and Legislative, composed of representatives selected on the basis of universal suffrage. Such a state of affairs was obviously inconsistent with the provisions of General Assembly resolution 1514 (XV), which imposed obligations on the Administering Power which could not be evaded on the pretext of geographic or economic difficulties. In the view of the Polish delegation the provisions of the Declaration were applicable to all Territories which had not yet attained full independence, regardless of their specific features, and should be applied to Gambia as soon as possible.

58. While welcoming the announcement by the representative of the Administering Power that at the end of September or early in October new legislation would be introduced and the Gambia would enjoy full internal self-government, his delegation had been disturbed to note that no date had been fixed for the Territory's attainment of independence. The wishes of the Africans in the Gambia in that respect had been clearly demonstrated. In April 1963 a conference of the Peoples Progress Party and the Democratic Congress Alliance had passed a resolution urging the Government to reopen negotiations with the United Kingdom Government for Gambia's attainment of independence by the end of 1963, without prejudice to any form of closer association the country might wish to effect with its neighbours in furtherance of the practical achievement of African unity.

59. In an attempt to justify the delay in granting independence to the Gambia, the United Kingdom representative had placed particular emphasis on the subject of an association between Gambia and Senegal after the Territory became independent. The United Kingdom representative had also stated that time was needed in which the

Government and the Civil Service could gain experience under the self-governing Constitution which would shortly come into force. The Committee's task, however, was to see that General Assembly resolution 1514 (XV) was implemented. Power must be transferred to the democratically elected representatives of the people of Gambia, in accordance with paragraph 5 of that resolution. It would be for the people of the Gambia to work out their future relationship with their neighbours and to contribute to the cause of African unity. It would be contrary to the spirit and letter of the Declaration to make the exercise of the inalienable right of the Gambian people to self-determination and independence dependent on any conditions or reservations. Experience gained by other African countries showed that progress could be achieved much more satisfactorily and rapidly in conditions of full sovereignty and independence. His delegation therefore felt that the Committee should urge the Administering Power to take all steps to transfer sovereign powers to the Gambian people and to fix a date for the Territory's accession to independence in accordance with the wishes of the people.

60. The representative of Tunisia said that the information given by the United Kingdom representative in his statement at the 205th meeting had assisted the members of the Committee to form a clear idea of the political situation in the Gambia. A study of the steps which the Administering Power had promised or proposed to take in 1960, 1961, 1962 and 1963 showed that there had been little or no development in the political situation. There had certainly been a constitutional change, characterized firstly by the agreement concluded in July 1961, which according to the United Kingdom representative had established a considerable measure of internal self-government, and secondly, by the agreement of 1963 granting the Gambia full internal self-government, the provisions of which were to come into force very shortly.

61. Slight as was the progress represented by those steps, they did demonstrate a certain change of heart on the part of the United Kingdom Government. It was, however, deplorable that they had been spread out over four years and that no date had been fixed for the end of United Kingdom administration in the Gambia and the liberation of the Gambian people. The United Kingdom representative, far from allaying the Committee's anxiety on that subject, had added to it by his statement that it was not possible to forecast with any certainty the timing of the next

constitutional step in the Territory. The Administering Power was very niggardly in introducing reforms and its reluctance to implement the Declaration left little room for hope of a radical and immediate change in its policy. Yet the Gambia, which had an entirely African population, was a supreme example of a country where the implementation of the Declaration was unlikely to give rise to any problems, and it was difficult to understand why there had been no effective transfer of powers to the people of the Territory. The Administering Power claimed that it must proceed by stages in order to allow time for the elected representatives of the people to familiarize themselves with the problems of the public service and governmental machinery. That argument was unfounded, since experience had shown that those alleged obstacles had never hampered development in the African countries which had achieved independence. Even if those reasons were based on genuine goodwill, they could not justify the people's being kept indefinitely in a state of subjugation. Furthermore, they were contrary to the Declaration, in particular to the last preambular paragraph and to operative paragraph 5.

62. His delegation welcomed the idea of an association between the Gambia and Senegal. Nevertheless the United Kingdom Government, however praiseworthy its efforts in that direction might be, should not attempt to link the Gambia's independence with the realization of that association. The Government of independent Gambia would undoubtedly work towards that association and would be able to bring it about in the spirit of the charter of African unity.

63. His delegation urged the United Kingdom Government to cease making use of expedients and provisional solutions and to implement the Declaration on the granting of independence to colonial countries and peoples without delay. The proclamation of the Gambia's independence would strengthen and consolidate the United Kingdom's own position in Africa.

64. The representative of Mali said that although the question of the Gambia should be approached with caution, since the Committee was examining it for the first time, and despite Gambia's particular relationship with the Republic of Senegal, his delegation was convinced that the country was a classic example of a colonial territory and thus came within the scope of General Assembly resolution 1514 (XV).

65. After studying the Secretariat Working Paper and hearing the statement made by the United Kingdom representative his delegation would state categorically that the constitutional development of the Territory had been neither rapid nor progressive. The Gambia had remained under colonial domination up to 1960, when, as a result of the struggle of the Gambian people for independence, the United Kingdom had granted it a kind of Constitution under which there was an Executive Council consisting of five official members and six appointed members and a Legislative Council consisting of a Speaker, fourteen elected members, three unofficial members and four official members. The Governor had presided over both Councils. Later the number of seats in the Legislative Council had been increased and elections had been extended to the whole Territory.

66. Obviously at a time when Senegal, the neighbouring country, and a number of other African countries were achieving total independence, those constitutional reforms could not satisfy the Gambian people's desire for self-determination. Hence in July 1961 the Colonial Office in London had convened a conference to consider further political progress for the Territory, or rather to satisfy its desire for independence. The United Kingdom had been obliged to grant a Constitution, which had come into force in 1961 and had given the Territory a considerable degree of internal self-government. That Constitution, however, was nothing more than a subterfuge, since the colonial Power maintained all its rights through the Governor, who exercised authority in all matters and particularly in defence and security.

67. Towards the end of 1962 Mr. Jawara, the Premier, had visited London and had raised the question of further constitutional advance for his country, which was becoming ever more keenly aware of the independence movement in various parts of Africa. At the conclusion of the talks the United Kingdom Government had promised to envisage steps to grant the Territory internal self-government in the shortest possible time. In view of the delay in putting those measures into effect, Mr. Jawara had again visited London in July 1963 and on his return had informed his people that legislation introducing constitutional reforms would come into force at the end of September or early in October. Without prejudging the terms of the new constitution, the delegation of Mali could state forthwith that it would not correspond to the aspirations of the Gambian people if it did not provide for the real transfer of all powers and functions to the indigenous population.

68. The United Kingdom representative had informed the Committee that the Governments of the Gambia and Senegal were studying the possibility of some form of association between the two countries even before Gambia had achieved independence and that the two Governments had requested the Secretary-General to send a team of constitutional, economic and fiscal experts to assist them. The delegation of Mali, while welcoming the spirit of understanding between the two Governments, considered that such an association should come into being only after the Gambia had become independent and was on a footing of equality with the Republic of Senegal. Any form of community or association must be based on equality. Without wishing to prejudge the conclusions of the team of experts, his delegation urged the Administering Power to grant immediate and total independence to the people of the Gambia, in accordance with General Assembly resolution 1514 (XV).

69. The representative of the Union of Soviet Socialist Republics observed that if the information on the Gambia that was available to the Committee was analyzed from the point of view of the requirements of the Declaration on the granting of independence to colonial countries and peoples, it became apparent that the situation in the Territory was far removed from the idyllic picture painted by the United Kingdom representative. Politically, the Gambia was a typical United Kingdom colony. Virtually all power remained in the hands of the Governor, who was responsible for internal security, external relations, defence and the public service and could disallow bills recommended by the House of Representatives and, conversely, pass bills not so recommended; he also had the power to dissolve the House of Representatives before its term expired. In the circumstances the fact that the majority of the House of Representatives were elected on the basis of universal suffrage was of little consequence and universal suffrage itself had become an empty formula, for the United Kingdom colonialists had seen to it that the elected organ was virtually devoid of power. The powers of the Executive Council, the members of which were appointed by the Governor and which was presided over by the latter, were also very restricted.

70. Similarly, the Gambia had a typically colonial economy. Ground-nuts - the territory's main export crop - and palm kernels were marketed through the Oilseeds Marketing Board, a United Kingdom company which, according to the July 1962 issue of Africa Today, paid the growers such a low price for their crop that their income could only support them for six months of the year. The Oilseeds Marketing Board was also the biggest of the United Kingdom companies controlling the Territory's foreign and internal trade.

71. The only possible conclusion was that none of the main principles embodied in the Declaration had been implemented in Gambia.

72. It was clear from the statement by the United Kingdom representative that the Administering Power was in no haste to lead the country to independence. The intention was merely to grant it internal self-government in the very near future. The dilatoriness of the United Kingdom could be seen from the fact that the reply to the Gambia Government's request in December 1962 for further constitutional progress in the Territory had been that the granting of full internal self-government would be contingent on the completion of the necessary procedures and that the Governor would remain responsible for internal security, defence and external relations. Various members of the Committee had been justified in voicing their concern that the constitutional reforms were on paper only and were not accompanied by the transfer of power to the indigenous inhabitants as demanded in the Declaration.

73. The United Kingdom representative had tried to convince the Committee that the problem was so complex that it was impossible to set a date for the next stage in the constitutional development of the Territory, that the report of the United Nations experts should be awaited, that the Committee should take no decision at that stage and that the Gambia Government must be given time to gain experience. Such artificial pretexts were typical of the Administering Power's attempts to delay the inevitable granting of independence to a colonial territory.

74. The Committee was, however, aware that, at a conference held in April 1963 the Peoples Progress Party and the Democratic Congress Alliance had unanimously adopted a resolution calling for independence within the Commonwealth before the end of 1963, without prejudice to any form of close association the Gambia might wish to effect with its neighbours in furtherance of the practical achievement of African unity. Similarly, in the joint communiqué issued by the Senegalese and Gambia Governments on 26 October 1962, it was stated that, on the attainment of full sovereign independence by the Gambia, some form of association might be entered into between the two countries.

75. None of those documents provided any justification for delaying the granting of independence. Besides, it should be borne in mind that paragraph 5 of the

Declaration specified that immediate steps should be taken to transfer all power to the peoples of the dependent territories. That paragraph was directly applicable to the Gambia.

76. It was incumbent upon the Committee to take an effective decision designed to accelerate the granting of independence to the Gambia. The Committee should recommend that the General Assembly should confirm the inalienable right of the Gambian people to self-determination and independence in accordance with the provisions of the Declaration and that it should call upon the Administering Power to take immediate steps for the transfer of power to the Gambian people in accordance with that Declaration. The Committee should also support the request put forward in the resolution of the two Gambian parties and should recommend that the General Assembly should request the Administering Power to grant independence to Gambia before the end of 1963 without any conditions or reservations.

77. The representative of Madagascar said that, thanks to the understanding and co-operation of the people of the Gambia, the Administering Power, the Government of Senegal and the Secretary-General, Gambia was well on the road to independence. His delegation was convinced that for the time being the best course for the Committee was to express the hope that the United Nations experts should leave for the Territory at an early date, with a view to gathering the constitutional, economic and political information necessary for the future negotiations between the Governments of sovereign Gambia and Senegal concerning a form of association between the two countries.

78. The representative of Denmark noted with satisfaction that, as the United Kingdom representative had confirmed in his statement, the Gambia was to enjoy full internal self-government shortly - a development which constituted a decisive step towards independence.

79. As mentioned in the statement^{2/} issued by the Governments of the Gambia and Senegal a request had been made for a United Nations investigation of the problems connected with an association between the Gambia and Senegal. Considering the experience the United Nations had acquired since its establishment, the Danish delegation was convinced that the team of experts to be appointed by the

^{2/} See paragraphs 33 and 34 above.

Secretary-General would be able in an impartial way to lay before the two Governments the economic and political data which would enable them to decide what form their future relationship should take. The Committee should welcome that attempt by the two Governments, which would serve the cause of African unity. It should be borne in mind, however, that the Gambian Government itself had pointed out the need to await the conclusions of the team of experts before reaching any decision on the nature of a future relationship between the Gambia and Senegal. The Committee should respect that point of view. On the other hand, since the team of experts appointed by the Secretary-General was about to visit the Territory, the matter would soon be settled and that would enable resolution 1514 (XV) to be applied to the Gambia without delay.

80. The representative of Australia said that the intentions of the Administering Power in Gambia could not be questioned: the United Kingdom, in common with the other members of the Committee, was fully aware that the trend toward independence was irreversible and beyond the control of any Administering Power. The Committee should therefore determine the present stage of development in the Territory, after which it should scrutinize the means which had been employed in reaching that stage and should then decide whether the continued application of those means would lead toward the objectives of General Assembly resolution 1514 (XV).

81. It appeared that the association with Senegal, which was under examination, was the nucleus of the question. Firstly, such an association seemed to be in accord with resolution 1514 (XV). Secondly, the United Nations had a vital role to play in the matter; the Secretary-General himself had expressed his satisfaction regarding the constructive approach of the two Governments concerned to the question of such an association and was confident that such action would make an important contribution to the stability, development and prosperity of the two countries and would serve the cause of African unity.

82. There was reason to fear, however, that the association would involve difficulties for which there was no rapid solution. In his own country, the federal association which had been achieved at the beginning of the twentieth century between a group of separate colonies, under much more favourable conditions than the Gambia and Senegal could hope for, had nevertheless encountered obstacles that had inevitably given rise to stresses, some of which still persisted.

On the basis of that experience the Australian delegation had carefully studied some of the factors which the leaders of the Gambia and Senegal would have to bear in mind and which greatly complicated the question, such as the relative size of the populations (250,000 in Gambia, 3 million in Senegal), the differing political, economic and social institutions, and the differences in customs and language.

83. In those circumstances, the peoples concerned obviously wanted a thorough exploration of the possibilities of association before a final decision was taken. Those wishes must be respected, and anything that the Committee or any other organ of the United Nations might do should be directed towards that end.

84. The wishes of the people of the Gambia, which had been clearly expressed in the statement of 26 October 1962, had been fully respected by the Administering Power; in the words of the joint communiqué, Her Majesty's Government was prepared to endorse the proposed association between the two countries provided that its terms were satisfactory and acceptable to the people of the Gambia. Clearly, if the association emerged, it would be owing in large measure to the understanding and the efforts of the United Kingdom. The Committee should take that fact into account in determining what conclusions it should draw from its examination of conditions in the Gambia.

85. Moreover, the degree of development which had now been reached by the Gambia was the result of well-ordered political development. The elements of the country's political future already existed in embryo, and that was encouraging. The 1962 Constitution provided for substantial internal self-government, exercised mainly by a House of Representatives with a large elected majority returned at elections in which the greater part of the electorate had participated. A new Constitution, which would leave only minimal powers in the hands of the Governor, was about to come into force. Such self-government, marked by the existence of a Prime Minister, a Cabinet, and a Public Service Commission large independent of the Governor's control, conformed to the recognized principles of democracy and independence. If the possibility of an association between the Gambia and Senegal was added, the intentions of resolution 1514 (XV) were seen to be fulfilled.

86. Thus the situation was that a free association between the two countries seemed to be a possibility based upon investigation and advice by the United Nations, upon the expressed wishes of the people concerned and upon

encouragement and assistance by the Administering Power; it also conformed to the intentions of the Charter and of at least two great resolutions of the General Assembly.

87. The progress of the Gambia itself towards independence had been hastened by a series of constitutional steps deliberately taken by the Administering Power. The situation in the country was non-controversial; the people had been consulted and continued to be consulted.

88. At the same time, however, the Committee had its own duty to perform, arising from resolution 1514 (XV). It must determine what it considered to be the basic facts of the existing situation and then express the hope that the provisions of resolution 1514 (XV) would be implemented in the Gambia at the earliest possible date.

89. In the view of the Australian delegation, a resolution or a consensus along those lines would enable the Committee to indicate what it considered to be the basic facts, to emphasize what should be done to comply with resolution 1514 (XV) and to warn against the dangers of forcing undue haste with regard to an association which was not yet perfected and which might seriously retard both the progress of the Gambia and African unity itself. Such a statement would appear more appropriate than any reference to a target date, which might lead to haste destructive to the hopes and plans of the people of the Gambia.

90. The representative of Iraq noted that the Gambia had made considerable progress towards self-government, particularly after the promulgation of the new Constitution of May 1962. He welcomed the agreement reached on the principle of an association with Senegal. Such an association, apart from the benefits it would have for the two States, was an important step towards African unity. It was to be hoped that the Administering Power would fix a date for full self-government and independence for Gambia as soon as possible.

91. The representative of Bulgaria observed that, nearly three years after the adoption of the Declaration on the granting of independence to colonial countries and peoples, the Gambia was still a British colony and the United Kingdom Government, which had not implemented the provisions of resolution 1514 (XV), was using every pretext to postpone indefinitely the granting of independence to the countries and peoples under its rule.

92. The statement made by the United Kingdom representative was a source of serious concern to most members of the Committee. The representative of the Administering Power had spoken at length about the so-called constitutional progress made by the Gambia, but had failed to mention even the approximate date on which his Government intended to grant independence to the people of the Gambia in accordance with resolution 1514 (XV).

93. The so-called constitutional reforms which were supposed to prepare the people for self-government had been introduced more than half a century earlier. During the long period which had followed, other constitutional reforms had been introduced, leading to the adoption of the present Constitution. It was well known that the self-government granted by that Constitution was meaningless: it gave the Governor, appointed by the Crown, sole responsibility for external affairs, defence, internal security and the public service. The Executive and Legislative Councils established under that Constitution did not in fact exercise any functions other than those of advisory organs. Although the Constitution provided that the Governor had to consult the Executive Council with regard to certain matters and act on its advice, the fact was that the Governor could also act without consulting the Council whenever he saw fit. The same applied to the House of Representatives. Many matters - external affairs, defence, internal security, wage-scales, etc. - could only be brought before the House of Representatives by the Governor. Moreover, any bill which had not been adopted by the legislative body within a certain period and in a form which the Government considered appropriate could be declared law by the Governor himself. Lastly, the House of Representatives could be dissolved by the Governor before its five-year term had expired.

94. Those examples demonstrated that the British were still masters of the destiny of the Gambian people. It was true that the representative of the Administering Power had announced that the Gambia would attain full internal self-government at the end of September or beginning of October, but he had not stated the precise date on which the Territory would become independent, arguing that it would be necessary to allow a reasonable period of time for the Government and the civil service to gain experience. In view of the fact that the British had taken centuries to prepare the people of the Gambia for self-government, it

might well be asked how long it would take before the country attained full independence. In the opinion of the Bulgarian delegation, the date on which the Gambia would be fully independent should be fixed without further delay in accordance with the clearly expressed wishes of the people and the provisions of resolution 1514 (XV). The independence of the Gambia could not be postponed any longer on the pretext that the Territory's future relations with Senegal must first be determined.

95. The representative of Yugoslavia said that his delegation's views on the question were in conformity with its conviction that all colonial territories, irrespective of their size, should attain independence and be granted the right to self-determination in the shortest possible time. His delegation was not entirely satisfied with the statement of the Administering Power that it would grant the Gambia internal self-government, since so many powers were to be left in the hands of the Governor. Moreover, the process of transferring administrative power to the people of the Gambia was extremely slow. He had no doubt that the people were ready to take charge of their own affairs and of the future of their country. The United Kingdom Government had informed the Premier of the Gambia that if a satisfactory basis for association between the Gambia and Senegal could be worked out it would be ready to grant independence to the Gambia, but unfortunately no specific date had been mentioned. The question whether the basis for that association was satisfactory or not should not be made a pretext for delaying the granting of independence; it should be left to the people of the Gambia and their elected representatives to decide on the future of their country. His delegation held that the Declaration on the granting of independence to colonial countries and peoples should be applied to the Territory without further delay.

96. The representative of the United Kingdom in reply, drew the Committee's attention to the fact that the resolution calling for independence for the Gambia by the end of 1963 had been adopted at a conference of two political parties, the Government Party - the Peoples Progress Party - and its ally, the Democratic Congress Alliance. It had not been a decision of the Government of the Gambia, nor had such a demand been made by the opposition party, the United Party. Subsequent to the conference, the Premier had decided to seek only immediate full internal self-government pending the submission of the report of the United Nations team of experts. When the Premier had announced over Radio Gambia, on 4 September 1963, that the United Kingdom Government was granting the Gambia full internal self-government, he had made no reference to independence.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

97. At the 209th meeting, the representative of the Ivory Coast introduced a joint draft resolution on the Gambia, jointly sponsored by India, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia.^{3/}

98. The representative of Italy said that the draft resolution did not mention the possibility of association between the Gambia and Senegal which in his delegation's view was a relevant factor as far as the independence of the Gambia was concerned. It had been mentioned by almost all the speakers who had taken part in the debate and he saw no reason why there should be no reference to it in the draft resolution. Without such a reference, the draft resolution neither indicated suitable ways and means for the application of the Declaration to the Territory nor proposed any specific steps designed to lead to the independence of the Gambia.

99. The representative of Mali said that the only purpose of the draft resolution was to ensure that the Gambia should achieve independence in the shortest possible time. The sponsors had not felt it necessary to take into account other considerations which had been raised by the Administering Power. The most urgent necessity was the achievement of independence by the Territory; following that, the sovereign people would be free to take the direction they wished and to decide on the form of sovereignty which would suit them. He hoped that the Committee would adopt the resolution as it stood, without the amendment suggested by the Italian representative. The delegation of Mali considered that the adoption of such an amendment would be presumptuous, since the Committee had not heard the views of any representative of Gambia on the subject.

100. The representative of Cambodia said that his delegation would have no objection to the suggestion made by the representative of Italy. If, however, there were to be a reference to a possible association between Gambia and Senegal, it should perhaps also be stated that that association should not be linked to the granting of independence. At the present stage, it might perhaps be wise for the Committee simply to adopt the draft resolution which had been submitted.

101. The representative of Australia said that his delegation would have liked to see in the draft resolution a specific reference to the proposed association between the Gambia and Senegal, since it believed that a Territory could properly gain and

exercise independence as a constituent member of a federation or association. It would also have liked the draft resolution to refer to the part being played by the United Nations in co-operation with the efforts of the Governments of the Gambia and of the United Kingdom. In his delegation's opinion the Administering Power had been observing the provisions of General Assembly resolution 1514 (XV) in its efforts in Gambia. The territory had made great strides towards full internal self-government and proper instruments had been created through which the voice of the people could be made known. The draft resolution should also refer to the wishes of the people of the Gambia, which were the dominant factors in any such situation, as was clearly laid down in operative paragraph 5 of General Assembly resolution 1514 (XV). Furthermore, there were particular problems associated with the independence of small nations. That should not be interpreted to mean that his delegation did not believe that small nations should have the same rights as larger nations, but the small size of a population such as that of the Gambia called for the consideration of particular solutions to the problems of their independence. They should not be forced, regardless of size, into predetermined patterns of national development.

102. The Special Committee then unanimously adopted the draft resolution.

103. The representative of the United Kingdom said that his delegation had not opposed the resolution because, as he had consistently made plain, it had not wished to stand in the way of the aspirations of the people of the Gambia for independence. He would, however, comment that the resolution was inadequate and incomplete, since it made no reference to the establishment within the next few weeks of full internal self-government, or to the imminent arrival of the United Nations team of experts, at the request of the Governments of the Gambia and Senegal, to investigate a possible association between the two countries. The United Kingdom considered that the timing and the way in which the Gambia was to achieve independence should not be decided in advance of and without reference to a decision on that question, in the examination of which he hoped the United Nations team would be able to help the Governments concerned. The Premier of Gambia had recently announced that Friday, 4 October 1963, had been chosen as the day on which the new Constitution conferring full internal self-government on the Gambia would become effective and the day had been declared to be a public holiday.

104. The representative of the United States of America said that if there had been a vote on the resolution he would have voted in its favour. At the same time he felt constrained to point out that in his delegation's view the resolution would have been better if it had called attention to four points: firstly, the fact that the Gambia was already on the threshold of full internal self-government; secondly, the interest expressed by both the Gambia and Senegal in freely associating with each other and the positive steps taken by the two Governments in requesting United Nations assistance in devising a formula for such an association; thirdly, the forthcoming visit of the United Nations team in response to that request; fourthly, he would have liked to see a reference in the preamble to General Assembly resolution 1514 (XV), particularly those portions dealing with free association and integration.

105. The resolution on the Gambia adopted by the Special Committee at its 210th meeting on 13 September 1963 reads as follows:

The Special Committee,

Having in mind the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, and General Assembly resolutions 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962,

Having heard the statements of the representative of the Administering Power in the Special Committee,

1. Reaffirms the inalienable right of the people of Gambia to self-determination and independence;

2. Declares that the provisions of resolution 1514 (XV) must be applied to Gambia without delay;

3. Invites the Administering Power to comply with the provisions of resolution 1514 (XV).

CHAPTER XII

GIBRALTAR

A. INFORMATION ON THE TERRITORY

General

1. Gibraltar is a narrow peninsula running southward from the south-west coast of Spain. It consists of a long, high mountain called The Rock and a sandy plain to the north of it, raised only a few feet above the level of the sea, called the North Front. Its greatest elevation is 1,396 feet, its length 2-3/4 miles and its greatest breadth nearly 1 mile. To the south of Gibraltar, 20 miles across the Straits, is Africa; the Mediterranean lies on the east.
2. The area of Gibraltar is 2-1/4 square miles (5.8 square kilometres).
3. The population of Gibraltar, according to the census taken in October 1961, is as follows:

Gibraltarians	17,985
British subjects not classified as Gibraltarians (This figure includes families of members of H. M. Forces, but excludes servicemen)	4,809
Non-British	1,132
Visitors with temporary permits of residence	149
Total	<u>24,075</u>

Government

Status

4. Gibraltar is a Crown Colony and has been under British control since its capture by British forces in 1704.
5. Since 1957, the representative of Spain in the Fourth Committee has each year recorded his Government's jurisdictional reservations with regard to the right of the United Kingdom to submit information on Gibraltar, which his Government considers to be an integral part of Spanish territory.

6. In reply to these statements, the representative of the United Kingdom has stated on each occasion that his Government has no doubt as to the legitimacy of the rights of sovereignty it exercises over Gibraltar, and that it reserves its position in the matter.

Constitution

7. The constitution of Gibraltar is defined by the Gibraltar (Legislative Council) Order-in-Council, 1950, dated 3 February 1950, by Letters Patent of 28 February 1950 and by Royal Instructions of the latter date. The constitution is that of a Crown Colony and it provides for the following:

(i) Governor

8. The Governor is head of the administration of the Territory and is also Commander-in-Chief. In the exercise of his powers, he is advised by an Executive Council.

(ii) Executive Council

9. The Executive Council, presided over by the Governor, is comprised of four ex officio members (the Colonial Secretary, Attorney General, Financial Secretary and Military Representative) and four non-official members appointed by the Governor. Three of the four non-official members are elected members of the Legislative Council and the fourth is a nominated member of the Legislative Council. The Executive Council is the principal executive organ and normally takes decisions on all matters affecting the internal government of the Territory, including the budget.

(iii) Legislative Council

10. The Legislative Council consists of the Governor as President, the Speaker and twelve members as follows:

3 ex officio members (the Colonial Secretary, Attorney General and Financial Secretary)

2 members nominated by the Governor (at least one must be a non-official)

7 elected non-official members.

11. The Legislative Council passes laws for the peace, order and good government of the Territory. It normally meets under the chairmanship of the Speaker. As a result of constitutional changes introduced in 1959, members of the Legislative Council now undertake the supervision of departments of the administration. The leader of the largest group in the Legislative Council is designated Chief Member.

12. The assent of the Governor is required to all legislation, which also remains subject to disallowance by the Crown. Powers are reserved to the Governor to pass into law, without the consent of the Council, any measures if it is in his opinion expedient in the interests of public order, public faith or good government so to do.

13. The normal life of the Legislative Council is five years. The last elections to the Legislative Council were held in September 1959.

Electoral system

14. The elected members of the Legislative Council are elected on a basis of universal adult suffrage by proportional representation.

15. During the last elections held in September 1959, thirteen candidates stood for election to the seven elected seats. About 8,800 votes were polled out of a total electorate of some 13,300. Of the seven members elected, three were members of the Association for the Advancement of Civil Rights, one belonged to the Transport and General Workers' Union and three were independents.

Judiciary

16. The courts of law in Gibraltar consist of the Supreme Court, the Court of First Instance and the Magistrates' Court. The Judiciary comprises the Chief Justice, a judge of the Court of First Instance, a Stipendiary Magistrate, and twenty-one local justices of the peace. The Chief Justice presides over the Supreme Court, which has both original and appellate jurisdiction. The Court of First Instance has jurisdiction comparable to that of County Courts in England and is subordinate to the Supreme Court. The Magistrates' Court is normally presided over by the Stipendiary Magistrate or, in his absence, by two or more justices of the peace.

Public Service

17. All junior posts and many of the senior posts of the Civil Service are filled by locally recruited personnel. Senior posts in the administration held by Gibraltarians include that of Financial Secretary, Commissioner of Lands and Works, and Chief Medical Officer. Government Officers are appointed by the Governor on the recommendation of the Public Service Commission.

Local government

18. Municipal affairs are in the hands of the Gibraltar City Council which has eleven members. Seven councillors are elected and hold office for three years; at present five belong to the Association for the Advancement of Civil Rights and two are Independents. The leading elected member is Mayor of Gibraltar. The remaining four members are appointed by the Governor. The last elections were held in December 1962. The functions of the City Council include fire prevention, public health, highway maintenance, public markets, water, electricity, gas and telephone services.

Political parties

19. The main political party in Gibraltar is the Association for the Advancement of Civil Rights which was formed in 1942 "to do its utmost for the welfare of all citizens of Gibraltar and for the furtherance of civil rights in the Colony". Three of the seven elected seats in the Legislative Council are held by this party. There are two other smaller parties, the Transport and General Workers' Union, which has one elected seat in the Legislative Council and the Gibraltar Commonwealth Party.

Economy

20. The economy of Gibraltar is largely dependent on tourism, re-exports and work provided by the dockyard, the service departments, the Government and the City Council.

21. Government revenue for the year 1961 was £2,144,963 and the expenditure amounted to £2,134,460.

22. Owing to the small size of the Territory and the infertility of the soil, there is no agricultural production in Gibraltar. The Territory has no natural resources. There are a few processing industries such as canning of fish and fruit, the processing of tobacco and the roasting and blending of coffee.

23. The resident working population is considerably less than that required to meet the labour demands in the Territory. Consequently, approximately two thirds of the labour force consists of non-domiciled workers almost all of whom live in the neighbouring Spanish territory and enter Gibraltar daily.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

24. The Special Committee considered Gibraltar at its 206th, 208th, 209th, 211th to 215th meetings between 9 and 20 September.

Participation by Spain in the work of the Special Committee

25. In a letter dated 4 September 1963^{1/} the Deputy Permanent Representative of Spain informed the Special Committee that his delegation would like to take part in its discussion of Gibraltar. At its 206th meeting the Special Committee decided, without objection, to invite the representative of Spain to attend its meetings during the consideration of this item.

Written petitions and hearings^{2/}

26. The Special Committee distributed the following petitions concerning Gibraltar:

<u>Petitioner</u>	<u>Document No.</u>
Three petitions from Mr. Joshua Hassan, Chief Member of the Legislative Council and Mayor of Gibraltar	A/AC.109/PET.158
Eleven petitions in support of petitioners	A/AC.109/PET.174

1/ A/AC.109/52.

2/ A/AC.109/PET.174 was circulated after the Special Committee had concluded its consideration of Gibraltar.

27. The Special Committee heard the following petitioners concerning Gibraltar:

Mr. Joshua Hassan, Chief Member of the
Legislative Council and Mayor of Gibraltar (214th meeting)

Mr. P. Isola, Independent member of the
Legislative Council (214th meeting)

28. Mr. HASSAN said that he and his colleague had come to New York to express the views of all the people of Gibraltar. He himself was the Chief Member of Gibraltar's Executive and Legislative Councils, having been elected to the latter on the basis of universal adult suffrage, as the leader of the Association for the Advancement of Civil Rights, the largest political party in Gibraltar. He was also a City Councillor and had been unanimously elected Mayor by all the Councillors, irrespective of party, at the last sixteen elections. He could therefore claim to speak on behalf of the people of Gibraltar. Mr. Isola, his colleague, who did not always agree with him on certain aspects of internal government, was also an elected member of the Legislative Council and was in fact the Minister of Education although he had not yet been given that title.

29. On several occasions Spain had asked that Gibraltar should be returned to it. The Spanish representative was now trying to achieve that object under the guise of an abhorrence of colonialism. He did not question Spain's dislike of colonialism but he emphatically maintained that its application in Gibraltar was completely irrelevant.

30. Colonialism implied the subjugation of a people by a foreign Power, the exploitation of the resources and labour of a colony for the benefit of the colonial Power, and the economic, social, moral, legal and political oppression of its people. None of those qualifications was met in the case of Gibraltar; hence the case presented by the representative of Spain could not stand, based as it was on false premises, not on a desire to liberate an oppressed people but on a centuries-old obsession to alter a historical fact.

31. The people of Gibraltar were not subjugated by a foreign Power. They had come to Gibraltar after it had been conquered and had settled there in the knowledge that it was a fortress. As its value as a fortress had declined, there had been changes in the whole way of life of Gibraltar which were entirely consonant with its growth as a political entity.

32. With regard to the exploitation of the colony's resources, the United Kingdom did not derive any revenue from Gibraltar or from the labour of the population. On the contrary, it was the people of Gibraltar who derived benefit from the presence of the British armed forces, from the trade that that represented, the opportunities for employment, grants made under the Colonial Development and Welfare Acts, and the whole background of administrative expertise, judicial independence and responsible legislature which characterized the system of government.

33. As for the economic oppression of the people, prosperity was enjoyed by all sections of the community. In the educational sphere, a large proportion of the young people went on from school to university, teacher-training colleges or technological schools. There was no distinction of class, race or religion in Gibraltar and all communities lived together in mutual respect.

34. Gibraltar's legal and judicial system was based entirely on that of the United Kingdom and there was a wholesome respect for the impartiality of the courts.

35. With regard to the political aspect, Gibraltar had not yet achieved full self-government; that was, however, the aim of the political leaders of Gibraltar and had been accepted by the United Kingdom. At the municipal level, the Gibraltar City Council had a popularly elected majority and its decisions were not subject to approval by the United Kingdom Government. In the governmental sphere, there were the Legislative Council, Executive Council and the Council of Members. Decisions taken by the Legislative Council were subject to the Governor's reserved powers which had, however, been exercised on only one occasion since the establishment of the Legislature thirteen years previously.

36. In 1956, a scheme had been instituted for the association of members of the Legislature with government departments. That scheme ensured that heads of government departments would not take any policy decisions without consulting the member associated with the department. General policy matters which were not directly related to any particular department were made the subject of consultation with the Chief Member.

37. The Executive Council met under the chairmanship of the Governor and consisted of equal numbers of official and elected members. Although the Governor was entitled to disregard advice tendered to him by the Council, in

practice he acted on the advice of the elected representatives. A further step in constitutional development had been taken recently with the formation of a Council of Members. That body consisted of the elected members in the Executive Council under the chairmanship of the Chief Member and it considered in detail matters relating mainly to domestic affairs which were put before the Executive Council. Its conclusions were subject to the endorsement of the Executive Council but so far there had been no case of their being rejected.

38. From the foregoing it should be clear that although Gibraltar was still formally a Crown Colony, nothing could be further from the generally accepted interpretation of colonialism than the situation in Gibraltar. The people of Gibraltar wanted to go on living in Gibraltar, without outside interference, in friendship with all peoples and in co-operation with their immediate neighbours. He was confident that the Committee would support his view that the imposition by Spain of restrictions against Gibraltar, designed to undermine its prosperity, were as directly contrary to the spirit of the United Nations Charter as would be an act of open aggression.

39. He would submit that the primary concern of the Committee was to ascertain whether colonialism was in fact being practised in Gibraltar and, if not, to agree that the people of Gibraltar were entitled to decide how they wished to shape their own future. Even if Gibraltar were to be dealt with as a colonial area within the terms of reference of the Committee, the main concern of the Committee should be the right to self-determination of the people, in accordance with paragraph 5 of General Assembly resolution 1514 (XV).

40. What were the wishes of the people of Gibraltar? Principle VI of the annex to resolution 1541 (XV) defined three ways in which a "full measure of self-government" could be achieved: (a) emergence as a sovereign independent State; (b) free association with an independent State; or (c) integration with an independent State. Gibraltar was not and could never be a fully independent, self-supporting nation, relying on its own resources for its economy, defence and conduct of its relations with other States. Hence it could never emerge as a sovereign independent State. There were practical reasons which made the third possibility of full self-government, namely integration with an independent State, extremely difficult to implement. Conditions of life in Gibraltar differed in

many ways from those in the United Kingdom. Geographical reasons, too, would make such integration very difficult. There were also political reasons. For example, if Gibraltar chose to be integrated with the United Kingdom, it would be represented in the British Parliament by one member in a body of over 600. Gibraltar would lose its individuality and be swallowed up. It could not, therefore, accept the possibility of integration with another independent State.

41. The remaining possibility envisaged by the United Nations - free association with an independent State - was the one to which the people of Gibraltar aspired, and it was for them alone to decide with which independent State they wished to be freely associated. Gibraltar wished to be associated with the United Kingdom. He wished to make it quite clear that Gibraltar wanted to be with the United Kingdom, not under it. He stressed that the people of Gibraltar had had nothing to do with the conflicts of the past and should not be made to give up what they held most dear in order to reverse an accident of history. They wished to be true friends of their neighbours, as they had been for well over two centuries, and to live in peace and amity with them. Spain was a big country with a wonderful history of achievements and a sense of honour and dignity which was universally admired. Its grandeur would not suffer in any way if the people of Gibraltar continued in their own way of life, which they cherished and fervently desired to preserve.

42. The Committee would enhance its prestige as an upholder of the rights of colonial peoples by reaffirming the principle of self-determination, thus allowing the people of Gibraltar to continue the way of life which they had freely chosen for themselves.

43. Mr. ISOLA said that although he did not agree with Mr. Hassan on all matters relating to Gibraltar's internal government, there was no conflict of any kind regarding the issues that had brought them before the Committee. On behalf of all those in Gibraltar who were not of Mr. Hassan's political persuasion, he fully endorsed all that Mr. Hassan had said.

44. Gibraltar, though small, had grown as a separate entity. Its people had sometimes feared that their future was something that might be discussed, without their consent, knowledge or participation, bilaterally between the United Kingdom and Spain, but the United Kingdom Government had repeatedly assured them that there could be no question of discussing the future of Gibraltar with anyone other than the people of Gibraltar. They had always believed that in any event their position would be safeguarded by the Charter of the United Nations and that they could rely

upon the United Nations and to the principles of the Charter, as also paragraph 5 of resolution 1514 (XV), to protect their right of self-determination. The people of Gibraltar had never thought that it might be suggested in the Committee that the future of Gibraltar should be discussed by two great Powers, without reference to the fundamental rights of the people of Gibraltar. Gibraltar was indeed a small Territory, but it was for the protection of such small peoples that the Charter of the United Nations had been conceived.

45. The representative of Spain had argued that Spain was an interested party in Gibraltar on the basis of sovereignty and on economic grounds, and that Gibraltar, a nation of smugglers, constituted a cancer in the Spanish economy.

46. He did not deny the fact that Gibraltar was a British possession, not only by virtue of the Treaty of Utrecht but also as a result of subsequent treaties, but, whatever the juridical position might be, Gibraltar belonged to the people of Gibraltar and to them alone.

47. The allegations that his country was a nation of smugglers were very much resented. Gibraltar was a country of high moral integrity, and though some smuggling undoubtedly went on round about Gibraltar, as on any frontier in the world, it was wrong to say that smuggling was one of the pillars of Gibraltar's economy. The economy of Gibraltar was based primarily on its position as a Mediterranean port and on the British presence there. The charge that Gibraltar represented a cancer in the Spanish economy was equally unfounded. The people of Gibraltar made a very real contribution to that economy: they travelled to Spain a great deal and the money they spent there amounted to some £2 million a year. In addition, Gibraltar provided employment for about 10,000 Spanish workers, whose earnings amounted to some £2.5 million a year. Furthermore, Gibraltar's airports offered the means of attracting a large tourist traffic to the south of Spain.

48. However that might be, he could not believe that economic principles alone could form the basis for deciding the political position of any Territory.

Accordingly, he asked the Committee to be guided in its consideration of the question of Gibraltar by the principles of the Charter, and in particular the principle of self-determination. It was the people of Gibraltar, and they alone, who must decide their own future.

General statements

49. The representative of the United Kingdom recalled that Gibraltar, although it had been possessed successively by the Carthaginians, the Romans and the Visigoths,

had remained uninhabited until the Mohammedan invasion of Spain. After being held alternately by Moors and Spaniards, it had been occupied by British forces in 1704 and British possession had been confirmed by the Treaty of Utrecht in 1713 and the Treaty of Versailles in 1783.

50. Owing to its small area and its geographical position, Gibraltar depended economically on a number of external factors, the principal one being the commercial needs of neighbouring countries. Efforts were being made, however, to develop industries, to enlarge the port and to develop Gibraltar as a tourist centre. Since 1946 some £1,400,000 had been spent in the Territory under the Colonial Development and Welfare Scheme. Substantial progress had also been made in the social field. Medical services were available to all at a scale of charges which took into account the patient's income, while financial assistance was given to those requiring specialist treatment abroad. Free education was provided for children up to the age of fifteen, and scholarship schemes were in force. The Government had initiated large-scale building projects and social security schemes had been inaugurated in the past ten years.

51. The present Constitution provided Gibraltar with an Executive Council and a Legislative Council. The Legislative Council, which normally met under the chairmanship of a Speaker, had twelve members, of whom seven were elected, two were nominated and three were civil servants who were members by virtue of the offices they held. In the 1959 elections, which had been held on the basis of universal adult suffrage, there had been thirteen candidates for the seven seats to be filled. Some 8,800 votes were polled out of a total electorate of 13,300. The Association for the Advancement of Civil Rights won three seats, the Transport and General Workers Union won one seat and three seats were won by independants. As a result of the constitutional changes introduced in 1959, members of the Legislative Council undertook the supervision of various departments of the administration, and the leader of the largest group in the Legislative Council had been designated Chief Member. Other elected members were concerned with labour and social security, medical services, ports and tourism, education and the postal department. The principal executive organ of the Territory was the Executive Council, which consisted of three elected members of the Legislative Council, one nominated member and four ex officio members, and was under the chairmanship of the Governor.

52. The people of Gibraltar, who already enjoyed a large measure of internal self-government, had emphasized that they wished to retain a close association with the United Kingdom. The United Kingdom Government, for its part, was always ready

to consider any proposal for a change in the existing situation put forward by the people or their elected representatives.

53. The representative of Spain thanked the Committee for having allowed his country to take part in the debate. He stated that Spain was particularly interested in the question of Gibraltar because it had always considered that territory a part of its national soil which had been taken from it at a time of weakness and to which it had never relinquished its claim. The reason for including the question in the Committee's agenda, however, had been not the Spanish claims but the fact that Gibraltar was a colonial territory which the United Kingdom had made first a Crown Colony and then a Non-Self-Governing Territory and in which for centuries it had carried on a typically colonial policy.

54. The United Kingdom Government had acknowledged that Gibraltar was a United Kingdom Territory by regularly sending information about it to the Secretary-General of the United Nations; it was therefore logical to apply to that Territory the decisions taken by the General Assembly with a view to ending colonialism. Spain, however, since the beginning of its participation in the work of the United Nations, had always expressed reservations concerning Gibraltar each time the United Kingdom had submitted such information. His Government had thus wished to emphasize that Spain must be taken into consideration in any discussion of Gibraltar, since it had rights over the Territory which had been recognized by the United Kingdom Government itself and which could not be denied if the problem was to be solved in accordance with the Charter.

55. In treating of the question of Gibraltar before the Committee of Twenty-Four, Spain had no intention of confining itself to an examination of the legal claims which could be put forward with regard to the Territory. By expressing the previously mentioned reservations at each session of the General Assembly, his Government had wished to make it clear that the sovereignty exercised by the United Kingdom over Gibraltar was contrary to the principles of the Charter because it established, in an area that had been artificially separated from Spanish territory, a colonial régime that served as an important base for the maintenance of similar régimes in other Territories. The existing status of Gibraltar, which infringed legitimate Spanish interests, was a continuing source of friction that Spain had not failed to point out to the United Kingdom Government in the hope

that an amicable discussion of the matter would make it possible to find a solution which would be in accord with the spirit of the United Nations and satisfactory to all the parties directly concerned.

56. In a brief historical review of the Gibraltar question, he recalled that in 1704, during the War of the Spanish Succession, a combined English and Dutch fleet supporting the claims of the pretender to the Spanish throne had conquered Gibraltar and expelled its inhabitants. The admiral commanding the fleet had then taken possession of the city in the name of the Queen of England. At the end of the hostilities between Spain and Great Britain, the peace treaty signed at Utrecht in July 1713 had declared that Gibraltar had been conquered by Great Britain; it had established the legal status, never altered thereafter, of the British presence in the Territory. In thus taking possession of the Territory, Great Britain had sought primarily to establish a military base for the support of its strategic policy. The strategic objectives had been clearly apparent throughout the eighteenth century, when Gibraltar had been the key factor in the European military situation. In the nineteenth century, when Spain, whose strategic movements could be largely controlled by reason of the Gibraltar base, had ceased to be a great world Power, and had concluded an alliance with the United Kingdom against Napoleon, the United Kingdom Government had gradually and unilaterally converted the territory of the town into a colony. In 1830 Gibraltar had been declared a Crown Colony and only in 1921 had a town council been established there. Finally, in 1950, an Executive Council and a Legislative Council had been established for the town, and the United Kingdom had ratified its status as a Crown Colony.

57. In addition to giving Gibraltar the legal status of a colony, the United Kingdom had adopted various measures which had helped to create a colonial situation. Since 1826 it had regarded the harbour of Gibraltar as extending to the east of an imaginary line joining Punta Mala to Devil's Tongue, the landing-stage of the former harbour of the town, so that in spite of Spanish protests it had laid claim to the waters touching the eastern part of the isthmus where the Spanish village of La Línea de la Concepción was situated and had compelled foreign vessels to anchor at the Rock, where fees were collected by the United Kingdom authorities. Moreover, by reason of its colonial character, Gibraltar endangered the security of Spain, which suffered from the presence of a foreign military base on its soil.

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As early as the Second World War, one of the bombardments of Gibraltar had caused serious losses of life and property in Spain. The Spanish State had consequently been compelled to set up a military administration in the immediate vicinity of Gibraltar. Indeed, it was impossible to think of Gibraltar as an entity isolated from the adjacent territories, and the inhabitants of the neighbouring villages had understood that fact very well. They had given the place itself and the adjacent territory the generic name of "Campo de Gibraltar", and that name had been officially adopted by the Spanish administration since the nineteenth century.

58. The most striking example of that colonial policy was, however, of a demographic and economic nature. Gibraltar was a territory five square kilometres in area, with no resources on its soil and just enough urban area to accommodate a population of almost 25,000. Excluding United Kingdom nationals, there were at Gibraltar some 18,000 persons whose means of livelihood could come only from contraband trade carried on at the expense of the Spanish economy. That trade had attracted to the town a population that had no real ties to the fragment of Spanish territory and whose loyalty lay with genuine economic interests - which Spain was prepared to take into consideration - and with the Power that, by occupying Gibraltar, had allowed those interests to flourish. Thus, in the course of centuries, Spain had seen a colony of a foreign country arise on its soil. That transformation of a military base into a colony was particularly disturbing at a time when there were many such bases in the world. The existence of those bases was ordinarily the result of a pact between sovereign States, and their duration was closely linked to that of the co-operation between the countries that had established them by common consent. To allow a military base to become a colony was to betray the spirit of the Charter and open the way to a new type of colonialism. Moreover, from the geographic point of view, it was to be wondered how could one speak of geographic independence in the case of a Territory which had to regard the waters of the natural harbour of a foreign town as an integral part of its own harbour.

59. The Territory was, however, an integral part of the national territory of Spain for more than geographic reasons. Because of the demographic and economic factors, Gibraltar could not live without Spain; that was why it lived at the expense of Spain and constituted a sort of cancer in the Spanish economy. From the demographic point of view, the population of Gibraltar consisted of more than merely

the persons residing in the town itself. Some 700 inhabitants of Gibraltar actually lived in the neighbouring Spanish towns, and some 10,000 workers crossed the frontier each day to go to work at Gibraltar. Those workers belonged to a special trade union, whose headquarters and secretariat were situated at La Línea de la Concepción. The employers at Gibraltar and the authorities of the colony itself recognized the existence of that trade union, and negotiated with it in determining wages, working conditions and the like. In addition, Spain allowed the inhabitants of the town to spend their week-ends and holidays in Spanish territory. Since the strip of Spanish territory encircling Gibraltar was a military zone of strategic importance, Spain was not obliged under international law to allow aliens the use of tourist facilities there. It did so, however, for humanitarian reasons. There were thus many ties between the colony and Spanish territory. On the other hand, the barrier built in 1906 by the United Kingdom contained only one gate permitting access to the town, and that gate was flanked on the Spanish side by a police control post. Spain attached particular importance to the maintenance of that system, which had caused considerable concern to the United Kingdom authorities. They had frequently asked for an easing of communications and had even suggested that the police control post should be replaced by an ordinary frontier, thus recognizing explicitly that the town could not be separated from the "Campo". From the demographic point of view, the two regions were so close to each other that the inhabitants of the town, who were not generally of Spanish origin, spoke Spanish as their mother tongue, read the Spanish Press and listened to and watched Spanish radio and television programmes.

60. Gibraltar also formed part of Spanish territory from the economic point of view, since it was not viable without Spain and could be said, in fact, to live at Spain's expense. Having no agriculture or natural resources, Gibraltar was obliged to obtain its supplies of food and even of water from outside the town. Nevertheless, its 24,000 inhabitants had an annual per caput income well above that of the inhabitants of Spain. The fact was that Gibraltar lived on a trade based on two factors: the port and smuggling. The latter was by far the most important activity of Gibraltar, for everything there was organized so that smuggling could be carried on with impunity. Those who defrauded the Spanish customs were the tourists, the inhabitants of Gibraltar when they crossed into Spain and the 10,000 Spanish workers who went to work every day in Gibraltar. The only way to combat such smuggling

would be to register all those who came from Gibraltar and passed the police and control posts at La Línea de la Concepción or the customs post at Algeciras. Such registration was practically impossible, since if it was strictly enforced, the economic life of the town would be stifled and its inhabitants condemned to immobility in an area of a few square kilometres.

61. However, there was also sea contraband, which was still more important. Moored around the town was a multitude of fast boats which, taking devious routes, distributed along the Spanish coast and in the neighbouring Mediterranean countries the goods which are stocked on the Rock exclusively for purposes of smuggling. In view of the restrictions on the inspection of merchant vessels on the high seas, it was difficult for the Spanish patrol boats to intercept ships flying foreign flags.

62. The authorities of the Colony of Gibraltar did not co-operate with Spain to eliminate the smuggling. There was a free port in Gibraltar where goods of any origin were stocked and where the regulations in force were such as to transform the whole town of Gibraltar into another illegal free port in so far as Spanish territory was concerned. The boats engaged in smuggling were registered in Gibraltar, where, moreover, the colonial authorities drew up illegal manifests. The Gibraltar banks promoted the contraband traffic, enjoying as they did a freedom of action which they certainly did not have in the United Kingdom. The plans of the colonial authorities for developing the town of Gibraltar - for example, the proposal to establish a casino in order to attract tourists - were remedies worse than the evil itself, in that they would further integrate Gibraltar's economy with that of Spain.

63. In order to prevent the economic and demographic expansion of Gibraltar from aggravating the difficulties which that United Kingdom enclave was already causing to the Spanish economy, the Spanish Government had been obliged to adopt a variety of control measures. Thus, passage through the police and control posts at La Línea de la Concepción was strictly regulated, the entry of Spanish tourists into Gibraltar was forbidden, and the acquisition of land in the "Campo" by people living on the Rock had to be approved by the Governor of the "Campo". Those measures had provoked a very violent reaction in Gibraltar, where pressure was being put on the London Government to compel Spain, by force if necessary, to revoke them.

64. The situation was therefore one which could not be allowed to continue, and the status of Gibraltar must be modified in keeping with the spirit of the times

and the provisions of the United Nations Charter. For some time, the Spanish Government had been proposing to the United Kingdom Government that talks should be opened with a view to reaching a solution acceptable to all concerned. In that connexion, he wished to stress that the problem of Gibraltar could not be examined independently of that of the "Campo", and that a solution based solely on the aspirations of the 17,000 inhabitants of Gibraltar itself would be unacceptable to Spain. Secondly, the principle laid down in paragraph 6 of General Assembly resolution 1514 (XV) must be respected, namely, 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". As long ago as January 1956, in a statement to the correspondent of the Daily Mail, the Head of the Spanish State had said that it would be possible to find a formula reconciling the United Kingdom's military requirements with the restoration to the Spanish nation of sovereignty over Gibraltar. Again, in 1959, he had declared that the return of Gibraltar to the Spanish homeland would not injure the legitimate interests of Gibraltar's inhabitants, who would be offered a better future by Spain. He himself hoped that when the Committee of Twenty-Four adopted a resolution on the question of Gibraltar, it would take into account that promise on Spain's part, which Spain alone could fulfil.

65. Spain's offers had met with no response from the United Kingdom Government. On 17 April 1959, when Mr. Arthur Creech-Jones, the former Secretary of State for the Colonies in the Labour Government had mentioned the possibility of United Nations intervention, Mr. Amery, then Under-Secretary for the Colonies, had replied that there could be no question of any modification of Gibraltar's status.

66. In short, Spain's position was as follows: (1) Gibraltar had been ceded to the United Kingdom under the Treaty of Utrecht, which had laid down the conditions and limits of that cession; there had never been any question of Gibraltar's conversion into a colony. (2) Spain had always respected the Treaty of Utrecht, but the United Kingdom, as the result of a series of unilateral interpretations, often imposed by force, had transformed the portion of Spanish territory in question into a colony - after expelling the inhabitants and replacing them by a population composed of a wide variety of elements - and had created an artificial economic prosperity there. (3) The Territory of Gibraltar was an integral part of Spanish soil, not only geographically but also economically and demographically; any

political development affecting Gibraltar which did not take into account its close links with the "Campo" would only aggravate the problem. (4) The military base of Gibraltar, having been transformed into a commercial emporium and a United Kingdom colony, unquestionably came within the scope of the general decolonization process. (5) Spain was ready to discuss with the United Kingdom the implementation of General Assembly resolution 1514 (XV), and particularly the provisions of paragraph 6, having due regard for the true interests of the inhabitants of the military base and of the "Campo". (6) If the Treaty of Utrecht was strictly applied, the cession by the United Kingdom of the "Campo", which it had acquired under that Treaty, would automatically give Spain the right to recover possession of Gibraltar. (7) The Spanish people placed their confidence in the United Nations and hoped for its assistance in eradicating colonialism from the soil of Spain just as it had been eradicated from other continents.

67. The representative of the United Kingdom, speaking in the exercise of his right of reply, said that the question of sovereignty over Gibraltar was not within the Committee's competence. He had the authority of his Government to state that it had no doubt as to its sovereignty over the Territory of Gibraltar, and he wished formally to reserve his Government's rights on that question.

68. The representative of Uruguay recalled that the United Kingdom representative had questioned the Committee's competence to consider the question of Gibraltar. His delegation wished to take up that remark not only for reasons of principle but also because Gibraltar was not the only colonial territory which had been the subject of territorial claims; other similar cases had arisen on the American continent. Sooner or later the question of competence would be raised again and an attempt should be made to settle it once and for all.

69. His delegation did not share the opinion expressed by the United Kingdom representative. According to its mandate, as laid down in resolution 1654 (XVI) and 1810 (XVII), the Committee's task was to seek the most suitable ways and means for the speedy and total application of the Declaration. The Declaration made no provision for any exception or limitation. Its operative part consisted of seven paragraphs, all of which must be applied. So far, the Committee had concerned itself mainly with the questions raised in the first five paragraphs, i.e. those concerning the rapid transfer of powers to peoples of dependent territories with a view to their complete independence. At the previous meeting the Spanish

representative had quoted paragraph 6, which, while closely linked with the preceding paragraphs, raised a different question or at least a question which should be considered on the basis of different principles.

70. Recalling the discussions which had taken place at the fifteenth session of the General Assembly on the question of national unity and the territorial integrity of States, in particular the statements made by the representatives of Guatemala and Indonesia at the 947th plenary meeting, he said that he was surprised that the Committee's competence had been questioned with regard to Gibraltar. Paragraph 6 of the Declaration constituted a guarantee for the small and weak countries which throughout history had been deprived of their legitimate rights. The principle underlying that provision had been frequently reaffirmed by the American countries.

71. In that connexion, the Tenth Inter-American Conference of 1954 had approved without opposition a resolution which stated inter alia that extra-continental countries with colonies in America must conform to the United Nations Charter and allow the peoples of those Territories to exercise their right of self-determination. That resolution did not, however, mention Territories which were the subject of disputes or claims between extra-continental countries and certain American Republics.

72. He had wanted to express the point of view of his delegation because he did not wish his silence to be interpreted as a tacit approval of statements to the effect that the Committee should renounce powers which had been entrusted to it by the General Assembly. He did not, however, think that the Committee was competent to draw up the terms of an agreement on the question. In his opinion, the Committee's contribution would be much more modest.

73. The representative of Spain had stated that his Government was considering opening negotiations with a view to solving the problem of Gibraltar to the satisfaction of the parties concerned. If, therefore, the interests of the population were properly taken into account, a solution should not be far off. Certain similar cases which the General Assembly had taken up had been settled to the satisfaction of all. In any case, the Uruguayan delegation would be ready to support any effort in that direction if such support could facilitate an agreement between two countries with which Uruguay enjoyed very friendly relations: Spain, which had given Uruguay its national character, and the United Kingdom had played an important role in the achievement of Uruguay's independence.

74. The representative of Iraq stated that Great Britain had occupied Gibraltar by force in 1704 as part of a network of similar bases throughout the world for the protection of its trade routes, its empire and other political interests. Since the Committee's task was to find the best means for implementing General Assembly resolution 1514 (XV), it should consider all the relevant aspects of every territory coming within its purview in order to recommend to the General Assembly what it considered to be the best means for the emergence of dependent territories to independence, in the light above all of the true interests and wishes of the peoples of the Territories not only for the present but for their future development and happiness.

75. The representative of Spain had ably presented his Government's case with respect to Gibraltar, which included many problems arising from the colonial status of the Territory. He had put forward his Government's claim to Gibraltar as a part of Spain and explained the historical, geographical and demographic grounds for that claim. The delegation of Iraq was of the opinion that in view of all those considerations the United Kingdom Government should enter into negotiations with the Spanish Government regarding steps to be taken concerning the future of Gibraltar. Her delegation would therefore support any draft resolution or proposal that included the considerations she had just advanced and that would promote a solution based on agreement between the two Governments concerned.

76. The representative of Tunisia recalled that in his statement the United Kingdom representative had challenged the Committee's competence to deal with the question of sovereignty over Gibraltar. In his delegation's view, however, the Committee's terms of reference as laid down in General Assembly resolutions 1654 (XVI) and 1810 (XVII) left no room for doubt that it was its duty to ensure the implementation of the Declaration on the granting of independence to colonial countries and peoples. He wondered whether the United Kingdom Government, having declared that Gibraltar was a Crown Colony and having regularly transmitted information on it in accordance with Article 73 e of the Charter, was now going to contest the colonial character of the Territory.

77. He welcomed the Committee's decision to allow the representative of Spain to take part in the Committee's debate on Gibraltar. He paid a tribute to the spirit of co-operation shown by the Spanish representative, who would be able to make a valuable contribution to its work and whose presence would ensure that the Committee's conclusions would be in accordance with the real situation in the Territory.

78. The United Kingdom's sovereignty over Gibraltar was exercised in virtue of a treaty imposed on Spain, which had never recognized British sovereignty and had consistently asserted its rights in the light of the principle of territorial integrity. Gibraltar was a typical example of colonial policy; the indigenous population had been expelled and replaced by colonialist adventurers inspired by the desire for gain. Nevertheless, two and a half centuries later any visitor to Gibraltar was struck by its profoundly Spanish character, which was only accentuated by the artificial nature of the foreign domination. Moreover, Gibraltar, being without resources of its own, lived at the expense of the Spanish economy; thus it presented a constant danger for Spain's economic policy and an obstacle to its development.

79. The refusal by the Administering Power to recognize that Gibraltar was part of Spain created continual tension and friction, comparable to that created by the Spanish domination over the Moroccan territories of Melilla, Ceuta, Ifni and Spanish Sahara. Spain had, however, wisely decided to abandon its integrationist policy and to negotiate with the Moroccan Government with a view to the restoration of Morocco's sovereignty over those territories. The United Kingdom Government would do well to follow the same course in connexion with Gibraltar, to recognize the need for justice and equity and thus spare the world further friction and tension. He hoped that the Spanish Government's offer to negotiate would be taken up by the United Kingdom Government.

80. His delegation would associate itself with any step designed to re-establish Spain's territorial integrity and would support any recommendation or resolution inviting the United Kingdom and Spanish Governments to enter without delay into negotiations for the purpose of settling the question of Gibraltar in accordance with General Assembly resolution 1514 (XV), while taking into consideration the interests of the present population of the Territory.

81. The representative of Venezuela said that in the eyes of his delegation Gibraltar represented a symbol. It was inconceivable that at a time when colonialism was disappearing from the world, the symbol of that phenomenon should persist in Europe.

82. After referring to the war of the Spanish Succession and to the Treaty of Utrecht, by which Gibraltar had come under United Kingdom domination, he said that today Gibraltar was a centre of smuggling, illicit currency operations and every kind of illegal activity. For example, the Spanish representative had informed the Committee that as a means of attracting tourists the colonial authorities were contemplating the establishment of a gambling casino.

83. There was no doubt that the colonial case of Gibraltar came within the Committee's terms of reference. The Government of the Administering Power had unilaterally given the territory the status of a Crown Colony and had transmitted information in accordance with Article 73 e of the Charter. Hence the Committee's competence in the matter was not open to discussion. In his delegation's view the Committee's duty was, to use the words of operative paragraph 8 (a) of General Assembly resolution 1810 (XVII), "to seek the most suitable ways and means for the speedy and total application of the Declaration" to Gibraltar. Furthermore, as his delegation had frequently stressed, the Committee should seek not only the most suitable but also the most effective ways and means in each particular case. The situation in Gibraltar was covered by operative paragraph 6 of General Assembly resolution 1514 (XV), which read: "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". A refusal to implement that paragraph would be tantamount to the acceptance of the right of the strongest in international relations. Venezuela could hardly accept the Roman principle of Vae Victis when, at the very time that Venezuelans were struggling for their own independence, the Marshal of Ayacucho, Antonio José de Sucre, who was the commander of the joint forces that put an end to colonial power in Latin America, on two occasions established the principles of what today is doctrine in inter-American law, namely, that victory gives no rights and justice is the same before and after victory. The applicability of paragraph 6 of the Declaration in the present case had been clearly demonstrated during the debate which had preceded the adoption of General Assembly resolution 1514 (XV). As the representative of

Uruguay had rightly pointed out, paragraph 6 constituted a guarantee for the small and weak countries which throughout history had been deprived of their legitimate rights.

84. His delegation considered that according to the terms of General Assembly resolutions 1514 (XV), 1654 (XVI) and 1810 (XVII) the Committee should recommend to the two Governments concerned that they should enter into negotiations with a view to finding a solution which would be in conformity with justice and the principles of the Charter. The Government of Venezuela maintained cordial relations of friendship with the United Kingdom Government and was bound to Spain by ties of blood, culture, language and religion. He therefore sincerely hoped that those two countries would be able to reach agreement so as to put an end to a situation which, if prolonged, might impair their good relations.

85. The representative of Syria stressed the complexity of the question of Gibraltar and said that he associated himself with those representatives who differed with the United Kingdom view concerning the Committee's competence with regard to the question of sovereignty over Gibraltar. He whole-heartedly endorsed the statement the representative of Uruguay had made on that subject.

86. Gibraltar was a typical colonial Territory. Great Britain had acquired it by force of arms in 1704 and Spain had been forced to recognize Great Britain's possession of Gibraltar in the Treaty of Utrecht, signed in 1713. Moreover, there was reason to wonder whether the United Kingdom had not violated the terms of that Treaty since then. As the representative of Spain had pointed out, the Territory had passed from the status of land acquired by conquest to that of a colony within the meaning of resolution 1514 (XV) and Article 73 e of the Charter; the matter was therefore within the competence of the Committee.

87. The Committee's task was, however, a difficult one in view of the special situation of Gibraltar and its economic, geographical and demographic relations with Spain. It was true, as the representative of Spain had observed, that those relations were prejudicial to the Spanish economy and constituted a constant source of trouble and administrative complications.

88. Under its terms of reference the Committee had to take into account the wishes of the people, but it must also recognize the realities of the situation and not ignore the conflicting claims regarding the Territory. It would need to work with realism, tact and diplomacy. Syria, for its part, had no hard and fast solution to offer. It hoped that a draft resolution that would satisfy, first and foremost the people of Gibraltar, and then Spain and the United Kingdom, would be drawn up.

89. The representative of Denmark said that he too had some doubt about the competence of the Committee in the matter. His delegation found it difficult to agree with the thesis that Gibraltar represented a typical colonial phenomenon. Most speakers had drawn attention to the geographical, demographic and linguistic aspects of the Territory and had referred to paragraph 6 of resolution 1514 (XV). All those factors were undoubtedly important, but it seemed to his delegation that the relevant paragraph was not operative paragraph 6 of the resolution but operative paragraph 5, to which little reference had thus far been made. Whatever decision the Committee might take, he felt that the right to self-determination should be emphasized.

90. The representative of Cambodia said that in his view the question of Gibraltar had two main aspects. First, Gibraltar was a Non-Self-Governing Territory, and as such came within the Special Committee's purview. Secondly, Spain claimed sovereignty over the Territory. As to the first aspect, the Special Committee, which was responsible for seeking means for the application of resolution 1514 (XV), felt certain that Gibraltar was entitled to self-determination and independence. Regarding the question of sovereignty, the Committee was perhaps not qualified to resolve the issue, but that did not mean that it could not discuss it. On the contrary, the Committee ought to consider the question, since it was its task to propose suitable measures for the implementation of the Declaration. For as Gibraltar was at present non-self-governing, the issue of sovereignty had to be settled first if the exercise of the right to self-determination and independence was to be rendered possible. Thus the question of sovereignty was connected with the question of granting independence to Gibraltar, which came within the direct terms of reference of the Special Committee. His delegation, convinced as it was that the question of competence should be settled by negotiation between the United Kingdom and Spain, hoped that those Powers would enter into talks, and it was prepared to support any recommendation to that effect.

91. The representative of Australia said that his delegation agreed with the arguments put forward by Mr. Hassan, Chief Member of the Legislative Council in Gibraltar, to show that Gibraltar was not a colony in what might be called the "colonialist" sense. His delegation had pointed out in the past that in approaching the problems of colonialism it was essential to recognize that there were different sorts of colonies, and the statements of the two spokesmen for the people of Gibraltar had made it clear that there was no question in that case of subjugation

or exploitation by a foreign Power, that economic, social and educational conditions were very satisfactory, that political institutions were stable, progressive and representative, and that close consultations took place between the people and the Administering Power.

92. Mr. Hassan had agreed that the actual legal status of Gibraltar made it a proper subject for scrutiny by the Special Committee. Fundamental to the question of the legal status of Gibraltar was the question of sovereignty. His delegation believed that sovereignty over Gibraltar lay in present fact and practice with the British Crown, and the arguments to the contrary which had been adduced by certain representatives seemed to be based not on what actually was the case but on what those representatives believed ought to be the case - and that was a largely historical question which the Committee was hardly competent to decide.

93. Whether or not the question of sovereignty was within the competence of the Committee, if the Committee concentrated on Spanish claims of sovereignty it would be allowing its attention to be diverted from its tasks under General Assembly resolution 1514 (XV), which spoke of the right of peoples freely to determine their political status and freely to pursue their economic, social and cultural development. In that respect, it had been useful to the Committee to hear the views expressed by Mr. Hassan and Mr. Isola on behalf of the people of Gibraltar. In other respects, too, their presence had given cause for reflection. Firstly, their references to the United Nations Charter had been a moving reminder of the fact that, in colonies throughout the world, millions of people continued to look to the Charter as their blueprint for the future. Secondly, the spokesmen for the people of Gibraltar had drawn attention to the fact that the problems of independence for small groups of people could be very different from the problems where larger groups were concerned. Thirdly, they had reminded his delegation that the voice of the Special Committee was heard throughout the world, especially in colonial areas, and that it was vital that colonial peoples should continue to have faith in the United Nations and in the Special Committee in particular.

94. The representative of Spain drew attention to certain points with regard to the statements of the petitioners. Firstly, the petitioners' statements had served to confirm that, despite what the representative of the United Kingdom had said, the problem of Gibraltar was a typical colonial one and was therefore within

the competence of the Committee. Secondly, their statements had made it clear that the United Kingdom claims to Gibraltar, though they might be supported by the Treaty of Utrecht, were based ultimately on the "right of conquest". In any case, it was clear that for the inhabitants of Gibraltar the Treaty of Utrecht was practically a dead letter. Thirdly, the petitioners clearly wished the colonial situation in Gibraltar to be perpetuated in one form or another. At a time when the process of decolonization was continuing in other continents, the inhabitants of Gibraltar were allowing themselves to be active instruments in the perpetuation of colonialism. In their statements they had more or less insinuated that Spain wished to expel them from Gibraltar. That was quite untrue, and he would recall Spain's promise to guarantee the legitimate interests of the population on the return of Gibraltar to the homeland and to offer them a better future.

95. He wished to reiterate his country's desire to co-operate with the Committee and with the United Kingdom Government in solving the problem of Gibraltar.

96. To conclude, he would like to draw attention to the relevance of the exhortation made by the President of the General Assembly at the 1206th plenary meeting, in support of the impartial application of the principles of the Charter.

Postponement of further consideration by the Special Committee

97. At the 215th meeting on 20 September 1963 the Special Committee decided to postpone further consideration of Gibraltar until the next session, subject to any decisions taken in that connexion by the General Assembly at its eighteenth session.

CHAPTER XIII

FERNANDO POO, IFNI, RIO MUNI AND SPANISH SAHARA

A. INFORMATION ON THE TERRITORIES

I. THE TERRITORIES IN GENERAL

Status

1. Fernando Póo, Ifni, Río Muni and Spanish Sahara are administered by Spain and are designated African Provinces of Spain. In 1959 legislation was enacted to bring the administration of these Territories into line with that of the peninsular provinces of Spain.
2. Information on these Territories is transmitted to the Secretary-General of the United Nations by the Government of Spain in accordance with Article 73 e of the Charter.

Government

Central Government

3. According to the Administering Power, there is no difference between the Territories in Africa and the peninsular provinces of Spain; the legislation is the same and the inhabitants of both enjoy the same privileges. The various central organs of the Spanish Government exercise the same authority in these Territories as in the peninsular provinces.
4. Information transmitted by Spain under Article 73 e of the Charter states that as African provinces, Fernando Póo and Río Muni (since 1960) are represented in the Cortes (Spanish Parliament) on the same basis as other provinces. Fernando Póo and Río Muni are each represented by three deputies, and in addition the mayors of Santa Isabel and Bata are deputies by virtue of their office. Although it is stated that Ifni and Spanish Sahara have the same rights as other Spanish provinces, information is not available on the actual number of deputies in the Cortes from these two Territories.

Territorial Government

5. In each of these Territories the Governor-General represents the Government of the Nation. He is appointed by decree approved by the Council of Ministers.
6. The Governor-General is responsible for the promulgation, execution and enforcement of the laws, decrees, regulations and any provisions published in the

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Official Gazette. He may issue instructions supplementing or amplifying the provisions of the Government. It is the duty of the Governor-General to promote and to take any type of initiative for development in all fields, and particularly with respect to production, public works, education, public health, agriculture, forest conservation and re-afforestation, housing, labour and social security.

7. Fernando Póo and Río Muni are jointly administered by one Governor-General with a civil Governor for each Territory. Ifni and Spanish Sahara are each under a Governor-General.

8. Each Governor-General is assisted by a Secretario General (Secretary-General) who is the head of all the government services, with the exception of the judicial and military services. The Secretary-General is also appointed by the Council of Ministers. He is the second highest authority in the Territory.

Local Government

9. The local administrative organs are the Diputacion provincial (Provincial Council), the Ayuntamientos (Municipal Councils) and the Juntas Vecinales (Village Councils). In Spanish Sahara, in addition to Village Councils there are Nomadic Sections. The inhabitants of the Territories participate in government activities through their representatives in these Councils. These Councils are autonomous in those matters which the law places within their exclusive competence. In other matters, they act under the direction of the Governor-General, to whom authority is delegated by the Central Government.

10. The Provincial Councils are composed of a President and the deputies. The deputies in Fernando Póo and Río Muni (eight and ten respectively) are divided into two groups: (1) representatives of the Municipal Councils and (2) representatives of economic, cultural and professional organizations. In Spanish Sahara, there are fourteen deputies, two representing the Municipal and Village Councils, six representing the Nomadic Sections and six representing industrial, commercial, cultural and professional organizations. Information concerning the Provincial Council in Ifni is not available.

11. The deputies are elected for four-year terms, half of them being replaced every two years.

12. The matters with which the Provincial Councils are concerned include welfare and education, public health, town planning, public works and agriculture.

13. Municipal Councils are composed of the Mayor who presides and a number of Councillors (between four and twelve) in proportion to the population of the municipal districts. Half of the members of Municipal Councils are elected by heads of families and the other half by the economic, professional and cultural organizations.

14. Village Councils are presided over by a Chairman and are composed of four members elected by the heads of families of the village. In the Spanish Sahara, the Nomadic Sections are governed by a Council or Yemáa, the Chairman of which is the traditional leader of the Nomadic Section. The number of Council members is proportionate to the number of heads of families within the Section.

Electoral system

15. All inhabitants who are permanent residents are classified as heads of family, vecinos or domiciled persons. Heads of family are persons over twenty-one years of age, who have others dependent upon them by reason of relationship, guardianship, adoption, etc. Vecinos are those residents who are over twenty-one but are not heads of family. Domiciled persons are those who being under twenty-one are considered minors by civil law.

16. Heads of family are qualified to exercise electoral rights. For electoral purposes, vecinos who do not live with their families are considered heads of family.

17. The qualification required to be elected as a member of any type of local government body is to be a head of a family and over twenty-three years of age.

Judicial system

18. The Spanish system of law applies in the Territories except where Koranic law and customary law are in force. Justice is administered by judicial organs which are independent of the executive.

II. FERNANDO POO AND RIO MUNI^{1/}

General

(a) Fernando Póo

19. Fernando Póo comprises the island of that name and the island of Annobon. The island of Fernando Póo has an area of 2,071 square kilometres; it is situated in the Bight of Biafra in the centre of the Gulf of Guinea. Annobon has an area of 17 square kilometres. The capital of Fernando Póo is Santa Isabel.

20. The distribution of population according to the 1950 census was as follows:

	<u>"White"</u>	<u>Spaniards</u> <u>"Coloured"</u>	<u>Total</u>	<u>Foreigners</u>	<u>Total Population</u>
Fernando Póo	2,161	14,735	16,896	23,579	40,475
Annobon	6	1,397	1,403		1,403

21. In 1950 more than half of the population was from neighbouring countries, a large proportion of whom were contract workers from Nigeria. According to the 1960 census, the population of the Territory of Fernando Póo was 62,613, including 1,415 on Annobon. Figures of the population distribution for 1960 are not available.

(b) Río Muni

22. Río Muni covers an area of 26,000 square kilometres, comprising a section along the west coast of Africa and the islands of Corisco and Elobey Grande and Elobey Chico. The island of Corisco covers an area of 15 square kilometres; Elobey Grande is 2.27 square kilometres; and Elobey Chico is 0.19 square kilometres. The Territory is 15 to 25 kilometres wide from River Muni to River Campo, with a coastline approximately 150 kilometres long. The capital of Río Muni is Bata.

23. The distribution of the population in 1950 was as follows:

	<u>"White"</u>	<u>Spaniards</u> <u>"Coloured"</u>	<u>Total</u>	<u>Foreigners</u>	<u>Total Population</u>
Mainland Area	1,428	142,316	143,744	12,432	156,176
Island of Corisco		513	513		513
Island of Elobey		96	96		96

^{1/} These two Territories are jointly administered by one Governor-General.

24. In the 1960 census the total population of the Territory was 183,377 and its density was seven persons per square kilometre. No information is available on the distribution of population at this time.

Political parties

25. In 1962 the Fourth Committee heard petitioners^{2/} on behalf of the following organizations:

Mouvement pour l'indépendance de la Guinée équatoriale; Partido Politico
Idea Popular de la Guinea Ecuatorial; Mouvement national de libération de
la Guinée équatoriale.

26. In May 1963 the Special Committee distributed a petition from the Chairman of the Central Committee of the Union Popular de Liberación de la Guinea Ecuatorial.^{3/}

Economy

27. The main economic activities in the two Territories are the production of coffee, cocoa and timber and these are the main exports. Some palm oil, bananas and yucca are also exported. Most of the cocoa is produced in Fernando Póo on plantations and by some co-operatives. Most of the coffee is grown by indigenous farmers in Río Muni. There are no known mineral resources in Fernando Póo. In Río Muni a concession for gold bearing sand is worked. Timber is produced chiefly in Río Muni.

28. No separate figures are available for the revenue and expenditure for Río Muni and Fernando Póo, which for the purposes of public finance are treated as the Equatorial Region. Since 1950 revenue has risen from 53 million pesetas to 198 million in 1959 and 310 million in 1960. Expenditures have also risen but there have been annual surpluses over this period, averaging about 14 per cent of the budget.

^{2/} A/C.4/SR.1412, 1413, 1420.

^{3/} A/C.109/PET.131.

III. IFNI

General

29. Ifni is an enclave on the Atlantic Coast of Africa, opposite to Canary Islands, surrounded on the north, east and south by Morocco. It is approximately thirty-five miles long and fifteen miles wide. The capital of Ifni is Sidi Ifni.

30. Population figures for Ifni are given below:

	<u>1959</u>	<u>1960</u>
"Nativos"	48,236	
"Blancos"	<u>4,759</u>	
Total population:	52,995	49,889

Political parties

31. No information is available concerning political parties.

Economy

32. The principal economic activities in Ifni are agriculture, the raising of livestock and commerce. It has a few small industries and has no known mineral resources.

33. In 1960 revenue amounted to 50.7 million pesetas, of which 13.8 million was territorial revenue and 37 million from subventions. Expenditure was 47 million pesetas.

IV. SPANISH SAHARA

General

34. Spanish Sahara covers an area of 280,000 square kilometres. It is bounded on the north by Morocco, on the east and south by Mauritania (except for a few kilometres in the east where it is bounded by Algeria), and on the west by the Atlantic. The capital of Spanish Sahara is El Asuin.

35. Spanish Sahara is sparsely populated, with approximately one inhabitant per ten square kilometres. Most of the inhabitants are nomads and the size of the population varies from year to year. The 1960 census gave the de facto population as 23,793. Comparative figures for previous years are given below:

<u>Population</u>	<u>1958</u>	<u>1959</u>	<u>1960</u>
"Blancos"	1,710	5,683	5,304
"Nativos"	17,525	18,912	18,489
Total	19,235	24,595	23,793

Political parties

36. No information is available concerning political parties.

Economy

37. Most of the Territory is arid and only small areas are under cultivation (567 hectares in 1957, 573 hectares in 1958) and the only crop of importance is barley. The area under forest is estimated at 2,900 hectares. The most important resource of the Territory at present is its livestock. Property and wealth are measured in terms of livestock; a family of moderate means may have fifteen to twenty camels. Next in importance is fishing. Government and private enterprises and co-operatives are active in developing the fishing industry.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

38. The Special Committee considered Fernando Póo, Ifni, Río Muni and Spanish Sahara at its 206th and 213th to 215th meetings between 9 and 20 September 1963.

Participation by the representatives of Spain, Morocco and Mauritania in the work of the Special Committee

39. In a letter dated 4 September 1963^{4/} the Deputy Permanent Representative of Spain informed the Special Committee that his delegation would like to take part in the discussion of Fernando Póo, Ifni, Río Muni and Spanish Sahara. At its 206th meeting, the Special Committee decided, without objection, to invite the representative of Spain to attend its meetings during its consideration of these Territories.

40. In a letter dated 16 September 1963^{5/} the Permanent Representative of Morocco requested permission to address the Special Committee during its consideration of the agenda item relating to "Moroccan territories under Spanish administration". At its 213th meeting the Special Committee decided, without objection, to invite the representative of Morocco to attend its meetings during its consideration of the item concerned.

41. In a letter dated 18 September 1963^{6/} the Acting Chargé d'Affaires of Mauritania requested to be allowed to take part in the debates of the Special Committee when the item relating to the African territories under Spanish administration was considered. At its 213th meeting the Special Committee decided, without objection, to invite the representative of Mauritania to attend its meetings during its consideration of this item.

4/ A/AC.109/52.

5/ A/AC.109/55.

6/ A/AC.109/56.

Written Petition

42. The Special Committee distributed a petition^{7/} from Mr. B. Ondo Edou, Chairman, Central Committee of the "Union Popular de Liberacion de la Guinea Ecuatorial" concerning Fernando Póo and Río Muni.^{8/}

General statements

43. The representative of Spain, recalling that on 18 May 1961 his delegation had made a lengthy statement on the Territories in question in the Committee on Information from Non-Self-Governing Territories, said that Spain had repeatedly expressed its desire to assist the United Nations in bringing the process of decolonization to a successful conclusion. Spain, which had discovered and populated many countries, had never practised discrimination of any kind, and could not be accused of being colonialist in the pejorative sense of the word. Spain's contacts with other countries of a different cultural level - as in the case of America - constituted a major chapter in history. Thus, now that the process of decolonization was asserting itself, Spain pointed out that unlike a number of other Powers it had never engaged in economic exploitation, never sought to capture markets and, a fortiori, never destroyed any indigenous peoples. In April 1963, he had stated in the Committee on Information, of which he had been Vice-Chairman in 1962 and was Chairman for the current year, that the Non-Self-Governing Territories would soon attain self-determination and independence and that as a result that Committee would lose its purpose.^{9/} That statement, which applied also to the Special Committee, faithfully reflected Spain's position on the question of colonialism.

44. The Territories now under discussion were completely different from one another and had to be considered separately. Spanish Sahara, with a total area of 280,000 square kilometres, had only 24,000 inhabitants. It had no hills exceeding 500 metres in altitude. What few waterways existed became torrential during the rains. The climate was marked by violent winds and great heat throughout the year, and consequently the population was for the most part nomadic.

^{7/} A/AC.109/PET.131.

^{8/} A petition from Messrs. Jose Perea Epota, President, and Clement Ateba Nso, Secretary, Partido Politico Idea Popular de la Guinea Ecuatorial (A/AC.109/PET.173) was circulated after the Committee had concluded its consideration of Fernando Póo, Ifni, Río Muni and Spanish Sahara.

^{9/} A/AC.35/SR.260.

45. The Act of 19 April 1961 provided for a political structure adapted to the geographical, historical, social, economic and, above all, human characteristics of the country. It regulated the operation of the local institutions, which were all representative of the Sahara, with due regard to the mode of life peculiar to nomadic peoples. The Committee would find ample information on that subject in the summary of information transmitted by Spain under Article 73 e.^{10/}

46. Ifni, which was 1,500 square kilometres in area, was bounded on the north by the Wadi Busedra, on the south by the Wadi Nun, on the east by a line running twenty-five kilometres from the coast, and on the west by the Atlantic Ocean. The country was hilly and the rain scanty. In 1960, it had had a population of 47,000, including 5,000 Europeans. Spain's policy towards Ifni had been dictated by the special characteristics of the country's small population. Its political structure had been modified in 1958, when the Territory, which had been up to then under purely military administration, had been given institutions which, while similar to those of other metropolitan regions, were suited to the human and geographical characteristics of the country. Executive power was in the hands of the Governor-General, who was assisted by a Secretary-General; the judiciary was independent; and legislative power, which was at present being organized, would enable representatives from the Territory to be elected to the Cortes. That system ensured respect for the person of the indigenous inhabitants, equal rights without discrimination of any kind, and a rising level of living; it also reflected a desire to prepare the country's future. Spain had opened many schools in Ifni. For further information, he referred the members of the Committee to the summaries of the information periodically transmitted by Spain under Article 73 e of the Charter, and to the summary records of the Committee on Information from Non-Self-Governing Territories.

47. He recalled the important conversations which had recently taken place between the Ministers for Foreign Affairs and the Ministers of Information of Spain and Morocco, the visit of the Deputy Prime Minister of Spain and the conversation which had taken place at Barajas in June 1963 between the Head of the Spanish State

^{10/} A/5078/Add.3.

and the King of Morocco. The friendly atmosphere in which those talks had been held would undoubtedly pave the way for a settlement in a spirit of understanding of the territorial and administrative problems dividing the two countries; it was therefore important to maintain that favourable climate.

48. Fernando Póo and Río Muni formed what might be called the Spanish Equatorial Region.

49. Fernando Póo was an island of 2,017 square kilometres in the Bight of Biafra, in the centre of the Gulf of Guinea. It was composed of a large volcanic cone, the summit of Santa Isabel, with small secondary volcanoes, and of a volcanic range which extended towards the south, the two massifs being separated by a depression at an altitude of 700 metres. The coast was 200 kilometres in length, and it was difficult to land on the south coast, but on the north, the coast was of moderate height and there was a magnificent harbour. There were many rivers, but they were small. The island of Annabón, which was part of the province of Fernando Póo, was the only Spanish Territory in the southern hemisphere. It was seventeen square kilometres in area; the ground, which was steep and rugged, was not easy to cultivate. The province of Fernando Póo therefore had a total area of 2,034 square kilometres, and its population numbered 41,878.

50. The province of Río Muni, which was 26,000 square kilometres in area, comprised a section along the western coast of Africa and the islands of Corisco and Elobeyes. The mainland zone was bounded on the north by the Republic of Cameroon, on the west by the Atlantic, and on the south and east by the Republic of Gabon. It consisted mainly of a coastal plain between fifteen and twenty-five kilometres wide, and a number of peneplains extending at intervals into the interior. Its coast was about 150 kilometres long. The different tribes in Río Muni was divided into two main groups: the Ndowe, who occupied the coastal area, and the Pamua, who had settled in the interior. The island of Corisco had a circumference of 17,790 metres and was surrounded by reefs, which made its coasts extremely dangerous for navigation. The Elobeyes were two small islands with sandy soil and lush vegetation situated in the estuary of the Río Muni. Until 1930, Elobey Chico had been the seat of the Deputy Government of Río Muni.

51. Any members of the Committee who would like to have further information about those provinces could refer to the statement made to the Committee on Information^{11/} from Non-Self-Governing Territories, on 18 May 1961 by the representative of Spain. He felt that it would be useful to outline the development of the territories under consideration on the basis of the information transmitted by Spain to the various organs of the United Nations.

52. On 14 December 1960, Spain had announced that it would transmit information on the territories under its administration under Article 73 e of the Charter and in accordance with resolutions 1541 and 1542 (XV). Subsequently, the Spanish delegation had drawn attention to provisions of the Act of 30 June 1959, which was a basic document for anyone who wished to know the political and administrative organization of the Territories; it had stated that the regions in question were divided into municipalities administered by municipal councils; and it had reported on the municipal elections that had been held in 1960.

53. In giving the results of the elections of 15 June 1960, in which more than 80 per cent of the electorate had voted, and in announcing that in August 1962 partial elections to the municipal councils would be held, the Spanish delegation had anticipated the wishes of the General Assembly; for General Assembly resolution 1700 (XVI) requesting Administering Members to submit political and constitutional information on the Non-Self-Governing Territories was dated 19 December 1961.

54. Spain had had no trouble in adapting itself to new conditions, as was evident from the very large number of indigenous inhabitants holding public office. And that was only a beginning, as the Permanent Representative of Spain had confirmed in his address to the General Assembly on 27 November 1962, when he had quoted a statement made by the Under-Secretary of the Presidency of Spain to the effect that if the majority of the inhabitants decided in favour of such a course, Spain would put no obstacle in the way of a re-examination of the future of those provinces.^{12/}

^{11/} Official Records of the General Assembly, Sixteenth Session, Supplement No.15, part I, annex V.

^{12/} A/PV.1177.

55. The Spanish Government thus recognized the inalienable right of the inhabitants of those Territories to self-determination. Spain had decided that henceforth those Territories would take part in the work of the Economic Commission for Africa, and they had in fact taken part in the recent meeting at Leopoldville. The Special Committee could not fail to acknowledge the speed with which Spain had fulfilled its promises, both as regards the participation of the indigenous inhabitants in the administration of the Territories and with respect to the opportunity given them to become one day the masters of their own destiny. Recently, a delegation of representatives of those Territories had been received by the Spanish Head of State, to whom it had expressed its gratitude. The Head of State had stated that it was his ambition to make those provinces models of progress, peace and prosperity, and that he would devote every effort to the advancement of the Territories, and particularly to the extension of schooling - a measure that was essential if the indigenous inhabitants were to take over all activities in those areas, which were united with Spain by four centuries of peace and mutual understanding, by a single faith and a single language. In order to prepare the indigenous inhabitants for their new responsibilities, Spain had developed education by setting up new higher educational establishments and by granting scholarships for accelerated technical training at the university level.

56. The name of "provinces" given to those Territories caused some concern to certain delegations. He would simply explain that, under the Act of 30 June 1959 the word "province" merely established the principle of legal equality between the indigenous inhabitants and the inhabitants of metropolitan Spain. What other meaning could be given to the term, since Spain accepted the principle of self-determination? In that connexion, he quoted a passage from the last Annual Report of the Secretary-General on the work of the organization.^{13/}

57. A rapid evolution was taking place. The first statement had been made by Spain in May 1961, and the basic legislation went back only to 1959. Rapid though the evolution might be, however, Spain intended to pursue it, and no better proof of that was needed than the Proclamation of the accession of

^{13/} Official Records of the General Assembly, Eighteenth Session, Supplement No. 1, p. 114.

Fernando Póo and Río Muni to self-governing status issued by the Spanish Government at San Sebastian on 9 August 1963. Two bills concerning the granting of self-government to Fernando Póo and Río Muni were now under consideration. Those bills would reaffirm that the inhabitants enjoyed the same rights as Spaniards and had full exercise of all the basic freedoms. Economically, the two Territories would be completely independent, and would not have to make any contribution to the expenditure of the State. Each Territory would have its own budget, so that all income would thus be devoted entirely to meeting the needs of the Territory concerned.

58. The laws applicable to Fernando Póo and Río Muni would be examined by a Commission which would decide whether they were applicable, either wholly or in part, to each Territory. Half of the members of the Commission would be representatives of metropolitan Spain, while the other half would consist of representatives of the Territory concerned. The Governments of both Territories would be representative. The task of governing would be entrusted to an assembly made up, in the case of Fernando Póo, of deputies from the Island of Annobón, and in the case of Río Muni, of deputies from Río Muni, Corisco, Elobey and the neighbouring islands, who would be responsible for legislation in all matters concerning the indigenous Government.

59. The Governors also would be indigenous. The municipal councils and local assemblies would be representative. A representative of the Government would be appointed Delegate-General. There would be complete separation of judicial and political powers. The Act of 30 June 1959 would be repealed, as would the entire legal system of what the former Act referred to as a "province". The title of "province" would be discontinued. One of the main provisions was that dealing with the setting up of joint Spanish and indigenous round-table commissions, which would be authorized to make amendments to the existing laws.

60. The laws to be submitted to the Cortes were dynamic laws which had been worked out with the participation of many representatives elected by the inhabitants of the Territories. Moreover, the accession of Fernando Póo and Río Muni to self-governing status gave their peoples the right to take any decision affecting their future. Spain's public recognition of the right of those Territories to self-determination was not mere empty words.

61. As the Diario Vasco of San Sebastian had stated, the decision of 9 August 1963 would rank among the historic actions of Spain, which, after having given the best of itself to America, had now - far from thinking of exploiting the riches of its Territories in Equatorial Africa, whose products it was buying at prices higher than those prevailing on the world market - devoted part of its modest resources to the advancement and education of the indigenous inhabitants. The area's per capita income, for example, was second to that of no other African country, while the Territory's hospitals and schools were among the finest in Africa.

62. A commission of elected indigenous representatives was at present working in Spain with the Spanish Government on the drafting of the law concerning self-government. In a recent speech, the Governor-General of the area, in announcing to the inhabitants that the Territories were to accede to self-government, had declared that the peoples of the Provinces had reached political maturity, that they were preparing to govern themselves, and that Spain would help them to fulfil their destiny as free peoples.

63. The members of the Special Committee would agree that this evolution, which went even beyond the aspirations of the inhabitants, was perfectly logical and in keeping with Spain's traditional position. He wished to emphasize the fact that there was no internal strife in the Territories, and that their relations with neighbouring countries were cordial.

64. The Special Committee should recognize that Spain was actively carrying out the reforms he had mentioned and was trying to prevent any interference with that process. Spain would make a point of providing the Special Committee with any relevant information the latter might require.

65. The representative of Morocco said that he wished to make some corrections both with regard to some of the Committee's working documents and to the statement by the representative of Spain.

66. For the first time a United Nations document had listed the four Territories under consideration separately. Previously, Ifni and what was known as the Spanish Sahara - that was to say, Segua el Hamra and Río de Oro, which in the past had been known as Southern Morocco - had always been examined together. Those two territories had always been governed as Moroccan

territories under Spanish administration, but the vicissitudes which they had undergone had not succeeded in disrupting their geographical, cultural and historical unity. He believed that in listing the territories separately the Committee had not wished to introduce any change in the way of viewing them.

67. The Spanish representative's statements concerning the Spanish Sahara also required clarification. In the entire Territory which extends over 280,000 square kilometres there were only 1,500 Spaniards, most of whom were only temporary residents there. The overwhelming majority of the population was Arab, of Moroccan and Moslem origin.

68. His delegation took note of the intentions formally announced by the Spanish delegation in the Committee, and it had no doubt that liberal measures would follow. However, it should be pointed out that remarks of the representative of Spain concerning relations with neighbouring countries were hardly applicable except to Fernando Póo and Río Muni.

69. The problem of the Spanish Sahara and Ifni was not a new one for the United Nations, and it had already come before the General Assembly and the Fourth Committee. Moroccans took the view that Spain had continued to administer those Territories under a tacit agreement with their country; that agreement could not be interpreted as a renunciation of Morocco's rights, but meant that after independence the two Governments were under a mutual obligation to consider the procedure for transfer of sovereignty and the return of the regions to the mother country. In 1956, when independence was proclaimed, King Mohammed V and General Franco had agreed to leave the problem in abeyance, but there had never been the slightest misunderstanding as to the fact that the future of the Territory should be settled by bilateral negotiations. King Hassan had recently met the Spanish Head of State to examine the matters in dispute as a whole. The Territories listed in the agenda were not in fact all the matters in dispute between Spain and Morocco. His delegation did not intend for the time being to broach the subject of the other Territories, but it could not help noting the analogy between the situation in Gibraltar, which, as the representative of Spain had so well stated, formed an integral part of his country, and that of certain cities on the Moroccan coast. His Government would willingly support Spain's claims to Gibraltar if the Spanish Government

would recognize its rights over regions which had always retained their Moroccan character and which, to a much greater extent than Gibraltar, formed an integral part of the territory of the mother country.

70. He hoped that negotiations conducted in a spirit of mutual understanding and good neighbourliness would enable the two countries to find a satisfactory solution to their problems.

71. The representative of Mauritania said that his delegation wished to clarify certain aspects of the matter before the Committee. While welcoming the Spanish Government's announcement of its willingness to co-operate with the United Nations in the process of decolonization, he was astonished that efforts were being made to link the future of the so-called Spanish Sahara with bilateral negotiations between Spain and Morocco. Ever since its attainment of independence the Islamic Republic of Mauritania had cherished the conviction that its contacts with Spain would lead to a negotiated settlement of the problem of the so-called Spanish Sahara which was an integral part of Mauritania.

72. His delegation found it somewhat strange that the representative of Morocco should express surprise that the Territories of Ifni and Río de Oro were listed separately in a United Nations document. That had always been done in United Nations documents.

73. The so-called Spanish Sahara was populated solely by Moorish tribes, mostly nomadic, who were in no way different from those living in the north-west of Mauritania. They spoke the Hassania dialect, which was found only in Mauritanian territory and their ties of culture, religion, race and custom showed how artificial was the frontier separating them.

74. He went on to quote from a Moroccan Government White Paper published in 1960, which defined Mauritania in such a way as to include Spanish Sahara. That was an eloquent admission, even though it was intended to support Morocco's claims to those territories.

75. The representative of Morocco said that it would have been better if the previous speaker had exercised greater restraint at a time when Morocco and Spain were showing a sincere desire to reach a friendly settlement of the question of the Spanish Sahara. His delegation could attach no value whatsoever to that speaker's attempt to perpetuate outworn ideas of colonialism and separatism.

The territories at present under consideration had been engaging the attention of the United Nations for the past seven years and his delegation thought that it was but just and natural that the Committee should pay attention only to the statements made by the parties concerned, namely Morocco and Spain, on the basis of which it should arrive at a logical conclusion and if necessary take a decision. The Moroccan delegation sincerely hoped that the discussion would lead to a positive result likely to contribute to the success of the talks which had been going on for some years between the Governments of Morocco and Spain, with a view to finding a solution in conformity with paragraph 6 of General Assembly resolution 1514 (XV).

76. With regard to the previous speaker's claim that the Hassania dialect was spoken only in Mauritania, he would point out that the Beni-Hassan language - as he preferred to call it - was spoken in some of the Moroccan provinces. Moreover, the tribes to which the speaker had referred were to be found in Morocco, too, and members of those tribes held high positions in the Moroccan Government and army.

77. The representative of the United Kingdom said that he had listened with interest to the statement of the representative of Spain about the Spanish territories of Fernando Póo, Ifni, Río Muni and Spanish Sahara, but had found the absence of the kind of constitutional information which the United Kingdom delegation normally supplied on each Territory somewhat confusing. It was not clear whether or not the Territories were considered to be colonies. It seemed, however, that a typical colonial situation existed in some of them. His delegation welcomed the Spanish representative's statement that his Government envisaged political progress toward self-government and independence in the Territories concerned, subject to special conditions in those Territories and to the freely expressed will of the people.

78. He himself had visited Fernando Póo in February 1962. The island had appeared to him to be moderately prosperous and orderly, conditions comparing well with those on the mainland of Africa. There was a somewhat idyllic atmosphere under the paternal guidance of the Governor. It had been clear, however, that the island's future presented problems and that its inhabitants might one day have to choose between autonomy under Spain, independence or possibly some kind of association with one or another of the neighbouring mainland countries. In that

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connexion it was interesting to note that at that time more than half the population had consisted of Nigerian labourers on seasonal contract. Indeed, the original inhabitants of the island were few in number and much of the population, apart from the immigrant labour, was of Liberian or Gold Coast origin, or of mixed African and Spanish or Portuguese origin.

79. He welcomed the Spanish Government's announcement of 9 August that a regime of autonomy would be granted to Fernando Póo and to Río Muni and looked forward to receiving further clarification in due course of what that involved. He was glad to note that the representative of Spain had again emphasized the fundamental point that any decision about the future of the Territories could be taken only in accordance with the freely expressed wish of the inhabitants of the Territories in question.

80. The representative of Spain said that the figure he had given for the population of Fernando Póo represented the legal population. The number of Nigerian workers who went to work in Fernando Póo by agreement between the Government of Nigeria and the Spanish Government was approximately 20,000 - a smaller figure than the representative of the United Kingdom apparently had in mind.

81. He would like to draw attention to the contrast between his Government's attitude in offering to hold an open discussion with regard to the application of self-determination to its Territories in the Equatorial Region and the negative attitude taken by some great Powers which refused to engage in such discussions.

82. He also said that he wished to clarify certain points which might have become confused. It had been objected that for the first time a United Nations document had referred to the Spanish Territories separately. He would point out that the terminology used in the Secretariat paper reflected that used by his delegation ever since it had transmitted information to the Secretary-General under Chapter XI of the Charter. Despite the statement by the representative of Morocco, the Spanish Government had no doubts regarding its rights in Africa, which were not derived merely from a tacit agreement. If it was thought that the Territories in question should be described in other terms, it could equally be argued that Gibraltar should not be included among United Kingdom territories

but should be described as a "Spanish territory under United Kingdom administration". With regard to the Moroccan representative's claims concerning the extent of Moroccan sovereignty, while those claims were not supported by the facts, he would like merely to reiterate what he had said in his statement concerning the friendly atmosphere in which Spain and Morocco were discussing their differences on territorial questions.

83. The representative of Morocco referring to the Spanish representative's statement regarding the way in which the four Spanish territories had appeared in the Secretariat paper, said that it had been Spain which, for reasons of administrative expediency, had given different administrative regimes to territories which, because they belonged to Morocco, should always be considered jointly.

84. Concerning the tacit agreement between Spain and Morocco in 1956, it might be useful for the Committee to know that the two Governments, bearing in mind the complexities of certain problems relating to territorial matters and the evacuation of Spanish forces, had decided that they should be considered at a later date. On the latter point the negotiations had continued for six years and the matter had been settled to the satisfaction of the Moroccan Government, while preserving Spain's legitimate interests. He was certain that the same spirit would prevail in the discussion of such matters as were still outstanding and that the final solution would enable Morocco to regain sovereignty throughout its territory while at the same time protecting Spain's interests. In that connexion, it should be said that Morocco had never denied that those interests must be protected and safeguarded. The purpose of his statement was to explain to the Committee once again that the present relations between Morocco and Spain were extremely friendly and that the two countries intended to settle their problems in the spirit by which their Governments had always been actuated, regardless of the relative value which they attached to the various problems. For most valid reasons Morocco attached greater importance to territorial than to administrative problems. The essential point was that both Governments were hopeful about the outcome of their negotiations.

85. The representative of the Union of Soviet Socialist Republics pointed out that the four territories under consideration did not exhaust the list of Spanish colonies in Africa to which the Declaration on the granting of independence to

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colonial countries and peoples was applicable. Every Spanish colony, regardless of whether it had been conquered in the fifteenth or the nineteenth century, bore the shameful stamp of colonial slavery. Spain had done nothing to develop its Territories in the interests of the indigenous inhabitants, and the changes leading to independence, which had been accelerated after the adoption of the Declaration, had passed the Spanish possessions by. Like Portugal, Spain was trying to mislead the world by asserting that its colonies were "African provinces" allegedly indistinguishable from the provinces of metropolitan Spain. In actual fact, however, Spain's aim was to wax rich through the exploitation of the natural resources and the indigenous inhabitants of its African possessions.

86. Although the Act of 30 April 1959 provided that "the African provinces" would have a representation in the Cortes similar to that of the other Spanish provinces, the nature of that "representation" could be gauged from the example of Equatorial Guinea, which returned three deputies for the 3,600 Whites and three deputies for the 200,000 Africans. Furthermore, the Committee would remember that the Fourth Committee had been told by a petitioner^{14/} from Río Muni that he himself had been elected without having stood for election, that in practice the deputies were appointed by the Government and not elected, and that the votes were counted by State officials - without witnesses - who then announced results advantageous to the Government. As for Ifni and Spanish Sahara, to the best of the Committee's knowledge, no elections had been held.

87. Under the cruel colonial regime in the Spanish Territories, the Africans, who represented the overwhelming majority of the population, were being subjected to political and racial discrimination and to arbitrary actions by the police. All power was in the hands of the Spanish Governor and all local authorities operated under his orders. The so-called electoral system had nothing in common with universal suffrage. The indigenous population was divided into three categories and, according to the testimony of petitioners, the overwhelming majority were in the lowest category, in which they were in virtual slavery.

^{14/} A/C.4/SR.1420.

The indigenous inhabitants were not allowed to travel within the country without special passes or to go out into the streets after 8 p.m. Everywhere, in cinemas, coffee houses, churches and so forth, special seats were reserved for the Whites.

88. The indigenous inhabitants were also being subjected to economic exploitation. The most fertile land was occupied by the Spaniards and a special land Act advantageous to the European settlers had been passed in 1942. The lot of the Africans was to work for a pittance on plantations or in the forests belonging to the settlers. In Fernando Póo half the population consisted of workers from neighbouring African countries, mostly Nigerians. Hundreds of Nigerians who had gone to the Territory under the 1957 agreement had died as a result of the unbearably difficult working conditions. The colonizers behaved towards the Nigerian workers as if they too were slaves. The workers were subjected to cruel punishment, and trade unions and political organizations were banned. Racial discrimination was also the rule in the economic field and Spaniards were paid much more than Africans doing the same work.

89. Judging by press reports, Spain's interest in the economy of Spanish Sahara, which had been awakened by reports that the Territory was rich in oil, iron ore, phosphates and other minerals, had declined when the twelve large United States companies which had been given concessions to prospect for oil had failed to strike any.

90. In the field of education, Spain's aim was to keep the people illiterate. Equatorial Guinea, with a population of over 200,000, had only one secondary school - and even that was reserved for the Whites - and two vocational schools. According to statements by petitioners, the Governor-General of Río Muni had issued an order forbidding Africans to go to school after the age of fifteen. In the colonialists' view a person of that age who strove to improve his education was dangerous. As for Spanish Sahara, the authorities had not built any schools, hospitals or medical centres. According to foreign press reports there were almost as many Spanish troops as indigenous inhabitants in the territory. The anti-colonial rebellion which had broken out there in 1958 had been cruelly put down.

91. It was difficult to assess the impact of the bill now in preparation which was designed to grant internal self-government to Río Muni and Fernando Póo.

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At the present stage, three years after the adoption of the Declaration, all such half-measures were clearly inadequate and seemed to be nothing but manoeuvres on the part of the colonizers designed to parry criticism by the anti-colonial forces. The most recent attempt to mislead the world consisted in the promise to repeal the name "African province", but that could not be regarded as a step towards the implementation of the Declaration.

92. The Spanish Government had had more than ample time to put its promises into effect, but its reply to the request by the indigenous inhabitants of Equatorial Guinea for independence had been to arrest and torture the petitioners.

93. Another weapon in Spain's arsenal for the struggle against the national liberation movement was alcohol. By setting the prices of the necessities of life high and those of alcoholic beverages low, the Spanish colonizers strove to increase the incidence of disease, raise the death-rate and reduce the birth-rate of the indigenous inhabitants.

94. Spain's colonial policies were also influenced by strategic considerations. In addition to using its possessions as a base for the maintenance of colonialism in Africa and as a means of bringing pressure to bear upon the new African States, Spain was trying to use them as counters in bargaining with its allies, above all the United States and France, for economic, political and other advantages. Recently there had been alarming reports that Spain was planning to turn Spanish Sahara into a nuclear testing ground. As the Madrid newspaper Ya had stated early in 1963, Spanish Sahara might be useful for purposes of the defence of the West. In making such a proposal Spain counted on receiving assistance for the maintenance of its colonial domination in Africa, while from the point of view of the NATO Powers the offer was timely in view of the fact that the African States, in the light of their decision at the Addis Ababa Conference, would sooner or later deprive them of all their military bases in Africa.

95. The wishes of the indigenous inhabitants of Spanish Sahara and Ifni were known to everyone. As far back as 1957 a powerful movement of national liberation had been launched there, which the colonizers had brutally crushed by force of arms. The view of the people of Equatorial Guinea had been reflected by the petitioners who had asked that the United Nations should confirm the right of Equatorial Guinea to immediate independence, and that independence should be granted not later than the end of 1963.

96. The Soviet Union delegation was of the opinion that the Committee, in accordance with the Declaration on the granting of independence to colonial countries and peoples, should submit to the General Assembly recommendations which would confirm the inalienable right of the peoples of the Spanish colonies to self-determination and independence; support the indigenous inhabitants' demands for immediate freedom and independence; and recommend that the Administering Power should take immediate steps for the complete implementation of the provisions of the Declaration, including the holding of democratic elections on the basis of universal suffrage with a view to the creation of legislative organs and national Governments, to which all powers should be transferred without any conditions or reservations.

97. His delegation noted that bilateral talks had been under way for some time with a view to the peaceful settlement of questions relating to the Territories on the Committee's agenda.

98. The representative of Spain, in reply, said that the reference by the Soviet representative to Spanish "provinces" in Africa was out of date since the Act of June 1959 establishing the system of provinces had been abrogated. Furthermore, the reports that preparations were being made for using Spanish Sahara as a base for nuclear testing were pure speculation.

99. The representative of Poland said that his delegation considered that the Territories listed on the Committee's agenda did not include all the territories still occupied by Spain which came within the purview of the Declaration on the granting of independence to colonial countries and peoples. It welcomed the holding of bilateral talks between the Governments concerned and hoped that a solution to the territorial problems involved would be achieved.

100. It appeared from the statement made by the Administering Power that Spain had not implemented the provisions of the Declaration in all the Territories which it still administered. The indigenous people continued to live in appalling conditions and were denied any right to take part in the management of their countries' affairs. Spanish legislation had been introduced and various services and institutions had been established on the Fascist pattern of those in the metropolitan country. Absolute power was vested in the hands of the Governor-General, who was appointed in Madrid and who had jurisdiction over all aspects of territorial administration. There was a system of local administrative

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organs such as provincial councils, municipal councils and village councils composed of elected and appointed members. As was evident from the statements of the petitioners who had appeared before the Fourth Committee during the seventeenth session of the General Assembly, the candidates in the so-called elections to the administrative organs were also nominated by the Governor. There was no universal franchise and, as in Spain itself, the pattern of representation was based mainly on the corporative principle, which disenfranchised a great number of the population. The colonial Administration could arrest and imprison without trial any person who was considered suspect or who expressed a desire for independence. In recent years the police forces in the Territories, particularly the civil guard, had been strengthened. The petitioners had stated that Africans under Spanish domination were denied the right to dispose of their persons and their property and that for every official transaction they had to go to the Office of Native Affairs, which had been set up to act on their behalf. Thus an African who did not fall into the emancipated category could not, for example, accept employment, buy or sell property, sign a contract or inherit property without the consent of that Office, which it could grant or refuse as it saw fit.

101. There was also discrimination against the indigenous inhabitants of Fernando Póo and Río Muni in the economic field. For centuries the Spaniards had occupied the most fertile land and the Africans had been forced into servitude. Trade was in the hands of foreign companies and they and other Spanish businessmen controlled market prices. Spanish officials were paid much higher salaries than Africans of the same grade.

102. Thus the glowing picture painted by the representative of the Administering Power in no way corresponded to the real facts. Indeed the situation in the Spanish Territories had many of the same characteristics as that in the Portuguese Territories. The Spanish representative had tried to create the impression that his Government was co-operating with the United Nations in the field of decolonization. He had referred to Spain's activities in the Committee on Information from Non-Self-Governing Territories and to various statements made by the Spanish delegation with regard to the Spanish colonies. The fact was, however, that almost three years had elapsed since the adoption of

resolution 1514 (XV) and the situation in the Spanish Territories remained unchanged. It was true that in the face of the powerful national liberation movement Spain had adopted a more realistic approach than had Portugal, but it was equally true that the implementation of the Declaration had been deliberately delayed in the Territories under Spanish administration. The right of the indigenous people to self-determination and independence was recognized by the Charter and paragraph 5 of the Declaration clearly provided that immediate steps should be taken to transfer all powers to the peoples of Non-Self-Governing Territories in order to enable them to enjoy complete freedom and independence. The steps contemplated by Spain to grant economic and administrative autonomy to Fernando Póo and Río Muni fell short of the requirements of the Declaration. The petitioners from Equatorial Africa had been unanimous in requesting immediate independence. The people of those Territories were courageously fighting to reconquer their liberty and identity as African people and wished to be free of the abhorrent foreign yoke. In his delegation's opinion the Special Committee should recommend that the General Assembly should affirm the right of the people of Fernando Póo and Río Muni to self-determination and independence. The United Nations should urge the Administering Power to cease forthwith all repressive action against the people and to release all political prisoners and detainees in those Territories. It should further call upon Spain to hold, as soon as possible, general elections based on universal adult suffrage and to transfer all powers to the democratically elected representatives of the people of Fernando Póo and Río Muni.

103. The representative of Bulgaria pointed out that Fernando Póo, Ifni, Río Muni and Spanish Sahara were not the only Spanish colonial possessions in Africa. Spanish domination in some of the Territories had been established as early as the fifteenth century and had been maintained by means of oppression. Although nearly three years had elapsed since the adoption of General Assembly resolution 1514 (XV), the Spanish Government had taken no positive steps for the immediate granting of independence to the peoples and Territories under its colonial rule.

104. In 1959 the Spanish Government had enacted legislation under which Fernando Póo, Ifni, Río Muni and Spanish Sahara had been converted into provinces of Spain. That so-called reform had brought about absolutely no change in the situation of those Territories. Ifni and Spanish Sahara was each administered by a Governor-General appointed by the Spanish Government, while Fernando Póo and Río Muni were jointly administered by a Governor-General, with a civilian Governor

for each Territory. No matter what names those Territories might be given, they remained Spanish colonies and their peoples were still suffering under Spanish oppression and exploitation. The indigenous population had been ejected from the most fertile land and reduced to servitude. The wages paid to white workers and those paid to indigenous workers differed enormously. The education of the local inhabitants had been totally neglected.

105. Spain had been using the African Territories under its colonial rule not only as a source of profit but also as important military bases for the purpose of suppressing the struggle of the African peoples for national liberation. The peoples of Africa were demanding the withdrawal of all military bases from the continent; Spain should accordingly withdraw its bases from its African colonial possessions and cease all efforts to utilize the Territories for any military purposes whatsoever.

106. During the long period of Spanish domination the peoples of the Spanish colonies in Africa had preserved their national traditions and language and had never ceased to struggle for freedom and independence. In the last decade, under the influence of the great victories of the national liberation movement in Africa, the struggle of the peoples still suffering under Spanish colonial rule had gained new impetus. The Spanish Government was therefore trying new manoeuvres to postpone the independence of the peoples under its colonial rule. That Government had declared that it would grant self-government to some of its African Territories, but the Declaration adopted by the General Assembly three years earlier called for the granting, not of self-government, but of self-determination and independence to the colonial peoples.

107. In the past decade a powerful national liberation movement had developed in Ifni and Spanish Sahara. Petitioners representing all political parties had demanded, firstly the reaffirmation by the United Nations of the right of Equatorial Guinea under Spanish administration to full and immediate independence, secondly the fixing of a date for the Territories' achievement of independence before the end of 1963. The Bulgarian delegation supported the just demands of the peoples under Spanish colonial domination for the right to self-determination and independence and would endorse all effective measures to facilitate the speediest possible implementation of the Declaration in those Territories.

108. The representative of Iraq said that his Government had consistently stated its reservations regarding Spain's claim to sovereignty over the Territories of Ifni and Spanish Sahara. In its view those Territories were an integral part of Morocco and no other claim to sovereignty over them could be accepted by the Government of Iraq. That position was not based purely on the facts of history and geography and a community of culture; it was based also on the interests of the inhabitants themselves. His delegation felt that enough fragmentation had been allowed on the African continent. Morocco had been mutilated by colonial Powers over the years and the Committee now had an opportunity to rectify the errors and injustices inflicted in the past. His delegation therefore considered that the best way of implementing the Declaration in respect of those Territories would be to restore them to the motherland, Morocco. It hopes that the negotiations which had already begun between Spain and Morocco would continue with a view to the restoration of those territories to the Moroccan nation.

109. The representative of India reserved the right of his delegation to speak on the question of Fernando Póo, Ifni, Río Muni and Spanish Sahara at the next session of the Committee.

Postponement of further consideration by the Special Committee

110. The Chairman said that he understood the Special Committee to have felt, after hearing the statements of the representatives of the Spanish, Moroccan and Mauritanian Governments concerning Ifni and the Spanish Sahara, that it lacked the time to continue the general debate on the situation in those Territories. The Committee had noted that the representative of the Spanish Government, in his intervention, had recalled his Government's statement undertaking to respect the principle of self-determination with regard to the peoples under its administration. The Committee had also noted that the Spanish and Moroccan Governments had begun negotiations with a view to the peaceful composition of their difference over the situation and the future of those Territories. The Committee, being obliged to interrupt its work, had therefore decided to postpone its consideration of the situation in those Territories, which would be resumed at its next session, subject to any decisions which the General Assembly might take on the subject.

111. The representative of Mauritania said that the Government of Mauritania, too, was engaged in conversations with the Government of Spain with a view to solving the problem by amicable means.

112. The representative of Morocco noted that for the first time it had been officially stated in a United Nations committee that negotiations were proceeding between the Government of Spain and an authority other than the Government of Morocco.

113. The Chairman said that with respect to Fernando Póo and Río Muni, the Committee considered that for lack of time it could not conclude the general debate on the situation in these two Territories. The Committee, however, had taken note of the fact that the Government of Spain had undertaken to respect the right of self-determination of the peoples of Fernando Póo and Río Muni, and without prejudging in any way the recommendations which it might subsequently make on the situation in these two Territories and subject to any decisions which the General Assembly might make regarding them, he appealed to the Government of Spain to speed up the process of decolonization in the Territories of Fernando Póo and Río Muni, in accordance with the provisions of resolution 1514 (XV) of the General Assembly.

CHAPTER XIV

OTHER MATTERS CONSIDERED BY THE SPECIAL COMMITTEE

A. Report of the Secretary-General on Racial Discrimination in Non-Self-Governing Territories.

1. By operative paragraph 3 of resolution 1850 (XVII) of 19 December 1962, the General Assembly decided to refer the report of the Secretary-General on racial discrimination in Non-Self-Governing Territories^{1/} and the summary records of the discussion on that report to the attention 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.

2. By a Note dated 1 February 1963,^{2/} the Secretary-General transmitted to the Special Committee the report on racial discrimination in Non-Self-Governing Territories and the relevant summary records of the discussion in the Fourth Committee.

3. At its 214th meeting, the Special Committee adopted the following decision without objection.

"The Special Committee decided to inform the General Assembly that, during its examination of the application of the Declaration on the granting of independence to colonial countries and peoples in respect to individual territories, it will continue to give special attention to the eradication of racial discrimination in those territories where such discrimination is prevalent."

B. Petitions concerning the Declaration in general and Territories not considered by the Special Committee.

4. The Special Committee distributed the following written petitions concerning Territories which it did not consider individually.

^{1/} A/5249 and Add.1.

^{2/} A/AC.109/34.

Petitioner

Document No.

The Declaration in general

Mr. Georges Vumi, Assistant Secretary-General,
World Assembly of Youth

A/AC.109/PET.95

Bermuda

Mr. Charles Brown, Chairman,
Bermuda Constitutional Conference

A/AC.109/PET.145

Cook Islands

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

Mauritius

(Petitioner's name withheld at his request)

A/AC.109/PET.176

Brunei, North Borneo and Sarawak*

Mr. G.S. Sundang, President, United National
Pasok Momogun Party of North Borneo

A/AC.109/PET.50

The Secretary-General, Sarawak United Peoples Party

A/AC.109/PET.51

Mr. Donald Stephens, Chairman, Executive Committee,
Sabah Alliance Party

A/AC.109/PET.52

Mr. Stephen Kalong Ningkan, Secretary-General,
Sarawak Alliance Party

A/AC.109/PET.76

Mr. Achmad Fadillah

A/AC.109/PET.121

Mr. A.M. Azahari Mahmud

A/AC.109/PET.133

Brunei, North Borneo, Sarawak and Singapore*

Mr. Kassim Ahmad

A/AC.109/PET.128
and Add.1

Singapore*

Dr. Toh Chin Chye, Acting Prime Minister of
Singapore

A/AC.109/PET.84

Three petitions from Dr. Lee Siew Choh, Chairman,
Barisan Socialis

A/AC.109/PET.85

Mr. John Eber, General Secretary, Movement for
Colonial Freedom

A/AC.109/PET.86

Mr. S. Markandu, President, Singapore Harbour
Board Staff Association Trade Union

A/AC.109/PET.87

* The petitions listed under these headings were distributed before
16 September 1963.

ANNEX I

Preliminary list of territories to which the Declaration on the granting of independence to colonial countries and peoples (General Assembly Resolution 1514 (XV) applies

<u>Territory</u>	<u>Area</u>		<u>Population</u>
	<u>(square kilometres)</u>	<u>(square miles)</u>	<u>(Mid-year 1962 estimates in thousands)</u>
<u>(a) Trust Territories</u>			
<u>AUSTRALIA</u>			
1. New Guinea	240,870	93,000	1,485
2. Nauru ^{a/}	21	8	5
<u>UNITED STATES</u>			
3. The Trust Territory of the Pacific Islands <u>b/</u>	1,813	700	81
<u>(b) The Territory of South West Africa</u>			
<u>SOUTH AFRICA</u>			
4. South West Africa	823,264	317,863	545
<u>(c) Territories which have been declared by the General Assembly as Non-Self-Governing Territories within the meaning of Chapter XI of the Charter but on which information is not transmitted by the Administering Powers concerned</u>			
<u>PORTUGAL^{c/}</u>			
5. Angola, including the enclave of Cabinda	1,246,700	481,352	4,950
6. Mozambique	771,125	297,654	6,750
7. Guinea, called Portuguese Guinea	36,125	13,947	549
8. The Cape Verde Archipelago	4,033	1,557	211

<u>Territory</u>	<u>Area</u>		<u>Population</u>
	<u>(square kilometres)</u>	<u>(square miles)</u>	<u>(Mid-year 1962 estimates in thousands)</u>
<u>PORTUGAL (cont'd)</u>			
9. São Tomé and Príncipe and their dependencies	964	372	64
10. Macau and dependencies	16	6	169
11. Timor and dependencies	18,990	7,332	528
<u>UNITED KINGDOM^{d/}</u>			
12. Southern Rhodesia	389,362	150,333	3,880
(d) <u>Non-Self-Governing Territories on which information is transmitted by the Administering Powers concerned</u>			
<u>AUSTRALIA</u>			
13. Cocos (Keeling) Islands	13	5	1
14. Papua	234,498	90,540	540
<u>FRANCE AND UNITED KINGDOM</u>			
15. New Hebrides ^{e/}	14,763	5,700	63
<u>NEW ZEALAND</u>			
16. Cook Islands	234	90	18
17. Niue Island	259	100	5
18. Tokelau Islands	10	4	2
<u>SPAIN</u>			
19. Fernando Póo	2,034	785	67
20. Ifni	1,500	579	50
21. Rio Muni	26,017	10,045	188
22. Spanish Sahara	266,000	102,703	25

<u>Territory</u>	<u>Area</u>		<u>Population</u>
	<u>(square kilometres)</u>	<u>(square miles)</u>	<u>(Mid-year 1962 estimates in thousands)</u>
<u>UNITED KINGDOM</u>			
23. Aden	287,684	111,075	1,220
24. Antigua	442	171	58
25. Bahamas	11,396	4,400	111
26. Barbados	431	166	232
27. Basutoland	30,344	11,716	708
28. Bechuanaland	574,980	222,000	335
29. Bermuda	53	20	46
30. British Guiana	214,970	83,000	598
31. British Honduras	22,963	8,866	96
32. British Virgin Islands	153	59	8
33. Brunei	5,765	2,226	90
34. Cayman Islands	259	100	8
35. Dominica	789	305	61
36. Falkland Islands	11,961	4,618	2.6
37. Fiji	18,272	7,055	421
38. Gambia	10,369	4,003	316 ^{f/}
39. Gibraltar	6	2	27
40. Gilbert and Ellice Islands	905	349	48
41. Grenada	344	133	90
42. Hong Kong	1,031	398	3,410
43. Kenya	582,646	224,960	8,676
44. Malta	316	122	329
45. Mauritius	2,096	809	702
46. Montserrat	83	32	13
47. North Borneo	76,115	29,388	470
48. Northern Rhodesia	746,256	288,130	2,550
49. Nyasaland	119,311	46,066	2,950
50. Pitcairn Island	5	2	0.1 ^{g/}
51. St. Helena	419	162	5

<u>Territory</u>	<u>Area</u>		<u>Population</u>
	<u>(square kilometres)</u>	<u>(square miles)</u>	<u>(Mid-year 1962 estimates in thousands)</u>
<u>UNITED KINGDOM (cont'd)</u>			
52. St. Kitts-Nevis-Anguilla	396	153	60
53. St. Lucia	616	238	92
54. St. Vincent	389	150	82
55. Sarawak	125,206	48,342	770
56. Seychelles	404	156	44
57. Singapore	581	224	1,740
58. Solomon Islands	29,785	11,500	128
59. Swaziland	17,363	6,704	275
60. Turks and Caicos Islands	430	166	6
61. Zanzibar	2,643	1,020	320
<u>UNITED STATES</u>			
62. American Samoa	197	76	21
63. Guam	549	212	70
64. United States Virgin Islands	344	133	36

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- a/ Nauru is administered by Australia on behalf of Australia, New Zealand and the United Kingdom.
- b/ The Trust Territory of the Pacific Islands is designated as a strategic area under Article 82 of the Charter.
- c/ General Assembly resolution 1542 (XV).
- d/ General Assembly resolution 1747 (XVII).
- e/ Administered jointly by France and the United Kingdom as a condominium.
- f/ 1963 census.
- g/ 1961 estimate.

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ANNEX II

Letter dated 10 September 1963 addressed to the Chairman
of the Special Committee from the representative of the
United Kingdom on the Special Committee

10 September 1963

Your Excellency will recall that, in a letter dated 4 September 1962, the representative of the United Kingdom on the Special Committee addressed a letter to the then Chairman, Ambassador Jha, describing in outline developments in Non-Self-Governing Territories under British administration from December 1960 until August 1962. This letter, and the calendar of constitutional advance enclosed with it, was circulated as a document of the Special Committee (A/AC.109/26), and was included in the report of the Special Committee to the General Assembly (A/5238) as Annex I.

In the past twelve months, constitutional and political progress in the Non-Self-Governing Territories under British administration has continued; Uganda, with a population of 6.5 million, attained its independence on 9 October 1962 and is now a Member of the United Nations, and dates for independence have been set for Singapore, North Borneo, Sarawak, Kenya, Zanzibar and Malta, with a combined population of over 12 million, in the next few months.

In this connexion, I enclose with this letter a calendar of constitutional advance summarizing the main developments in the past twelve months, which my delegation hopes will be of assistance both to the Special Committee and to the General Assembly. I have the honour to request that this communication and its enclosure should be circulated to members of the Committee, and also form a part of our report to the General Assembly.

(Signed) C.E. KING

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CALENDAR OF CONSTITUTIONAL ADVANCE

SEPTEMBER 1962 - AUGUST 1963

September 1962

In Singapore, a referendum on the territory's future status resulted in an overwhelming majority in favour of joining the Federation of Malaysia, on the terms proposed by the Singapore Government.

In Granada, general elections on the basis of universal adult suffrage resulted in victory for the Grenada National Party whose leader, Mr. Blaize, became Chief Minister.

October 1962

Uganda became independent.

In Northern Rhodesia, general elections under the new constitution produced an African majority in the Legislative Council.

November 1962

The Nyasaland constitutional conference resulted in agreement on a constitution for internal self-government.

In the Bahamas, a general election resulted in victory for the United Bahamian Party.

December 1962

In Northern Rhodesia, the United National Independence Party (led by Mr. Kaunda) and the African National Congress (led by Mr. Nkumbula) formed a coalition government.

January 1963

Aden joined the Federation of South Arabia and became its twelfth member. At the same time a more advanced constitution was brought into operation in Aden.

The Swaziland constitutional conference opened in London.

In North Borneo, elections on the basis of universal adult suffrage resulted in victory for the pro-Malaysia parties.

February 1963

In Nyasaland, Dr. Banda took office as Prime Minister.

In Fiji, a new constitution was introduced.

The report of the Inter-Governmental Committee on the constitutional arrangements for the accession of North Borneo and Sarawak to Malaysia was published.

March 1963

The legislatures of North Borneo and Sarawak approved the report of the Inter-Governmental Committee.

Two further States (Haushabi and Shaib) acceded to the Federation of South Arabia and a common market was established within the Federation.

April 1963

General elections under the new constitution were held in Fiji.

May 1963

General elections were held in Kenya under the new constitution and resulted in victory for the Kenya African National Union led by Mr. Kenyatta.

A new constitution was announced for Swaziland giving an African majority in the Legislative Council.

The Bahamas constitutional conference reached agreement on a constitution providing for internal self-government.

In Barbados discussions took place between the Parliamentary Under Secretary of State for the Colonies and the Premier of Barbados and the Chief Ministers of Antigua, St. Kitts, Montserrat, Dominica, St. Vincent and St. Lucia about the formation of a West Indies Federation.

June 1963

Elections in Sarawak on the basis of universal adult suffrage resulted in victory for the pro-Malaysia parties. Proposals were announced for constitutional development in the Gilbert and Ellice Islands.

The British Government agreed to the introduction of internal self-government in the Gambia.

Mr. Kenyatta took office as Prime Minister of Kenya.

Full internal self-government was introduced in Zanzibar.

July 1963

The British Government stated that immediately after the elections they would consult with the Zanzibar Government with a view to fixing a date for independence. The general elections resulted in the victory of the coalition Zanzibar Nationalist Party (led by Mr. Muhsin) and the Zanzibar and Pemba Peoples Party (led by Mr. Shamte).

The British Honduras conference reached agreement on a new constitution providing for internal self-government. Formal agreement on the establishment of the Federation of Malaysia was signed by the representatives of the Governments of the United Kingdom, Malaya, Singapore, North Borneo and Sarawak.

In North Borneo the Legislative Council was reconstituted by the election of all its unofficial members.

In Sarawak following the elections a ministerial government was formed and the first Sarawakian Chief Minister appointed.

The Malta Independence Conference was held and an announcement was made that the British Government had decided that Malta should become independent not later than 31 May 1964.

The British Government announced that, subject to the necessary steps being completed in time, Kenya would become independent on 12 December 1963.

August 1963

The British Government announced their readiness, in consultation with representatives of the people of Fiji, to work out a constitutional framework preserving a continuing link with Britain, and within which further progress could be made in the direction of internal self-government.

In Bechuanaland, consultations were held between the Resident Commissioner and the representatives of the people of the Territory to review the 1961 Constitution.

North Borneo and Sarawak achieved full internal self-government.

It was announced that Singapore, North Borneo and Sarawak would achieve independence as part of the Federation of Malaysia on 16 September 1963.

It was announced that, subject to the satisfactory conclusion of the independence conference to be held in September, Zanzibar would become independent during the first half of December 1963.

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ANNEX III

LIST OF REPRESENTATIVES

AUSTRALIA

Representative:

H.E. Mr. D.O. Hay

Alternate Representatives:

Mr. J.D.L. Hood

Mr. Dudley McCarthy.

Advisers:

Mr. T.W. White

Mr. M.J. Cook

Mr. P.C.J. Curtis

Mr. A.C. Wilson

BULGARIA

Mr. Détcho Stamboliev

Mr. Malin Molérov

Mr. Barouch M. Grinberg

CAMBODIA

Representative:

H.E. Mr. Voeunsai Sonn

CHILE

Representatives:

H.E. Mr. Daniel Schweitzer

Dr. Humberto Díaz Casanueva

Alternate Representative:

Miss Leonora Kracht

Adviser:

Mr. Hernán Sánchez

DENMARK

Representative:

H.E. Mr. Asger Hennellund-Jensen

Alternate Representatives:

Mr. Kajal Mortensen

Mr. Poul Boeg

ETHIOPIA

Representative:

H.E. Dr. Tesfaye Gebre-Mesqay

Alternate Representatives:

Mr. Kifle Wodajo

Mr. Girma Abebe

INDIA

Representative:

H.E. Mr. B.N. Chakravarty

Alternate Representatives:

Mr. A.B. Bhadkamkar

Mr. K. Natwar Singh

Junior Adviser:

Mr. J.J. Therattil

IRAN

Representative:

H.E. Dr. Mehdi Vakil

Alternate Representatives:

Mr. Hassan Zahedi

Dr. Mohied Din Nabavi

IRAQ

Representative:

H.E. Dr. Adnan M. Pachachi

Alternate Representatives:

Mr. Burhan M. Nouri

Miss Faiha Ibrahim Kamal

Mr. Anis Zaki Hassan

ITALY

Representatives:

H.E. Mr. Vittorio Zoppi
Mr. Paolo Tallarigo

Alternate Representatives:

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