

**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**

VOLUME IV

GENERAL ASSEMBLY

OFFICIAL RECORDS: TWENTY-NINTH SESSION

SUPPLEMENT No. 23 (A/9623/Rev.1)



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UNITED NATIONS

New York, 1976

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The report of the Special Committee is divided into six volumes. The present volume contains chapters XV to XX;* volume I, chapters I to III; volume II, chapters IV to VI; volume III, chapters VII to XIV; volume IV, chapters XV to XX; volume V, chapters XXI and XXII; and volume VI, chapters XXIII to XXIX; each volume contains a full table of contents.

* The present version of chapters XV to XX is a consolidation of documents A/9623/Add.5 (Parts I and II) of 13 and 19 November 1974 as they appeared in provisional form.

CONTENTS

VOLUME I

(Chapters I to III)

Paragraphs

LETTER OF TRANSMITTAL

Chapter

I. ESTABLISHMENT, ORGANIZATION AND ACTIVITIES OF THE SPECIAL COMMITTEE (A/9623 (Parts I-III))	1 - 187
A. Establishment of the Special Committee	1 - 12
B. Opening of the Special Committee's meetings in 1974	13 - 37
C. Organization of work	38 - 49
D. Meetings of the Special Committee and its subsidiary bodies	50 - 67
E. Consideration of Territories	68 - 69
F. Question of the list of Territories to which the Declaration is applicable	70 - 80
G. Question of the participation of national liberation movements in the work of the United Nations	81 - 88
H. Matters relating to the small Territories	89 - 92
I. Week of Solidarity with the Colonial Peoples of Southern Africa and Cape Verde Fighting for Freedom, Independence and Equal Rights	93 - 95
J. International Convention on the Elimination of All Forms of Racial Discrimination	96 - 101
K. Relations with other United Nations bodies and international institutions associated with the United Nations	102 - 113
L. Co-operation with the Organization of African Unity	114 - 116
M. Co-operation with non-governmental organizations	117 - 127
N. Consideration of other matters	128 - 156
O. Review of work	157 - 172
P. Future work	173 - 184
Q. Adoption of the report	185 - 187

CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>
II. DISSEMINATION OF INFORMATION ON DECOLONIZATION (A/9623 (Part IV))	1 - 9
A. Consideration by the Special Committee	1 - 6
B. Decisions of the Special Committee	7 - 9

ANNEXES

I. REPORT OF THE CHAIRMAN, MR. SALIM AHMED SALIM (UNITED REPUBLIC OF TANZANIA), RELATING TO THE WORLD CONGRESS OF PEACE FORCES, MOSCOW, OCTOBER 1973	
II. REPORT OF THE CHAIRMAN, MR. SALIM AHMED SALIM (UNITED REPUBLIC OF TANZANIA), ON HIS CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS	
III. REPORT OF THE RAPPORTEUR, MR. HORACIO ARTEAGA ACOSTA (VENEZUELA), ON HIS CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS	
IV. EXCERPTS FROM THE FOURTH REPORT OF THE SUB-COMMITTEE ON PETITIONS AND INFORMATION ON THE QUESTION OF DISSEMINATION OF INFORMATION ON DECOLONIZATION	
III. QUESTION OF SENDING VISITING MISSIONS TO TERRITORIES (A/9623 (Part IV))	1 - 13
A. Consideration by the Special Committee	1 - 12
B. Decision of the Special Committee	13

ANNEXES

I. REPORT OF THE CHAIRMAN	
II. LETTER DATED 13 JUNE 1974 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS, ADDRESSED TO THE CHAIRMAN OF THE SPECIAL COMMITTEE	
III. LETTER DATED 5 SEPTEMBER 1974 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF PORTUGAL TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE SPECIAL COMMITTEE	

CONTENTS (continued)

VOLUME II

(Chapters IV to VI)

<u>Chapter</u>		<u>Paragraphs</u>
IV.	ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH ARE IMPEDING THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN SOUTHERN RHODESIA, NAMIBIA AND TERRITORIES UNDER PORTUGUESE DOMINATION AND IN ALL OTHER TERRITORIES UNDER COLONIAL DOMINATION AND EFFORTS TO ELIMINATE COLONIALISM, <u>APARTHEID</u> AND RACIAL DISCRIMINATION IN SOUTHERN AFRICA (A/9623 (Part V))	1 - 7
	A. Consideration by the Special Committee	1 - 5
	B. Decision of the Special Committee	6 - 7
	ANNEX: REPORT OF SUB-COMMITTEE I	
V.	MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION WHICH MIGHT BE IMPEDING THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (A/9623 (Part VI))	1 - 7
	A. Consideration by the Special Committee	1 - 5
	B. Decision of the Special Committee	6 - 7
	ANNEX: REPORT OF SUB-COMMITTEE I	
VI.	IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (A/9623 (Part VII)) . . .	1 - 13
	A. Consideration by the Special Committee	1 - 12
	B. Decision of the Special Committee	13

ANNEXES

- I. REPORT OF THE CHAIRMAN
- II. REPORT OF THE WORKING GROUP ON THE IMPLEMENTATION BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES AND OTHER RELEVANT RESOLUTIONS OF THE UNITED NATIONS

CONTENTS (continued)

VOLUME III

(Chapters VII to XIV)

<u>Chapter</u>	<u>Paragraphs</u>
VII. TERRITORIES UNDER PORTUGUESE DOMINATION (A/9623/Add.1 (Parts I and II))	1 - 31
A. Consideration by the Special Committee before 25 April 1974	1 - 17
B. Related developments since 25 April 1974	18 - 27
C. Further consideration by the Special Committee	28 - 31
ANNEXES	
I. WORKING PAPERS PREPARED BY THE SECRETARIAT	
II. A. RESOLUTION ADOPTED BY THE SPECIAL COMMITTEE AT ITS 960th MEETING ON 15 MARCH 1974	
B. RESOLUTION ADOPTED BY THE SPECIAL COMMITTEE AT ITS 971st MEETING ON 5 APRIL 1974	
III. NOTE BY THE CHAIRMAN	
IV. LETTER DATED 20 MAY 1974 FROM THE PERMANENT OBSERVER OF GUINEA-BISSAU TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE SPECIAL COMMITTEE	
V. TELEGRAM DATED 2 SEPTEMBER 1974 FROM THE PRESIDENT OF THE FRENTE DE LIBERTAÇÃO DE MOÇAMBIQUE (FRELIIMO), ADDRESSED TO THE CHAIRMAN OF THE SPECIAL COMMITTEE	
VIII. SOUTHERN RHODESIA (A/9623/Add.2)	1 - 15
A. Consideration by the Special Committee	1 - 13
B. Decisions of the Special Committee	14 - 15
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	
IX. NAMIBIA (A/9623/Add.3)	1 - 11
A. Consideration by the Special Committee	1 - 10
B. Decision of the Special Committee	11
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	

CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>
X. SEYCHELLES AND ST. HELENA (A/9623/Add.4 (Part I))	1 - 14
A. Consideration by the Special Committee	1 - 12
B. Decisions of the Special Committee	13 - 14
ANNEXES	
I. WORKING PAPER PREPARED BY THE SECRETARIAT	
II. STATEMENT ISSUED BY THE CHAIRMAN ON 22 APRIL 1974	
III. LETTER DATED 10 MAY 1974 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS, ADDRESSED TO THE CHAIRMAN OF THE SPECIAL COMMITTEE	
IV. TELEGRAM DATED 14 MAY 1974 FROM THE SECRETARY-GENERAL OF THE SEYCHELLES PEOPLE'S UNITED PARTY (SPUP), ADDRESSED TO THE CHAIRMAN OF THE SPECIAL COMMITTEE	
V. REPORT OF SUB-COMMITTEE I	
XI. COMORO ARCHIPELAGO (A/9623/Add.4 (Part II))	1 - 11
A. Consideration by the Special Committee	1 - 10
B. Decision of the Special Committee	11
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	
XII. SPANISH SAHARA (A/9623/Add.4 (Part II))	1 - 6
A. Consideration by the Special Committee	1 - 5
B. Decision of the Special Committee	6
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	
XIII. GIBRALTAR (A/9623/Add.4 (Part II))	1 - 4
A. Consideration by the Special Committee	1 - 3
B. Decision of the Special Committee	4
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	

CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>
XIV. FRENCH SOMALILAND* (A/9623/Add.4. (Part II))	1 - 4
A. Consideration by the Special Committee	1 - 3
B. Decision of the Special Committee	4
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	

* Note by the Rapporteur: See chap. I, para. 9, foot-note 9, for the new designation of the Territory.

VOLUME IV

(Chapters XV to XX)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
XV. NEW HEBRIDES (A/9623/Add.5 (Part I))	1 - 12	1
A. Consideration by the Special Committee	1 - 11	1
B. Decision of the Special Committee	12	2
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT		6
XVI. TOKELAU ISLANDS (A/9623/Add.5 (Part I))	1 - 9	22
A. Consideration by the Special Committee	1 - 8	22
B. Decision of the Special Committee	9	23
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT		25
XVII. AMERICAN SAMOA AND GUAM (A/9623/Add.5 (Part I))	1 - 9	29
A. Consideration by the Special Committee	1 - 8	29
B. Decision of the Special Committee	9	30
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT		33
XVIII. TRUST TERRITORY OF THE PACIFIC ISLANDS (A/9623/Add.5 (Part I))	1 - 8	56
A. Consideration by the Special Committee	1 - 7	56
B. Decision of the Special Committee	8	57
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT		60
XIX. BRUNEI (A/9623/Add.5 (Part I))	1 - 5	61
A. Consideration by the Special Committee	1 - 4	61
B. Decision of the Special Committee	5	62
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT		63
XX. COCOS (KEELING) ISLANDS AND PAPUA NEW GUINEA (A/9623/Add.5 (Part II))	1 - 11	70
A. Consideration by the Special Committee	1 - 9	70
B. Decisions of the Special Committee	10 - 11	71
ANNEX: REPORT OF THE UNITED NATIONS VISITING MISSION TO THE COCOS (KEELING) ISLANDS, 1974		73

CONTENTS (continued)

VOLUME V

(Chapters XXI and XXII)

<u>Chapter</u>	<u>Paragraphs</u>
XXI. GILBERT AND ELLICE ISLANDS, PITCAIRN AND THE SOLOMON ISLANDS (A/9623/Add.5 (Parts III and IV))	1 - 22
A. Consideration by the Special Committee	1 - 20
B. Decisions of the Special Committee	21 - 22

ANNEXES

I. REPORT OF THE UNITED NATIONS VISITING MISSION TO THE GILBERT AND ELLICE ISLANDS, 1974	
II. WORKING PAPERS PREPARED BY THE SECRETARIAT	
III. COMMUNICATIONS RECEIVED FROM THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	
XXII. NIUE (A/9623/Add.5 (Part V))	1 - 12
A. Consideration by the Special Committee	1 - 10
B. Decisions of the Special Committee	11 - 12

ANNEXES

I. REPORT OF THE UNITED NATIONS SPECIAL MISSION TO OBSERVE THE ACT OF SELF-DETERMINATION IN NIUE	
II. TELEGRAM DATED 17 OCTOBER 1974 FROM THE CHAIRMAN OF THE SPECIAL COMMITTEE, ADDRESSED TO THE HONOURABLE ROBERT R. REX, LEADER OF GOVERNMENT, NIUE	

CONTENTS (continued)

VOLUME VI

(Chapters XXIII to XXIX)

<u>Chapter</u>	<u>Paragraphs</u>
XXIII. BERMUDA (A/9623/Add.6 (Part I))	1 - 11
A. Consideration by the Special Committee	1 - 10
B. Decision of the Special Committee	11
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	
XXIV. UNITED STATES VIRGIN ISLANDS (A/9623/Add.6 (Part I))	1 - 9
A. Consideration by the Special Committee	1 - 8
B. Decision of the Special Committee	9
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	
XXV. BRITISH VIRGIN ISLANDS, CAYMAN ISLANDS, MONTSERRAT AND TURKS AND CAICOS ISLANDS (A/9623/Add.6 (Part I))	1 - 9
A. Consideration by the Special Committee	1 - 8
B. Decision of the Special Committee	9
ANNEX: WORKING PAPERS PREPARED BY THE SECRETARIAT	
XXVI. FALKLAND ISLANDS (MALVINAS) (A/9623/Add.6 (Part II))	1 - 5
A. Consideration by the Special Committee	1 - 4
B. Decision of the Special Committee	5
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	
XXVII. BELIZE (A/9623/Add.6 (Part II))	1 - 4
A. Consideration by the Special Committee	1 - 3
B. Decision of the Special Committee	4
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	
XXVIII. ANTIGUA, DOMINICA, ST. KITTS-NEVIS-ANGUILLA, ST. LUCIA AND ST. VINCENT (A/9623/Add.6 (Part II))	1 - 4
A. Consideration by the Special Committee	1 - 3
B. Decision of the Special Committee	4
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT	

CONTENTS (continued)

Chapter

Paragraphs

XXIX. INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 <u>e</u> OF THE CHARTER OF THE UNITED NATIONS (A/9623/Add.7)	1 - 7
A. Consideration by the Special Committee	1 - 6
B. Decision of the Special Committee	7

ANNEXES

- I. REPORT OF THE SECRETARY-GENERAL
- II. LETTER DATED 14 AUGUST 1974 FROM THE PERMANENT REPRESENTATIVE
OF PORTUGAL TO THE UNITED NATIONS, ADDRESSED TO THE CHAIRMAN
OF THE SPECIAL COMMITTEE

CHAPTER XV

(A/9623/Add.5 (Part I))

NEW HEBRIDES

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
A. CONSIDERATION BY THE SPECIAL COMMITTEE	1 - 11	1
B. DECISION OF THE SPECIAL COMMITTEE	12	2
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT		6

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 952nd meeting, on 26 February 1974, the Special Committee, by approving the seventy-first report of the Working Group (A/AC.109/L.920 and Corr.1), decided, inter alia, to refer the New Hebrides to Sub-Committee II for consideration and report.

2. The Special Committee considered the item at its 971st meeting on 5 April and at its 975th to 977th meetings on 1 July and 20 and 22 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3163 (XXVIII) of 14 December 1973 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, by paragraph 11 of which the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolutions 1514 (XV) and 2621 (XXV) in all Territories which have not yet attained independence and, in particular, to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its twenty-ninth session". The Committee also took into account other resolutions of the General Assembly, particularly resolution 3156 (XXVIII) of 14 December 1973 concerning eight Territories, including the New Hebrides, by paragraph 14 of which the Assembly requested the Committee "to continue to give full consideration to this question, including in particular the dispatch of visiting missions to those Territories ...".

4. During its consideration of the Territory, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on the latest developments concerning the Territory. In addition the Special Committee had before it the following written petitions concerning the New Hebrides:

- (a) Letter dated 6 August 1973 from the Rev. J. Bani, Chairman, New Hebrides National Party (A/AC.109/PET.1252);

- (b) Letter dated 9 November 1973 from Mr. Walter Hadye Lini, New Hebrides National Party (A/AC.109/PET.1252/Add.1);
- (c) Letter dated 26 February 1974 from Mr. Barak Sope, Secretary-General, New Hebrides National Party (A/AC.109/PET.1255).

5. At its 962nd meeting, on 25 March, the Special Committee, by adopting the one hundred and eighty-seventh report of the Sub-Committee on Petitions and Information (A/AC.109/L.933), decided, inter alia, to grant the request for hearing contained in the petition referred to in paragraph 4 (c) above.

6. At the 971st meeting, on 5 April, Mr. Walter Hadye Lini, President of the New Hebrides National Party, made a statement (A/AC.109/PV.971). Statements were made by the representatives of Fiji and Ethiopia (A/AC.109/PV.971).

7. At the 975th meeting, on 1 July, the Rapporteur of Sub-Committee II, in a statement to the Special Committee (A/AC.109/PV.975 and Corr.1), introduced the report of that Sub-Committee (A/AC.109/L.952), containing an account of its consideration of the Territory (A/AC.109/SC.3/SR.196-198, 206 and 207).

8. At the same meeting, following a statement by the Chairman, the representative of the United Kingdom of Great Britain and Northern Ireland informed the Special Committee that, having regard to the express readiness of his Government to co-operate in the related work of the Committee, as reflected in a letter dated 13 June 1974 addressed to the Chairman by the Permanent Representative of the United Kingdom to the United Nations (A/AC.109/450), his delegation welcomed the opportunity to study the report and comment thereon in due course, where necessary (A/AC.109/PV.975 and Corr.1).

9. At the 976th meeting, on 20 August, the representative of the United Kingdom made a statement (A/AC.109/PV.976 and Corr.1). At the same meeting, the Chairman also made a statement (A/AC.109/PV.976 and Corr.1).

10. At its 977th meeting, on 22 August, the Special Committee adopted without objection the report of Sub-Committee II and endorsed the conclusions and recommendations contained therein (see para. 12 below), it being understood that the reservations expressed by members would be reflected in the record of the meeting. Statements were made by the representatives of Denmark, Australia, Bulgaria and Czechoslovakia (A/AC.109/PV.977).

11. On 23 August, the text of the conclusions and recommendations was transmitted to the Permanent Representatives of France and the United Kingdom to the United Nations for the attention of their respective Governments.

B. DECISION OF THE SPECIAL COMMITTEE

12. The text of the conclusions and recommendations adopted by the Special Committee at its 977th meeting, on 22 August, to which reference is made in paragraph 10 above, is reproduced below.

(1) The Special Committee reaffirms the inalienable right of the people of the New Hebrides to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

(2) Fully aware of the problems peculiar to the New Hebrides by virtue of its being a condominium, and of other special factors such as its size, geographical location, population and limited natural resources, the Special Committee reiterates its view that these circumstances should in no way delay the speedy implementation of the Declaration contained in resolution 1514 (XV), which fully applies to the Territory. In this connexion, the Committee regrets that the administering Powers concerned have not yet implemented the request made by the Committee at its previous session to seek, in consultation with the people of the Territory and the Special Committee, a constructive approach to solving the special problems of the New Hebrides. It urges them to do so as soon as possible.

(3) The Special Committee expresses its thanks to Mr. Walter Lini, President of the New Hebrides National Party, who participated in the discussion of the Territory as a petitioner. 1/ The Special Committee welcomes information provided by representatives of the people in small Territories such as that given by Mr. Lini, which has been particularly valuable since the two administering Powers concerned, namely France and the United Kingdom of Great Britain and Northern Ireland, have not yet seen fit to participate in the Committee's discussions on the New Hebrides. The Committee once more urges each of the administering Powers concerned to change this policy.

(4) The Special Committee takes note with concern of that part of Mr. Lini's statement 2/ to the effect that no steps have been taken by the administering Powers to disseminate the relevant United Nations resolutions among the people of the Territory and particularly to acquaint the latter with their rights under resolution 1514 (XV).

(5) The Special Committee notes that the Government of the Territory continues to be based on the outmoded tripartite structure of the 1914 Anglo-French Protocol. It considers that proposals by the people of the Territory for a single administration, responsive to their will and needs, should no longer go unheeded. The Committee expresses the hope that talks between the administering Powers concerned on this question will take place without delay. It also expresses the hope that no further delay will prevent them from expediting the revision of the form of government in the Territory so as to transfer full governmental authority to the people of the New Hebrides and to enable them to participate fully in the speedy implementation of resolution 1514 (XV).

(6) The Special Committee is concerned that the policy of dual administration is one of the most serious problems confronting the people of the New Hebrides.

1/ See A/AC.109/SC.3/SR.196 and A/AC.109/PV.971.

2/ A/AC.109/SC.3/SR.196, p. 9.

Although the indigenous political parties have sought to educate the people in that respect, it is clear that the administering Powers have failed in their duty to prepare the people for self-government through a programme of political education. The Committee therefore urges the administering Powers to take immediate steps to institute a programme of intensive political education so that the people will be ready to participate meaningfully in the process of self-determination and will be instilled with a greater sense of nationhood.

(7) A related cause for concern to the Special Committee has been the failure of the administering Powers to move towards representative government and to replace the Advisory Council and the resident commissioners. The Committee therefore calls once more upon the administering Powers to respect the free will and desire of the people of the Territory for representative organs of government and to establish a democratically elected legislative assembly and an executive responsible to it.

(8) The Special Committee notes that, although the situation regarding land tenure has somewhat improved, the petitioner had stated that a small minority of expatriates or foreign economic interests still retain an overwhelming share of the registered land in the Territory. In this connexion, the Committee endorses the resolution adopted by the Governing Council of the New Hebrides National Party advocating a national land tenure policy and reiterates its previous recommendation that those charged with effecting land transactions should be drawn from among the indigenous population concerned. The Committee also urges the administering Powers to safeguard the right of the people of the New Hebrides to own and dispose of their natural resources and to maintain control over their future development.

(9) Although some sectors of the economy show favourable signs, those remain largely in expatriate hands. The Special Committee therefore reiterates its concern over the state of the economy which remains based on subsistence gardening and the production of copra. It would welcome information regarding steps which the administering Powers are taking to encourage local participation and to diversify the economy as rapidly as possible.

(10) In the view of the Special Committee, the unfortunate results of the dual administrative structure are particularly evident in the field of education, where indigenous students are introduced to two separate foreign traditions, thereby striking at the basis of unity within the Territory. The Committee therefore once more urges the administering Powers to give thorough consideration to the field of educational development which continues to lag behind the Territory's requirements and to prepare the people to take positive steps towards self-government and economic development.

(11) The Special Committee notes with satisfaction the continued assistance received by the Territory from the United Nations family of organizations and again expresses the hope that the administering Powers will co-operate in regard to requests for international assistance in areas of need in the Territory.

(12) Bearing in mind the invitation extended to it by the petitioner, the President of the New Hebrides National Party, to send a visiting mission to the Territory "to see the situation" for itself, the Special Committee once more affirms its view that such missions are a vital element in the participation of the United Nations in the process of decolonization, and therefore, strongly urges the administering Powers concerned to reconsider their position and allow the early access of a visiting mission to the New Hebrides in order to enable the Committee to acquire adequate first-hand information on the situation prevailing in the Territory and to ascertain the views and wishes of the people concerning their future.

Annex*

WORKING PAPER PREPARED BY THE SECRETARIAT

CONTENTS

	<u>Paragraphs</u>
1. General	1 - 2
2. Constitutional and political developments	3 - 28
3. Economic conditions	29 - 57
4. Social conditions	58 - 67
5. Educational conditions	68 - 71

* Previously issued under the symbol A/AC.109/L.929 and Add.1.

NEW HEBRIDES a/

1. GENERAL

1. Basic information on the New Hebrides is contained in the report of the Special Committee to the General Assembly at its twenty-eighth session. b/ Supplementary information is set out below.

2. According to the report of the Government of France, the population of the New Hebrides was estimated to be 98,938 persons at 31 December 1972, compared with 89,795 at 31 December 1971. Non-indigenous persons numbered 6,576, compared with 5,927 in the previous year.

2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. Administration

3. As previously reported, the Territory forms a condominium administered jointly by France and the United Kingdom. It is governed according to the terms of the Anglo-French Protocol of 6 August 1914. The Joint Administration consists of the British National Service, the French National Service and the Joint (or Condominium) Services.

B. Legislature

4. The present Advisory Council consists of 24 unofficial members (of whom 14 are elected and 10 are nominated) and 6 official members, including the British and French resident commissioners. Of the 14 unofficial members, 8 are New Hebrideans and 4 are Europeans. There are two vacancies. Of the 10 nominated members, 6 are Europeans and 4 are New Hebrideans.

5. The life of the present Advisory Council, which was enlarged in 1969, has been prolonged for three consecutive years. By Joint Regulation No. 5 of 1973, dated 7 March 1973, c/ it was deemed validly constituted for the year ending 31 December 1973, or until the date on which new elections are held by joint decision of the resident commissioners, whichever date should be the earlier.

a/ This paper is based on published reports and on information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter of the United Nations on 8 September 1973 for the year ending 31 December 1972 and by the Government of France on 21 January 1974 for the year ending 31 December 1972.

b/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. IV, chap. XVII, annex.

c/ New Hebrides Condominium Gazette, No. 324 (March 1973).

6. It will be recalled that the 14 unofficial members are elected as follows: 8 New Hebrideans from the 8 electoral districts or constituencies established in 1969 for that purpose d/ and 3 French and 3 British by the electoral body of the Chamber of Commerce.

7. On the subject of indigenous participation in the advisory bodies of the Territory, especially the Advisory Council, a recent book on the Territory e/ states:

"Their role /of the indigenous members/ in this body must first of all be considered in the light of the responsibilities vested in the Advisory Council itself. Its functions consist solely of advising and, in principle, only on matters which are submitted to it by the resident commissioners, chiefly joint draft regulations. The Council meets twice a year and one of the two sessions is devoted to consideration of the budget of the Joint Services. Between sessions, the resident commissioners may also refer matters to a smaller body, the Standing Committee. In practice, except during the discussion of the budget of the Joint Services, it is only by the procedure of motions that questions of a very general nature are broached.

"The European members of the Advisory Council represent, in fact, the planters, businesses and missions. They are primarily concerned with the expenditures of the Joint Administration. Their advice, given each year on the sections of the joint (condominium) budget, gives them the opportunity of reviewing, sometimes in great detail, the activities of the different Joint Services. They carefully scrutinize the allocation of the joint funds.

"The indigenous members of the Advisory Council are village chiefs, medical assistants or clergymen. Some of them speak only the Beach-la-Mar language, which leads to trilingual discussions. Although representing the great majority of taxpayers, since there is only indirect taxation in the New Hebrides, they are not so much concerned with the expenditures of the Condominium as with the extension of the Joint Administration throughout the islands and, above all, its adaptation to local conditions. They are the new élite of Melanesian society and, in an assembly whose representative character may be questioned, they are the indigenous class which is most like the Europeans. Of course, they do not hesitate to engage in discussions which bring out the various components of general interest in the New Hebrides, such as the land question, but their tone is moderate. Hearing this élite, one might believe that traditional Melanesian society, shaken for a century by European intrusion, is seeking a sort of stability amidst the turmoil imposed on it ...

"...

d/ For details, see Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 23 (A/8023/Rev.1), vol. III, chap. XIV, annex III.C, para. 16.

e/ Hubert Benoist, Le Condominium des Nouvelles-Hébrides et la Société Mélanésienne (Paris, Editions A. Pedone, 1972), pp. 178-180.

"The method of appointing the members of the Advisory Council is, moreover, a problem which has yet to be solved. It is generally agreed that this body should be more representative, but the Joint Authority still appoints the majority of its members. The election process, as now organized, still gives the Joint Authority great influence because the resident commissioners participate decisively in determining the electoral body of the Chamber of Commerce. Furthermore, the European community has an advantage under this system in terms of the number of seats.

"It is therefore easy to criticize the institution of the Advisory Council of the New Hebrides as regards both its make-up and its powers. It is less easy to conceive of a representative system adapted to local conditions. The majority of the population is not yet entered in a civil register. Furthermore, in a country where education does not yet embrace all groups and is given in two different languages, in an archipelago where compartmentalized communities are sometimes subjected to the direct influence of religious institutions or social movements which deliberately ignore the joint institutions, it is doubtful whether universal suffrage can succeed, in the present circumstances, in reflecting the wishes of the Melanesian population as a whole. On the other hand, giving the Council powers of decision might be detrimental to the Melanesian community, considering the number of representatives it now has."

8. According to Mr. Walter Hadye Lini, President of the New Hebrides National Party, who appeared before the Special Committee on 5 April 1974 (A/AC.109/PV.971) and before Sub-Committee II on 8 April (A/AC.109/SC.3/SR.196), the people of the Territory have requested a legislative council for the last four years, but the administering Powers have not yet approved that request.

C. Political parties

9. Mr. Lini stated that of the four political parties in the New Hebrides, three are composed of French-speaking New Hebrideans and one of English-speaking New Hebrideans:

(a) Na-griamel, which has been described in earlier reports of the Special Committee to the General Assembly, claims to have 20,000 followers;

(b) The New Hebrides National Party, formed in 1971, numbers 50,000 and has undertaken to increase its membership;

(c) The Mouvement autonomiste des Nouvelles-Hébrides (MANH) was formed mainly by six French teachers as a reaction to a demonstration by the New Hebrides National Party on 27 December 1973 protesting the mistreatment of the two Rurua brothers, who had reportedly been imprisoned arbitrarily. The MANH merged with Na-griamel;

(d) The Union des communautés des Nouvelles-Hébrides (UCNH) has a membership of 300. According to reports, it may unite with the National Party.

10. Mr. Lini also stated that the Union de la population des Nouvelles-Hébrides (UPNH), formed by French and Australian planters, had been short-lived. There was also an underground movement which was allegedly teaching the people how to fight.

11. Concerning party platforms, Mr. Lini said that MANH advocated a status similar to that of New Caledonia or Tahiti, whereas the New Hebrides National Party and UCNH were in agreement that the Territory had to achieve independence and that the people should be prepared for it. The UCNH considered that independence should not be rushed, but the New Hebrides National Party desired independence as soon as possible. Further, if the administering Powers would be willing to permit the formation of a legislative council or a governing council, the National Party would propose elections late in 1974 with a view to an early date for independence.

D. Political education programmes

12. Mr. Lini stated that New Hebrideans could not wait until independence for an education or rely on the administering Powers to educate more than a minority. The New Hebrides National Party had therefore drawn up a plan to train the mass of the people through direct communication. The first task was to teach them the meaning of independence. In this connexion, he said that the people of the New Hebrides were not aware of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Efforts to disseminate that information were being made by his party, not by the administering Powers. The New Hebridean Viewpoints, his party's newspaper, was the only channel for the dissemination of information on United Nations work in decolonization.

13. Mr. Lini further stated that the New Hebrides National Party believed that the people of the New Hebrides had to be united in order to achieve independence. That need was being emphasized in its activities for the political education of the people, hence its efforts to unite all political parties which, after independence, could then pursue their separate goals.

4

E. Future status of the Territory

14. It was reported in Le Monde on 19 June 1973 that senior British and French public officials had met in London on the future of the Territory and it was anticipated that the question of defining a new status for the New Hebrides would soon be discussed at the ministerial level. Mr. Lini informed the Special Committee, however, that these talks, originally scheduled to take place at the end of 1973, continued to be postponed, so that the people of the New Hebrides did not really know their future.
15. In a petition addressed to the Secretary-General on 6 August 1973 (A/AC.109/PET.1252), the Reverend J. Bani, Chairman of the New Hebrides National Party, called upon the administering Powers concerned, as well as the United Nations, to give serious consideration to establishing one system of government in the Territory, and he called upon the United Nations to send a fact-finding mission to the Territory in order to ascertain the possibility of doing so. Subsequently, on 9 November, Mr. Lini submitted a petition (A/AC.109/PET.1252/Add.1) reiterating those requests.
16. It was reported that the New Hebrides National Party had held a convention in November 1973, at which Mr. Lini had launched a call for immediate independence. According to the press report, unity in politics, economy, social services and land was the theme of the convention: "an impossibility in the Condominium where there has to be at least two of a kind!".
17. In his statement before the Special Committee (see para. 8 above), Mr. Lini said that the New Hebrides National Party would prefer that the British and French leave and thus enable the New Hebrideans to establish a single government. According to the party, the Condominium Department, established by the two Powers, would become the headquarters of the new Government.
18. Mr. Lini said that he had petitioned the Special Committee to consider seriously the possibility of sending a fact-finding mission to the New Hebrides very soon. He believed that the administering Powers would welcome this idea as the Resident Commissioners had already indicated as much. It was therefore up to the New Hebrides National Party, which represented the people, to negotiate with the administering Powers for the acceptance of such a mission.
19. Mr. Lini informed the Special Committee that the National Party had expressed the hope that the United Nations might select a Government other than the present administering Powers to administer the Territory. It would then be up to the new administering Power and a representative legislature to decide on a target date for independence.
20. The General Assembly of the Presbyterian Church in the New Hebrides, which, according to one of the local newspapers, claims to represent more than half the

population, has also issued a strongly worded statement favouring self-government or independence. It has declared that it "confidently looks towards the goal of responsible self-government of the New Hebrides people as a nation. ... We see the British, French and Condominium administrations as partners with us as together we move towards this goal." The Assembly asked the South Pacific Commission and the United Nations to co-operate with the New Hebrides administration "in achieving self-government without delay, without violence and with due preparation of our people for the duties, functions, rights and responsibilities of independent Government".

F. Public service

21. The United Kingdom report for the period under review states that the British National Service attaches the highest importance to localization of the service and the training facilities necessary to achieve this. During the period under review, 103 New Hebrideans were studying abroad on overseas scholarships or attending in-service training courses to fit them for positions in the British National Service and the Joint Administration. In addition, local training courses and facilities for on-the-job training have reportedly been extended and improved in recent years.

22. Established posts in the British National Service numbered 458, of which 69 were vacant. Of the remainder, 264 were held by local permanent and pensionable officers, 13 by expatriate permanent and pensionable officers, 91 by expatriate officers on contract or secondment, and 21 by non-New Hebridean Pacific Islanders on contract.

23. According to France, there were 816 officers in the French National Service, of whom 150 were from overseas or "assimilated". f/ There were 958 officers in the Condominium Services of whom 237 were from overseas or "assimilated". The remainder were either New Hebrideans or Tahitians and (in the majority) Wallis Islanders.

24. The New Hebridean British Civil Servants' Association is active on behalf of its members, the local established staff of the British National Service. The Association holds regular meetings to discuss matters affecting local civil servants and is interested in the measures being taken to advance the pace of localization.

25. In his statement before the Special Committee (see para. 8 above), Mr. Lini said that the British apparently wished to localize all the posts in their National Service, including those concerned with education. The British National Service had more students studying overseas than the French National Service. It was difficult, however, to determine the position of the French National Service with respect to education. The curriculum in the New Hebrides was the same as that

f/ "Assimilated" workers are those who, although not of European origin, hold labour contracts based on the same criteria as those held by expatriates, particularly with respect to leave.

in France, but many children never reached the top class in school. For that reason, there were few French-speaking New Hebridean students studying abroad. Most schools had localized their teaching positions; however, one British secondary school had teachers from New Zealand and Australia.

26. Mr. Lini also said that in the condominium offices, senior positions were still held by expatriates: local people were not promoted to fill those posts.

27. The Joint Services provide limited in-service training within the Territory for locally recruited officers possessing the necessary educational standards and aptitude.

28. A regional training unit for the Western Pacific based in the Solomon Islands has recently been established. This unit organizes training on a regional basis for indigenous administrative, executive and clerical staff. Training for administrative and senior executive posts is given at the University of the South Pacific in Suva, Fiji. Junior executive and clerical staff receive training locally and on the job. Extensive use is also made of the Honiara Technical Institute in the Solomon Islands for technical, secretariat and commercial training.

3. ECONOMIC CONDITIONS

A. General

29. The economy of the New Hebrides is based mainly on subsistence gardening and the production of copra. Coffee and cocoa are also produced, a cattle and meat (frozen and tinned) exporting industry is being developed and fish are frozen and exported. The production of timber is another source of revenue and there is a developing tourist industry.

30. Economic progress, however, is still heavily dependent upon overseas aid, with over \$A 2 million g/ for capital development being provided by the two administering Powers in 1972. New investments have started providing employment in the Vila area, so far mainly in the building industry.

31. The Territory suffered a serious setback to economic development in 1972 as a result of damage from a number of severe cyclones during the first half of the year, followed by a slump in the world price of copra, on which the rural sector is almost completely dependent.

32. The joint development plan for the period 1971-1975 is now in operation and includes projects in the public sector for which the Joint Administration is responsible. The original plan provided for a total expenditure of \$A 8,885,500, with an estimated \$A 2,552,500 financed by grants from the

g/ The pound sterling (£) and the French franc (F) are legal tender in the Territory. The currencies in use, however, are the Australian dollar (\$A) and the New Hebrides franc (FNH). \$A 1.00 equals FNH 100 or approximately \$US 1.47.

administering Powers in equal shares. It was also envisaged that loans would be raised to finance certain projects and that some \$A 4 million would be available from condominium revenue to finance the plan. National development plans covering the expansion of social services also exist.

33. In his statement before the Special Committee (see para. 8 above), Mr. Lini said that one of the elements of the policy of his party was that New Hebrideans must in the future have a share in any new company established in the Territory. The participation of the local population in such schemes was an essential part of development.

B. Land tenure

34. The following types of land tenure are found in the Territory:

(a) Land in respect of which an order of registration has been given by the Joint Court under the provisions of the Protocol. Such land may be held by any person irrespective of race or nationality;

(b) Land situated in Native reserves set aside by the Joint Court for use by the indigenous people of the area concerned when ordering registration of title in favour of non-natives;

(c) Land held by virtue of Native custom, sometimes known as Native lands.

35. The Territory covers an area of 1,188,166 hectares, of which 251,243 hectares are registered as follows:

	<u>Hectares</u>
Native	6,320
Native reserve	12,329
Non-native	215,400
Governments	17,194

Unregistered land totals 936,923 hectares.

36. In a profile on the Territory appearing in the Paris daily, Le Monde, (from 28 to 30 November 1973), Mr. Jean-Claude Guillebaud wrote the following concerning the Na-griamel movement which has been directly linked with Melanesian land claims since its inception in 1964:

"Complacently supported by the Presbyterian missions (because it is directed against French colonialism), the movement underwent an unexpected expansion and could claim more than 10,000 militants in 1968. Simultaneously with land claims, the prophet, Mr. Jimmy Stevens, developed

a genuine ideology which is very pragmatized and more astute than one would think. It is based on the return to a specific Melanesian identity, on the rejection of white education and the development of a new agriculture, etc.

"... under pressure from the indigenous population and international opinion in the South Pacific, France had finally decided to redistribute land among the Melanesians.

"The Société Française des Nouvelles-Hébrides (SFNH), an encumbering symbol of French colonialism, still owns 100,000 hectares of land in the Archipelago. Under a plan drawn up between 1965 and 1969 by the French Administration, it is supposed to retain only 30,000 hectares, the remainder to be gradually returned to the Melanesians.

"Compensated by the Government, SFNH has pledged to reinvest those funds in its 'exploitable agricultural holdings', notably by developing animal husbandry. At Santo, a fief of the Na-griamel, 2,500 hectares have now been returned with much ceremony to the customary authorities....

"So as not to fall behind, the British are preparing to do the same with the lands still belonging to the Australian firm, Burns Philp. A little more than 10,000 hectares h/ will be redistributed."

37. In his statement before the Special Committee Mr. Lini said that a prerequisite to agricultural development would be national acceptance of a land tenure system. The Governing Council of the National Party had adopted a resolution advocating a national land tenure policy whereby every New Hebridean would have the right to develop any piece of land wherever he so desired. Land boards had to be set upon every island so that the people themselves controlled the land.

h/ The following is part of the communiqué dated 14 June 1973 referred to by the representative of Australia at the 175th meeting of Sub-Committee II on 21 June 1973:

"...

"As part of a contract made in 1902 between the Australian Government and Burns Philp and Company, Ltd., Burns Philp transferred the right of disposal of approximately 25,000 acres of land in the New Hebrides to which it held claims, to the Australian Minister for External (now Foreign) Affairs in return for an increase in shipping subsidy."

C. Agriculture

Copra

38. More than 50,000 hectares are planted in coconuts, of which about 30,000 hectares belong to indigenous producers. Copra exports dropped from 34,035 metric tons, valued at \$A 4.3 million, in 1971, to 18,282 metric tons, valued at \$A 1.4 million, in 1972 (13,961 tons to France and 4,321 tons to Japan).^{i/} The coconut palm is cultivated by both New Hebrideans and expatriates, but there has been little replanting on expatriate properties since the Second World War, and production in that sector is now on the decline. Land owned by New Hebrideans was replanted during the post-war period, and the copra produced from this source is now more than half the total and is increasing.

39. The decline in the price of copra, already reported in the 1971 annual reports, took on the aspect of a complete collapse in 1972: the local market (dock price at Vila and Santo) declined from FNH 4,500 to FNH 2,500 per ton between January and December.

Cattle

40. A cattle census conducted in 1971 enumerated 83,555 head of cattle in the New Hebrides, with about 10,500 head (12 per cent) owned by the indigenous population. According to the annual report from France, the number had increased to an estimated 92,000 in 1972: 50,000 head on Espirito Santo, 22,000 head on Efate and 20,000 head on the other islands. During the period under review, exports of meat to New Caledonia amounted to 672 metric tons: 479 metric tons of frozen and chilled meat, valued at \$A 265,000; and 193 metric tons of canned meat, valued at \$A 254,000. Twenty-five metric tons of hides were also exported at a value of \$A 4,000.

41. It is reported that the New Hebrides Development Corporation will build a \$A 300,000 abattoir at Vila.

Other crops

42. Cocoa and coffee, which are respectively second and third in importance as agricultural cash crops, were formerly produced on many plantations owned by expatriates. Since the end of the war the scarcity and cost of labour have caused most expatriate planters to abandon production of these crops, and although New Hebridean interest in cash crops has increased, it has not compensated for the steep drop in production in the expatriate sector. Exports have therefore continued

^{i/} Copra was the second most important export in 1972, but is reported to have become the largest earner of foreign exchange in 1973.

to decline. Cocoa exports declined from 568 metric tons, valued at \$A 188,000, in 1971 to 331 metric tons, valued at \$A 129,440 in 1972; coffee exports fell from 74 metric tons, valued at \$A 48,000, in 1971 to 71 metric tons, valued at \$A 45,300, in 1972.

D. Fisheries

43. In 1972, 15,598 metric tons of fish, mainly tuna and related species, were exported, with an f.o.b. value of almost \$A 9.0 million (74 per cent of the total value of exports), compared with 13,346 metric tons in 1971, valued at \$A 6.5 million (51 per cent).

44. Overseas vessels call at Palekula to load frozen fish for export. The principal market is the United States of America, although Japan takes substantial quantities.

E. Forestry

45. In 1972, 11,368 cubic metres of timber were exported at a value of \$A 4.4 million (12,638 cubic metres in 1971, valued at \$A 6.5 million). The timber was exported principally to France, New Zealand, Australia and New Caledonia.

46. During the year, two New Hebrideans completed a course of training at the Fiji Forest School and subsequently joined the Forestry Section as forest guards. Two other students went to New Caledonia for a one-year course in forestry.

F. Mining

47. In 1972, the expenditures of the Condominium Mines Department totalled \$A 34,215 compared with \$A 36,586 in the previous year. During the same year, 36,965 metric tons of manganese were exported, valued at \$A 409,000, compared with 40,771 metric tons, valued at \$A 462,000, in 1971.

G. Tourism

48. Tourism was reportedly the Territory's largest industry in 1972. Estimated earnings were \$A 3 million. The number of visitors to the Territory totalled 19,381, or 9 per cent more than in 1971. Most of the visitors came from New Caledonia, followed by Australia and the United States.

49. Work was scheduled to begin on a new 200-room hotel in the capital, Port Vila, at the end of 1973. The complex, set in Tassiriki Park, is being developed by Hebrida Holdings, Ltd., and is scheduled to open early in 1975.

H. Public finance

50. As previously reported, the Territory has three budgets. Revenue and expenditure for 1972 were as follows:

	<u>Revenue</u>	<u>Expenditure</u>
	(New Hebrides francs)	
Joint (Condominium) Services
British National Service	282,163,400	272,754,700
French National Service	204,249,000	213,370,000

51. When the New Hebrides budget for 1973 was presented to the Advisory Council in December 1972 by the British and French resident commissioners, members reportedly took the unprecedented step of unanimously rejecting it. Generally, members were said to have objected to the total amount of expenditure proposed, some FNH 606 million. The resident commissioners allegedly remained adamant, stating that the budget had been reduced as far as possible, and the session of the Council was adjourned.

52. Four members of the Council were subsequently appointed to work with the finance section of the Joint Administration. At the resumption of the session in March 1973, the total amount of the budget had been increased by FNH 1.1 million but it was nevertheless adopted.

53. The finance committee informed the Advisory Council that the Joint Administration had accepted the following points made at the December meeting:

- (a) Import duties would not be increased;
- (b) The number of new posts proposed for the Joint Administration would be reduced, and
- (c) A price-control bureau would be established in 1973 to combat inflation.

I. Transport and communications

54. According to the report submitted by France, 789 aircraft entered the Territory in 1972 (779 at Vila and 10 at Santo). Vessels numbered 53, compared with 352 in 1971.

55. Since the end of 1972, a new 700-foot deep water wharf has been in operation at Vila. It is capable of accommodating large cargo vessels and cruise liners and has 350,000 cubic feet of transit storage space for copra and general cargo. It is also expected to attract an increasing number of tourist ships.

J. United Nations assistance

56. In addition to those projects mentioned in last year's report, j/ it was anticipated that vocational training schemes staffed and financed by the United Nations Development Programme (UNDP) would be initiated in 1973. They will be supported jointly by the United Kingdom and French Governments and are designed to serve the needs of all sectors of the community.

57. Technical and professional training of New Hebrideans has mainly been undertaken by the appropriate establishments in Fiji, the Solomon Islands and elsewhere. Apart from internal training programmes undertaken by government departments, little in the way of apprenticeship schemes or trade training programmes has been offered by private industry. Following an exploratory visit by a vocational training adviser from the International Labour Organisation (ILO) in September 1972, the Government requested the ILO and UNDP to assist it in organizing a vocational training seminar to involve community leaders of the Territory in discussions of vocational training needs and a possible programme dealing with them. The seminar was held at the end of January 1973.

4. SOCIAL CONDITIONS

A. Co-operative societies

58. According to the administering Powers, there were 156 co-operative societies registered in the Territory, with a total membership of 8,137. Co-operatives under the jurisdiction of the British National Service numbered 118 (86 active and the remainder being formed) and those under the jurisdiction of the French National Service numbered 38 (33 active and 5 being formed). The total turnover for 1972 was \$A 1,171,673.

59. According to Mr. Lini (see para. 8 above), the co-operative system was viewed in the New Hebrides as the only way at present to fight capitalist exploitation. A number of co-operatives had formed a co-operative federation with a view to buying their own ships so that they could trade directly with the outside world and no longer rely on the expensive intermediary of foreign companies, such as Burns Philp.

B. Housing

60. In August 1972 a joint regulation was signed creating a Housing Authority in Vila. The Authority will reportedly use three designs prepared by the Solomon Islands Housing Authority for low-cost housing. The designs are reputedly simple and quick to build. A similar scheme is envisaged for Santo.

j/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. IV, chap. XVII, annex, paras. 53-55.

C. Labour

61. In 1972, the number of persons working for wages increased to 35,190 (34,500 in 1971). Salaried employees numbered 6,912 (6,387 in 1971), of whom 1,774 were employed by the public service. The total work force was estimated by France to be 43,187 in 1972 (41,927 in 1971).

62. In 1972, wages ranged from \$A 20 to \$A 30 per month (in addition to free rations) for unskilled plantation workers, to \$A 60 to \$A 180 per month (including meals and in some cases free accommodation) for waiters or waitresses and barmen in the hotel and catering industry.

63. The relatively recent development and expansion of the nickel mining industry in New Caledonia and the high wages paid by the industry has led to a regular movement of New Hebrideans to Nouméa for temporary employment. Initially, no restrictions were imposed upon such movements but as the employment situation stabilized, it became necessary for the French authorities to introduce a system of work visas to ensure that workers were proceeding to fill known vacancies and were not creating employment hardships of one kind or another.

64. In 1972, a joint mission was carried out by the labour inspectors of the French and British residencies to inquire into conditions of employment for New Hebrideans in New Caledonia and to ascertain the number employed. It found some 1,960 New Hebrideans were in regular employment, mainly in the building and construction industry and that conditions of employment gave no rise for concern.

65. It is estimated that some 2,500 New Hebrideans migrate temporarily to New Caledonia each year for employment and that the same number returns.

D. Public health

66. In 1972, statistics on staff and health facilities remained basically the same as those for 1971. At the same time, expenditure by the French National Service was FWH 48,285,000 (FWH 46 million in 1971). Estimated medical expenditure by the British National Service totalled \$A 528,124 for 1972/73 (\$A 418,764 in 1971/72).

67. It was expected that construction of the new French base hospital at Vila would be completed in the latter half of 1973.

5. EDUCATIONAL CONDITIONS

68. In 1972, primary education supported by the British National Service was provided in 113 public schools and 82 independent schools (55 public schools and 140 independent or mission schools in 1971). The total enrolment was 11,919 pupils, compared with 11,962 pupils in 1971. The French National Service operated 45 primary schools in 1972 staffed by 207 teachers, 35 of whom were indigenous.

These schools had an enrolment of 3,718 pupils (684 non-indigenous pupils) compared with 3,388 in 1971. There were 36 private schools (37 in 1971), operated by French voluntary organizations, with an enrolment of 4,088 (608 non-indigenous pupils), compared with 3,802 in 1971. The total number of children of school age was given as 21,900, compared with 24,000 in the previous year.

69. The French National Service operated two secondary schools in 1972, with a total enrolment of 418 students (377 in 1971). The one British secondary school had an enrolment of 161 pupils (132 in 1971). There were also three independent secondary schools with an enrolment of 307 students (263 in 1971). France reported 10 secondary students on scholarship in New Caledonia (22 in 1971) and 1 in France. Nine students were attending French universities on scholarships granted by the French National Service (7 in 1971). The United Kingdom reported 25 students in universities overseas.

70. According to the United Kingdom, vocational training was provided overseas for 64 students in 1972 (50 in 1971). France reported a slight increase in the students at the Technical College, from 147 in 1971 to 151 in 1972. The teacher-training college operated by the British National Service, staffed by eight teachers, had an enrolment of 72 students (82 in 1971). Nine other students were receiving teacher training overseas.

71. The Joint Administration of the Condominium provides an annual subvention for education, which is equally divided between the two national services and is used to help provide educational facilities in accordance with the respective policies of the metropolitan countries. In 1972, the subvention amounted to \$A 100,000, compared with \$A 127,000 in 1971. Expenditure by the British National Service totalled \$A 837,621 (\$A 682,527 in 1971) and British Development Aid provided an educational grant of \$A 214,123 (\$A 381,894 in 1971). Educational expenditure by the French National Service in 1972 amounted to F 17,157,082 (F 11,890,482 in 1971).

CHAPTER XVI

(A/9623/Add.5 (Part I))

TOKELAU ISLANDS

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
A. CONSIDERATION BY THE SPECIAL COMMITTEE	1 - 8	22
B. DECISION OF THE SPECIAL COMMITTEE	9	23
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT		25

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 952nd meeting, on 26 February 1974, the Special Committee, by approving the seventy-first report of the Working Group (A/AC.109/L.920 and Corr.1), decided, inter alia, to refer the Tokelau Islands to Sub-Committee II for consideration and report.

2. The Special Committee considered the item at its 976th and 977th meetings on 20 and 22 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3163 (XXVIII) of 14 December 1973 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, by paragraph 11 of which the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolutions 1514 (XV) and 2621 (XXV) in all Territories which have not yet attained independence and, in particular, to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its twenty-ninth session". The Committee also took into account the consensus adopted by the General Assembly on 14 December 1973, 1/ whereby the Assembly requested the Committee "to continue to seek the best ways and means of implementing the Declaration with respect to the Tokelau Islands", including the dispatch of visiting missions as appropriate, and to report thereon to the Assembly at its twenty-ninth session".

4. During its consideration of the Territory, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on the latest developments concerning the Territory.

5. The representative of New Zealand, as the administering Power concerned, participated in the work of the Special Committee during its consideration of the item (see A/AC.109/SC.3/SR.203-205 and 211).

1/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 30 (A/9030), "Other decisions", p. 111.

6. At the 976th meeting, on 20 August, the Chairman of Sub-Committee II, in a statement to the Special Committee (A/AC.109/PV.976 and Corr.1), introduced the report of that Sub-Committee (A/AC.109/L.957) containing an account of its consideration of the Tokelau Islands (A/AC.109/SC.3/SR.203-205, 210 and 211). The Chairman made a statement (A/AC.109/PV.976 and Corr.1).

7. At its 977th meeting, on 22 August, the Special Committee adopted without objection the report of Sub-Committee II and endorsed the conclusions and recommendations contained therein (see para. 9 below), it being understood that the reservations expressed by members would be reflected in the record of the meeting. Statements were made by the representatives of Denmark, Australia, Bulgaria and Czechoslovakia (A/AC.109/PV.977).

8. On 23 August, the text of the conclusions and recommendations was transmitted to the Permanent Representative of New Zealand to the United Nations for the attention of his Government.

B. DECISION OF THE SPECIAL COMMITTEE

9. The text of the conclusions and recommendations adopted by the Special Committee at its 977th meeting, on 22 August, to which reference is made in paragraph 7 above, is reproduced below.

(1) The Special Committee reaffirms the inalienable right of the peoples of the Tokelau Islands to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

(2) Fully aware of the special circumstances of the Territory, owing to such factors as its size, geographical location, population and limited natural resources, the Special Committee reiterates the view that these circumstances should not prevent the implementation of the Declaration which fully applies to the Tokelau Islands.

(3) The Special Committee once more welcomes the extensive co-operation which the Government of New Zealand, as the administering Power concerned, has been according to the Committee in its consideration of the question of the Tokelau Islands. It considers this to be an example of close co-operation by an administering Power with the Committee in the full implementation of the Declaration.

(4) The Special Committee is of the view that any decision concerning the future status of the Territory should be made by the people themselves. Having in mind that recent visiting missions to small Territories have patently demonstrated the usefulness of such missions, the Committee expresses its appreciation to the New Zealand Government for its willingness to receive a visiting mission to the Territory of the Tokelau Islands in the near future, in order to secure first-hand information on the situation prevailing in the Territory and to ascertain the genuine views and wishes of the people.

(5) The Special Committee notes the continuation of the Tokelau Islands Resettlement Scheme and expresses the hope that the problem of over-population in the Territory will be alleviated.

(6) The Special Committee requests the administering Power to continue the efforts already made in the economic sector as well as in the social sector of the Territory with the aim of improving the welfare of the people.

(7) The Special Committee notes with satisfaction the help provided to the Territory by the United Nations specialized agencies such as the World Health Organization (WHO) and is of the opinion that such assistance must be encouraged to demonstrate the international community's continuing interest in this small Territory with the aim of making it more self-sufficient.

Annex*

WORKING PAPER PREPARED BY THE SECRETARIAT

CONTENTS

	<u>Paragraphs</u>
1. General	1
2. Constitutional and political developments	2 - 9
3. Economic conditions	10
4. Social and educational conditions	11 - 14

* Previously issued under the symbol A/AC.109/L.928.

TOKELAU ISLANDS a/

1. GENERAL

1. The Tokelau Islands consist of the three atolls of Fakaofu, Nukunonu and Atafu. Nukunonu is 1,350 acres in area; Fakaofu is 650 acres and Atafu is 500 acres in area. According to the September 1972 census, the population totals 1,633, divided as follows: Atafu, 593; Fakaofu, 678; and Nukunonu, 362; a total of 1,633 persons. The corresponding figures for 1971 were 632, 625 and 398, a total of 1,655.

2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

2. The Secretary for Maori and Island Affairs is the Administrator of the Territory and is responsible to the New Zealand Minister of Island Affairs. By agreement with the Government of Western Samoa, the Office of the Tokelau Islands Administration continues to be based at Apia, Western Samoa.

3. The basis of the Tokelau Islands legislative, administrative and judicial systems is the Tokelau Islands Act, 1948, and its amendments. This Act continued in force the laws of the Gilbert and Ellice Islands which had governed the Tokelau Islands immediately before New Zealand assumed formal sovereignty of the group. Some of these laws are now out of date and are being replaced by legislation suited to present conditions.

4. Part I of the Tokelau Islands Amendment Act, 1967, established a separate Tokelau Island Public Service under the control of the New Zealand State Services Commission. At 31 March 1973, there were 198 locally appointed employees and 12 expatriate staff.

5. In 1971, the New Zealand Government expressed its willingness to receive a small visiting mission to the Territory to enable the United Nations to obtain first-hand information on the wishes of the people, the situation prevailing in, and the problems being faced by, the Territory. At the 2066th meeting of the Fourth Committee of the General Assembly, on 26 November 1973, b/ the representative of New Zealand confirmed that his country and the people of the Tokelau Islands remained ready to welcome a fact-finding mission from the Special Committee.

a/ This section is based on published reports and on the information transmitted to the Secretary-General by the Government of New Zealand under Article 73 e of the Charter of the United Nations on 10 August 1973, for the year ending 31 March 1973.

b/ Official Records of the General Assembly, Twenty-eighth Session, Fourth Committee, 2066th meeting.

6. Subsequently, at its 2202nd meeting, held on 14 December 1973, the General Assembly adopted a consensus whereby it noted with satisfaction the active participation of the representative of the administering Power in the related work of the Special Committee, as well as its continued readiness to receive a mission in the Territory, and requested the Special Committee to continue to seek the best ways and means for the implementation of the Declaration in respect to the Tokelau Islands, including the dispatch of a visiting mission as appropriate, and to report thereon to the Assembly at its twenty-ninth session. c/

7. In the statement to the Fourth Committee referred to in paragraph 5 above, the representative of New Zealand also stated that the question of the future of the Tokelau Islands had long been a major preoccupation of their people and their administrators. Final and irreversible decisions concerning that future had not yet been taken. Theoretically at least, the possibilities were unlimited, but it had been made clear that the determination of what were actual possibilities and the decision as to which of these was to be chosen were to be made by the Tokelauans themselves. The Tokelauan people were still linked with New Zealand and appeared to wish to remain linked in some direct way. At the same time, the Tokelauans had been told that the New Zealand Government was not prepared to see the colonial relationship perpetuated. The Tokelau Islanders had rejected union with the Cook Islands, or with Western Samoa, despite New Zealand's promise to continue to provide aid. The Tokelauans clearly thought that migration to adjacent island groups or to New Zealand was probably the answer to their problems, particularly that of over-population, and it was possible that many of them would want to settle in New Zealand because of the economic and social opportunities offering there.

8. Accordingly, New Zealand had continued to implement the Tokelau Islands Resettlement Programme by which the inhabitants could, by their own choice, be resettled in New Zealand over a number of years. The number of Tokelauans taking advantage of the Programme now totalled 458, including 38 who had arrived in New Zealand in March 1973. The Programme had been established and was operated in consultation with the Tokelauan elders. In addition, a number of Tokelauans who received financial assistance from relatives already residing in New Zealand, travelled to New Zealand with the purpose of taking up permanent residence.

9. A recent proposal had recommended that some Tokelauans might be resettled in Niue. Although both the Niuean Government and the Tokelauans had shown interest in this possibility, no decisions had been taken.

3. ECONOMIC CONDITIONS

10. Total revenue for the year ended 31 March 1973 was \$NZ 68,750. d/ Expenditure for the year was \$NZ 409,417, apportioned as follows: administration, \$NZ 78,491;

c/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 30 (A/9030), "Other decisions", p. 111.

d/ At the present rate of exchange, \$NZ 1.00 equals approximately \$US 1.42.

education, \$NZ 103,014; health, \$NZ 41,941; public works, \$NZ 33,151; capital works development, \$NZ 137,205; agriculture, \$NZ 5,618; and post office and radio, \$NZ 9,997. Additional financial aid totalling \$NZ 119,600 was announced in 1972.

4. SOCIAL AND EDUCATIONAL CONDITIONS

11. It was reported that an additional grant of \$NZ 100,000 for hospital construction had been approved by the New Zealand Cabinet. Construction of hospitals on two of the islands in the group had been approved, but investigation showed that it would be better to have a hospital on each of the three atolls.

12. Three qualified New Zealand teaching couples, 32 trained Tokelauan teachers and 15 teacher-aides are in the education service. The duties of the expatriate couples are to assist the Tokelauan staff to improve teaching standards and to help prepare intending migrants for life in New Zealand.

13. One medical and two dental students on administration scholarships graduated from the Fiji School of Medicine and were awarded further scholarships for post-graduate studies. Under the New Zealand Government Training Scheme, 58 Tokelauans were training in New Zealand and Western Samoa during the year under review.

14. Educational expenditure under the New Zealand Training Scheme in 1972/73 was \$NZ 41,244. Total expenditure on education in 1972/73 amounted to \$NZ 103,014.

CHAPTER XVII
(A/9623/Add.5 (Part I))

AMERICAN SAMOA AND GUAM

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
A. CONSIDERATION BY THE SPECIAL COMMITTEE	1 - 8	29
B. DECISION OF THE SPECIAL COMMITTEE	9	30
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT		33

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 952nd meeting, on 26 February 1974, the Special Committee, by approving the seventy-first report of the Working Group (A/AC.109/L.920 and Corr.1), decided, inter alia, to refer American Samoa and Guam to Sub-Committee II for consideration and report.
2. The Special Committee considered the item at its 976th and 977th meetings, on 20 and 22 August.
3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3163 (XXVIII) of 14 December 1973 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, by paragraph 11 of which the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolutions 1514 (XV) and 2621 (XXV) in all Territories which have not yet attained independence and, in particular, to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its twenty-ninth session". The Committee also took into account other resolutions of the General Assembly, particularly resolution 3156 (XXVIII) of 14 December 1973 concerning eight Territories, including American Samoa and Guam, by paragraph 14 of which the Assembly requested the Committee "to continue to give full consideration to this question, including in particular the dispatch of visiting missions to those Territories ...".
4. During its consideration of the Territories, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter), containing information on the latest developments concerning the Territories.
5. At the 976th meeting, on 20 August, the Chairman of Sub-Committee II, in a statement to the Special Committee (A/AC.109/PV.976 and Corr.1) introduced the report of that Sub-Committee (A/AC.109/L.960) containing an account of its consideration of American Samoa and Guam (A/AC.109/SC.3/SR.207-210 and 214).
6. At the same meeting, the representative of the United States of America, the administering Power, made a statement (A/AC.109/PV.976 and Corr.1). The Chairman also made a statement (A/AC.109/PV.976 and Corr.1).
7. At its 977th meeting, on 22 August, following a statement by the representative of China (A/AC.109/PV.977), the Special Committee adopted without objection the report of Sub-Committee II and endorsed the conclusions and recommendations

contained therein (see para. 9 below), it being understood that the reservations expressed by members and by the representative of the administering Power would be reflected in the record of the meeting. Statements were made by the representatives of Denmark, Australia, Bulgaria and Czechoslovakia (A/AC.109/PV.977).

8. On 23 August, the text of the conclusions and recommendations was transmitted to the Permanent Representative of the United States of America to the United Nations for the attention of his Government.

B. DECISION OF THE SPECIAL COMMITTEE

9. The text of the conclusions and recommendations adopted by the Special Committee at its 977th meeting, on 22 August, to which reference is made in paragraph 7 above, is reproduced below.

General

(1) The Special Committee reaffirms the inalienable right of the people of American Samoa and Guam to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

(2) Fully aware of the special circumstances of those Territories, owing to such factors as their size, geographical location, population and limited natural resources, the Special Committee reiterates the view that these circumstances should in no way delay the speedy implementation of the process of self-determination in conformity with the Declaration contained in resolution 1514 (XV). The Special Committee notes, however, that in the period under review no significant constitutional advancement was made towards transferring all powers to the people.

(3) The Special Committee expresses its appreciation for the co-operative attitude of the administering Power. In this regard, it takes note of the comprehensive statements made by its representative concerning the two Territories.

(4) Bearing in mind the important rôle which the United Nations has to play, with the co-operation of the administering Power, in ensuring that the peoples of small Territories are given the right to self-determination in conformity with the Declaration contained in resolution 1514 (XV), the Special Committee notes with satisfaction that the administering Power is actively considering the question of inviting a United Nations visiting mission to the Territories, and expresses the hope that the results will be favourable so as to provide first-hand information on the situation prevailing in American Samoa and Guam as well as to help find solutions to the particular problems with which the Territories are faced.

(5) The Special Committee again urges the administering Power to continue its efforts to diversify the economy of American Samoa and Guam and to take effective measures to guarantee and safeguard the right of the indigenous populations to own and dispose of their natural resources and to establish and maintain control over their future development.

American Samoa

(6) The Special Committee notes that, by a referendum held in American Samoa on 18 June 1974, the proposal to elect the Governor and Lieutenant Governor was rejected by a small minority. This fact, together with the increase in the number of voters, appears to be of special significance. The Special Committee regrets, however, that more than 1,000 registered voters did not take part in the vote. In this connexion, it expresses the hope that the political education programme in the Territory will be expanded in order to help the people to take a greater interest in their political future.

(7) With regard to the public service, the Special Committee notes with satisfaction the announcement of the new recruiting policy designed to encourage American Samoans living abroad to return to the Territory. It also welcomes the information contained in the working paper prepared by the Secretariat, 1/ concerning the preponderance of local career service employees in the public service of the Territory.

(8) The Special Committee notes the improvement of the economic situation in American Samoa and expresses the hope that the development of new types of agricultural products and the expansion and diversification of industry will provide the necessary base to promote stable development. In view of the small amount of land available in the Territory, however, the Special Committee would welcome stronger measures to control land alienation.

Guam

(9) The Special Committee notes that 1974 will be an active and important year for Guam and the Guamanian people as far as the future political status of the Territory is concerned. It notes the new path being followed by the administering Power in undertaking talks with Guamanian officials to review the relationship of Guam to the United States Government and its programmes. The Special Committee expresses the hope that the administering Power will fulfil its obligation to make the people of the Territory aware of all the possible options concerning their future in conformity with resolution 1514 (XV).

(10) With regard to economic conditions in the Territory, the Special Committee notes with satisfaction that progress has been achieved in many fields, and in particular in tourism. It also notes that the Guam Economic Development Authority Act has been amended to give priority to projects which would benefit local residents and that the Authority will emphasize farming and fisheries development.

(11) The Special Committee takes into account General Assembly resolution 3156 (XXVIII) of 14 December 1973 which strongly deprecates the establishment of military bases and installations in Guam and other colonial Territories as being incompatible with the purposes and principles of the Charter of the United Nations,

1/ See annex to the present chapter.

and calls upon the administering Power to take measures aimed at overcoming the dependence of the economy on the military activities of the administering Power, in accordance with the wishes of the people of Guam.

(12) The Special Committee also takes into account the proposal of the administering Power that land controlled by the military but not required by it, should be transferred to the Government of Guam for use and development. It also notes with satisfaction the adoption by the United States House of Representatives of two bills concerning land, one of which would help Guam regain control of its submerged land and the other which could result in the return to the Government of Guam of thousands of acres of land being used by United States military forces.

(13) The Special Committee notes that the current work force in Guam is still unable to meet the demands of the labour market, particularly those for skilled and semi-skilled positions. It expresses the hope that the training programmes under way in the Territory for such workers will help to solve the serious manpower shortage.

Annex*

WORKING PAPER PREPARED BY THE SECRETARIAT

CONTENTS

	<u>Paragraphs</u>
1. American Samoa	1 - 54
A. General	1 - 3
B. Constitutional and political developments	4 - 16
C. Economic conditions	17 - 39
D. Social conditions	40 - 44
E. Educational conditions	45 - 54
2. Guam	55 - 119
A. General	55 - 56
B. Constitutional and political developments	57 - 69
C. Economic conditions	70 - 100
D. Social conditions	101 - 109
E. Educational conditions	110 - 119

* Previously issued under the symbol A/AC.109/L.947 and Add.1.

1. AMERICAN SAMOA a/

A. GENERAL

1. Basic information on American Samoa is contained in the report of the Special Committee to the General Assembly at its twenty-eighth session. b/ Supplementary information is set out below.

2. American Samoa consists of a group of seven islands in the South Pacific having a population of 29,296, of whom 47 per cent are under 15 years of age.

3. The five major inhabited islands are Tutuila, Aunu'u, Ofu, Olosega and Ta'u. Aunu'u lies one mile off the eastern coast of Tutuila. Ofu, Olosega and Ta'u make up the Manu'a Islands and are located 66 miles east of Tutuila. They have a population of about 4,000. Swains Island, located 150 miles north of Tutuila in the Tokelau group, has a population of about 70, of whom 20 are children ranging in age from 6 to 14 years. It is predominantly used as a copra plantation by the Jennings family, who have been on the island since 1856. The seventh island is Rose Island, located about 150 miles east of Tutuila. It is an uninhabited nature preserve.

B. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

Executive

4. The Territory is administered by the United States Department of the Interior. The Governor and Lieutenant Governor are appointed by the Secretary of the Interior. The Territory's affairs are handled through the Director of Territorial Affairs of the Department of the Interior. The Territory is divided into three political districts which are further subdivided into 14 counties. The chief executive officer in each district is a district governor, appointed by the Governor of the Territory. The Governor also appoints the Director of the Office of Samoan Affairs and, through the district governors, the village mayors.

5. On 6 November 1973, by a vote of 2,097 to 1,097, the population rejected a proposed new constitution which included a provision whereby the Governor and the Lieutenant Governor would have been elected locally in 1974. The vote, however, was substantially narrower than in a referendum, held in November 1972, when a similar proposal was rejected by a nearly four-to-one margin. There are 6,526 registered voters in the Territory.

a/ This document is based on published reports and on information transmitted to the Secretary-General by the Government of the United States of America under Article 73 e of the Charter of the United Nations on 22 July 1974, for the year ending 30 June 1973.

b/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. IV, chap. XVIII, annex.

6. In February 1974, the Legislature of American Samoa requested the Governor to call for a referendum on the question of whether the people of American Samoa should elect a Governor and a Lieutenant Governor by popular vote. The Legislature held that this issue had not received proper attention because it had been only one of many points considered in the proposed new constitution rejected earlier. The Secretary of the Interior accordingly arranged for the referendum to be held on 18 June 1974.

7. Following the 1972 referendum on the local election of a governor, Mr. John M. Haydon, the incumbent Governor, was charged with six counts of violating the Hatch Act for allegedly attempting to influence the vote. A 10-day trial by a three-member United States Civil Service Commission took place in September 1973 and, in March 1974, Judge John J. McCarthy, a civil service administrative law judge, recommended that the Commission dismiss the charges. Although Judge McCarthy determined that the election in which the Governor was accused of having intervened was not covered by the Hatch Act, he nevertheless criticized Governor Haydon for "an unwarranted intrusion into the electoral process as the balloting was about to take place".

8. After noting the argument of the Governor that he had been exercising "his right and responsibility to speak out on matters of public interest affecting Samoa", Judge McCarthy replied "... that cannot be accepted as justification for projecting his views as Governor (and federal administrator) into the process of free elections, an important aspect of a system of self-determination and self-government which he advocated for American Samoa".

9. The Commission was to make its ruling on the Judge's recommendation after a 30-day period, during which those who disagreed with the findings might file objections. Lawyers for the Civil Service Commission said that they would appeal the judgement.

10. On 1 April 1974, this matter was again taken up while Governor Haydon was in Washington, D.C., to present his request for a \$US 14 million c/ budget for 1974/75.

Legislature

11. The Legislature of the Territory is composed of a House of Representatives and a Senate, with a membership of 20 and 18 respectively. Representatives are elected by adult suffrage for two years; 14 senators, each representing a county, serve for four years and the remaining four are selected by rotation from four counties in Western District to serve two years.

12. In 1973, it was reported that the Thirteenth Legislature, or Fono, had considered, inter alia, draft resolutions to request a seat in the United States

c/ The local currency is the United States dollar (\$US).

Congress for a delegate-at-large; to oppose the employment of VISTA volunteers by the Government when qualified Samoans were available; to request the United States Congress to grant the status of United States nationals to certain Western Samoans and others; to approve in principle the programmes set out in the executive budget for 1974/75; and to recommend the appointment of more persons of American Samoan ancestry to local boards, committees and commissions. The House of Representatives also approved a bill setting qualifications for permanent residence and stipulating that outsiders employed under contract to the Government of American Samoa could not qualify for status as a permanent resident.

13. On 19 October, American Samoa commemorated the twenty-fifth anniversary of its Legislature with the opening of a new building for its meetings.

Elections

14. In 1973, the Thirteenth Legislature adopted new measures to strengthen election laws by providing specific voting procedures, prohibitions and penalties and a procedure for absentee balloting. The voting age requirement is 18 years and there is a two-year residence requirement.

Public service

15. During the year under review, the Government of American Samoa announced a new recruiting policy designed to encourage American Samoans living abroad to return to the Territory.

16. The territorial Government employed 3,644 persons in 1973, compared with 3,750 in the previous year. Of this number, 3,404 were local career service employees (3,503 in 1972); 142 were contract workers, a decrease of 12; 15 were federal civil service employees, unchanged; and 84 were locally recruited United States employees, an increase of 6. Six hundred part-time students were employed through federal grants.

C. ECONOMIC CONDITIONS

Public finance

17. The budget for 1972/73 amounted to \$US 30.1 million, one third of which was derived from local revenues. The President of the United States has signed into law the budget for 1973/74, including a grant-in-aid from the United States Department of the Interior in the amount of \$US 14.5 million. Other federal grants, funding for operations and capital improvements, together with previously appropriated local revenues, totalled \$US 33.6 million for 1973/74.

18. Tax revenues amounted to \$US 9.8 million in 1972/73, an increase of 78 per cent over that for the previous year (\$US 5.5 million). The Governor

requested the Legislature to consider a proposal for the appropriation of \$US 2.0 million from excess local revenues for 1973/74 for capital improvements (\$US 756,000); operations (\$US 434,000); and a special appropriation (\$US 800,000). The federal Environmental Protection Agency (EPA) allocated \$US 8,913 to the Environmental Quality Commission of the Territory to support its water pollution control programme.

19. During the year under review, imports were valued at \$US 36.0 million and exports at \$US 66.6 million.

Land

20. One of the guidelines of the administering Power is to control land alienation. Only about 10,000 acres with less than a 30 per cent slope are capable of being developed. The present population density is 400 persons per square mile and the annual rate of population increase is 3.5 per cent. It is therefore considered imperative that land resources be used judiciously, on the basis of maximum long-term benefits, particularly in the case of development involving a significant amount of land.

Agriculture and livestock

21. In 1973 the Department of Agriculture was reorganized to combine the experimental farm, the Extension Services and the Entomology Division into a Division of Agricultural Development and Extension Services.

22. In January 1974, the Department of Agriculture announced a substantial drop in farm prices. Taro decreased from 21 cents to 15 cents a pound; breadfruit dropped from 9 to 4 cents a pound; cucumbers were down from 40 to 12 cents; and Chinese cabbage from 40 to 25 cents a pound. Bananas, however, increased from 5 to 10 cents a pound.

23. The Department has proposed a citrus development plan under which 10,000 trees of all citrus varieties would be available for distribution in late 1974. The aim of the proposal is to provide enough citrus to supply family, market and tourist needs; if there is sufficient interest, fruit could be exported on a limited scale and a juice extraction plant could be built for local consumption and export.

24. The Department's cattle herd number nearly double the original 20 cows and one bull brought from Hawaii two years ago. Pasture improvement, proper handling equipment, a feeding programme and an increase in the size of the herd are planned for 1974. The introduction of cattle on Manu'a is set for 1975.

Fisheries

25. The Small Craft Fishing Project, initiated by the Office of Marine Resources, in January 1972, produces 24-foot Samoan dories and provides training and support

services for the growing fishing fleet. During the year under review, 18 boats, manned by 80 fishermen, landed an estimated 200,000 pounds of fresh fish. Orders have been placed for an additional 50 boats. A modern fish market has been built, but the supply of fresh fish is sold out daily before mid-day.

26. Castle and Cook, Inc. of Hawaii has announced plans to construct a tuna cannery in the Territory, to be operated by the company's Bumble Bee Seafoods Division. Construction is expected to begin late in 1974, subject to the receipt of appropriate permits and authorization from Samoan and United States government officials. The cannery will cost approximately \$US 76 million and is scheduled to begin operations in January 1976. It will have an initial production capacity of 100 tons daily, and will employ around 350 persons. In 1972/73, the two companies now in operation (Star Kist Samoa, Inc. and the Van Camp Company) supplied the United States with canned tuna, pet food and fishmeal valued at more than \$US 50 million.

Industry

27. Since 1956, the Standard Oil Company of California has been virtually the only supplier of petroleum products in the Territory, where it sells diesel fuel, aviation gasoline and other products, all transported by tanker from a refinery in Hawaii. The biggest item is diesel fuel sold through the two commercial canneries to the foreign tuna fishing fleets and to the local government for electricity. Pan American World Airways and the United States Government have also purchased aviation fuel. In addition, the company controls the only oil storage facilities in the Territory. On 4 June 1973, the United States Supreme Court ruled that the company had illegally conspired to monopolize the sale of petroleum products in American Samoa.

28. In 1973, a new industry was established: the Pacific Basin Manufacturing and Trade Company, Ltd., a subsidiary of Sultan Jewelry of Hawaii, which will manufacture and export jewellery using both local and imported precious stones. The jewellery firm is located in the newly completed industrial park which houses the Pacific Time Company, a watch assembling firm, as well as a clothing manufacturer and a dairy plant. The company is expected to provide the Territory with new employment opportunities and new technical skills. The industrial park covers approximately 35 acres and was made ready for industrial use with a grant of \$US 1 million from the Economic Development Administration and matching funds appropriated by the Fono.

29. Other new businesses established in the period under review include an automobile service station, a bakery, a warehouse, a franchise for a new car dealer and a new airline service to Manu'a. The First National City Bank of New York has been licensed to do business in American Samoa.

Tourism

30. The total number of visitors to American Samoa during 1972/73 numbered 27,937, an increase of 11 per cent over the previous year. In addition, there were 18,863 ship passengers from cruises and excursions. Efforts were being made to overcome the shortage of rooms. Work was completed on the 90-room expansion of the Pago Pago Americana Hotel and plans were under consideration for additions to the Malaeimi Hotel and the Samoan Village Resort.

Public works

31. The operating budget of the Department of Public Works for 1972/73 was \$US 14.8 million, including \$US 10.1 million for capital improvement programmes. The Department has three divisions: construction, maintenance and operation and engineering. The Engineering Division provided the designs for major portions of the 1973/74 capital improvement programmes (\$US 9.3 million), as well as for most of the 1972/73 programmes. The work included an addition to the Lyndon B. Johnson Tropical Medical Center, construction of schools, water supply systems, sewers, improvements to the airport and the design of an 80-acre industrial park near the airport.

32. The territorial Government has signed contracts totalling more than \$US 2.3 million with the Kong Yang Construction Company of the Republic of Korea. Construction includes \$US 1.3 million for additions and alterations to the Tropical Medical Center and \$US 1.1 million for additional improvements to airport facilities. More than 1,000 permits for new buildings were issued in the past three years, most of which were for new homes.

Transport and communications

33. A federal highway bill, signed into law in August 1973, doubles the maximum limit of authorization of funds for the Territory. It set the limit at \$US 1 million for the years 1973/74 to 1975/76. Work has started on a pioneer road between Vatia and Afono on the almost inaccessible north shore of Tutuila. Eight villages, which for centuries had been reached only by boat or difficult mountain trails, will now have roads and a school bus service. Highway construction costs approximately \$US 100,000 per mile in the Territory.

34. A master plan for Pago Pago Harbour was completed and approved. The plan outlines various phases of port operations and suggests the best possible methods of berthing ships and handling cargo. It also includes docks for wider vessels.

35. The Department of Port Administration had a revenue of \$US 656,792 in 1972/73, an increase of 33 per cent over the previous 12 months. Among the departmental activities bringing in increased revenue were water transport charges which increased by 82 per cent, to \$US 72,539. The number of vessels entering Pago Pago Harbour increased by 6 per cent, from 1,091 in 1971/72 to 1,166 in 1972/73.

36. Government projects totalling \$US 401,618, including \$US 272,328 for the design of improved waterfront facilities, are under way or have been completed by the Public Works Department.

37. A strong protest by the Governor and by members of the Territory's business community was made in Washington, D.C., against increases in shipping rates. The Federal Maritime Commission has ordered an investigation on requests for rate increases by the Pacific Islands Transport Line (PITL) and Polynesia Line, Ltd. (PLL) on surface shipments between the United States west coast and American Samoa. According to the Commission, PLL had requested increases of approximately 24 per cent on certain shipments, effective 25 June 1973. PITL had requested an average increase of 23 per cent with certain westbound exceptions. Governor Haydon has also requested that the Pacific Far East Lines (PFEL) be included as a respondent because of reports that it too proposes to increase freight rates.

38. In response to the protests, the Federal Maritime Commission postponed the increases until 13 August 1973. It then ordered a further suspension of any increase and a public investigation and hearing to determine whether increases were "unjust, unreasonable or otherwise unlawful" under federal statutes.

39. Pago Pago International Airport showed a slight decrease in air traffic in 1973, owing to a reduction in commercial flights by Pan American and Polynesian Airlines. Passenger traffic, however, increased by 14 per cent and air freight by 57 per cent.

D. SOCIAL CONDITIONS

Labour

40. Unemployment decreased from a previous high of 26 per cent to about 10 per cent, mainly in the subsistence economy of the Manu'a Islands. For the first time, local industry has had difficulty in recruiting employees.

41. In 1973, both canneries substantially increased their activities. Star Kist Samoa, Inc. increased its fleet from 102 fishing boats and 1,500 Asian fishermen to 130 boats and 2,300 fishermen. Its Samoan work force increased to 636 (600 in 1972). The Van Camp Company's 125 boats (113 in 1972) were serviced by 2,500 Asian fishermen (2,260 in the previous year). Van Camp employs 581 Samoans (775 in 1972). The combined payroll of the two companies was \$US 3.0 million (\$US 1.2 million in 1972).

42. Following Governor Haydon's warning, nearly 150 licensed practical nurses at the Tropical Medical Center who had been involved in a walk-out for 21 days, settled their differences with the Administration. The Governor said that legislation to be introduced in January 1974 would contain the provision that those with 15 or more years service should be termed "American Samoa registered nurses". On the other hand, eight nurses, who had been accused of abandoning patients at the time of the walk-out on 5 October, were to be subject to disciplinary action by the Personnel Review Board.

Public health

43. In the year under review, some changes in the staffing pattern of the Tropical Medical Center were noted. Three more Samoan medical officers joined the staff of the Center (two completed their training at the Fiji School of Medicine and one Fiji graduate returned from the United States). The return of an American Samoan medical doctor and certified specialist raised hopes that well-qualified Samoans had begun to return to their homeland.

44. The territorial Government solicited bids for the construction of additions and alterations to the Tropical Medical Center. The Medical Service Division of the Department of Public Health conducted a filariasis surveillance programme on Tutuila.

E. EDUCATIONAL CONDITIONS

45. The period under review saw the appointment of the first Samoan Director of Education, Chief Nikolao Pula. He now heads a department which includes 156 early childhood centres, 27 elementary schools, 4 high schools, 1 special education centre and the Community College. The school system employs 662 teachers.

46. The number of televised lessons produced decreased by approximately 20 per cent and the number of lessons actually telecast was down approximately 10 per cent, but the time devoted to each television lesson increased by 50 per cent.

47. During the year, the Television Division developed teachers' guides for 39 courses, student materials and booklets for 41 courses and educational telecasts for 40 courses. The staff of 28 television and research teachers decreased by 24 per cent compared with the previous year. Since 1969, 11 "stateside" (United States) television teachers have been replaced by Samoans; in 1973, the staff was 50 per cent Samoan.

48. The early childhood educational programme, which employs 188 teachers, served more than 2,500 children aged 3 to 5 years in 64 villages on 5 islands.

49. Elementary school enrolment totalled approximately 6,000 pupils in the period under review. The teaching staff numbered 300. The position of the last expatriate elementary school supervisor was to be filled by a qualified Samoan in 1973/74. One of two administrators was also to be replaced by an indigenous employee at the year's end.

50. Secondary school enrolment numbered 2,141 students, with a teaching staff of 97, including 9 expatriate personnel.

51. A relative newcomer, the Community College continued to be the most rapidly growing segment of the educational system. Its original enrolment of 412 students in 1970 had increased to 710 by 1973. The college matriculated its first adult basic education class. The college has been accepted for accreditation.

52. A Special Education Division provides education for, inter alia, deaf and hospitalized children. In the period under review, it served 432 children and examined 400 elementary pupils in English and Samoan reading, arithmetic and language development skills.

53. During the year under review, 82 American Samoans attended courses overseas under a scholarship programme. Of this number, 20 were new students. Approximately 20 of the 82 were expected to graduate and return to the Territory. The scholarship programme also provided the funds to send eight students to the East-West Center in Hawaii.

54. The Department of Manpower Resources has announced that it is accepting applications to establish a register in order to fill teaching positions as vacancies occur. The vacancies will be advertised only when there is an opening for which there are no qualified local applicants.

2. GUAM d/

A. GENERAL e/

55. Guam lies in the western Pacific about 1,500 miles south-east of Manila. It is a volcanic island 30 miles long and ranges from 4 miles at its narrowest point to 8 1/2 miles at its broadest, with a land area of 209 square miles. The capital of Guam is Agaña. Within the three-mile radius of territorial waters surrounding Guam there are 20 small islands, ranging from rock size to islet size. The smallest, Calas Rock near Cetti Bay, is one fifteenth of an acre; the largest, Cocos Island off Merizo, is 90 acres in extent. Half of the islands are less than an acre in size. The rest average 3 to 5 acres, with Cocos Island comprising two thirds of the total land area. These are public lands, except for Cocos Island and Bangi Island (3 acres) off Agat, owned by the Won Pat family.

56. It was reported in April 1974 that the population of Guam had increased by 18.5 per cent in the three years since the 1970 census. The latest census conducted by the district commissioners shows that four districts lost population, while two gained more than 200 per cent. The Territory's total population, excluding military base occupants (but including military dependants living off base), was 100,785, compared with 84,996 in 1970. The proportion of Guamanians by ancestry is declining because of the increase of population from other origins.

d/ This section is based on published reports and on information transmitted to the Secretary-General by the Government of the United States under Article 73 e of the Charter of the United Nations on 9 May 1974 for the year ending 30 June 1973.

e/ For more detailed information, see Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. IV, chap. XVIII, annex.

B. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

General

57. The Territory is administered under the Organic Act of Guam, 1950, as amended, and is under the general supervision of the United States Department of the Interior. It is administered by a Governor and a Lieutenant-Governor and has a unicameral legislature consisting of 21 representatives. As previously reported, the United States Congress enacted a law providing for a Guamanian non-voting delegate to its House of Representatives. Mr. Antonio B. Won Pat was elected to serve in this post for the first two-year term beginning in January 1973.

58. During the 93rd United States Congress, Mr. Won Pat introduced 17 bills relating to Guam, including H.J. Res. 344, authorizing the people of Guam and the United States Virgin Islands to vote in presidential elections, and H.R. 6825, a bill authorizing the Guam District Court to review land purchases by the United States Navy on Guam following the Second World War.

59. In connexion with H.J. Res. 344, the 65th National Governor's Conference of the United States approved a resolution calling on the Congress to give residents of Guam and the United States Virgin Islands the right to vote in presidential elections. Subsequently, the National Legislative Conference, held in Chicago in August 1973, adopted a resolution asking that United States citizens in Guam and other overseas United States Territories be granted the right to vote in presidential elections. The resolution, introduced by Senator Antonio M. Palomo of the Twelfth Guam Legislature, was described as significant because it committed legislatures of the 50 states to ratify any constitutional amendment that would give Guam the right to vote for President of the United States.

Elections

60. On 23 April 1974, Governor Carlos G. Camacho announced his candidacy for re-election as Governor of Guam during the November elections. Lieutenant-Governor Kurt Moylan would again be his running-mate. The Governor also explained that he was seeking another term because only 60 per cent of his 1970 platform would have been carried out by the end of 1974 and another four years in office were therefore necessary to implement the balance of his programme. Mr. Camacho will be the nominee of the Republican Party.

61. Mr. Pedro C. Sanchez, President of the University of Guam, also announced that he would leave the University in March 1974 in order to run for Governor under the Democratic Party banner. Mr. Sanchez, who chose Mr. Esteban Torres, a former United States navy man, as his running-mate, said that his major concern for Guam was to ensure the island's integrity and to prevent Guam from following Hawaii into over-urbanization. He expressed concern about the "lack of proper planning, the waste and hazards of uncontrolled and unco-ordinated island development". He also indicated that foreign investors were the principal recipient of economic advantages in the Territory. Taking note of the rise in the cost-of-living, Mr. Sanchez offered possible solutions, including wage increases for all government and private sector workers, price and profit controls, tax rebates for low-income families, a guaranteed income for each family and a slow-down in economic development. He also cited encouragement of tourism as "a way of helping the people of Guam". Both the gubernatorial candidate and his running-mate advocated a careful study of the Territory's present political status before deciding to change it.

62. Guam's Twelfth Legislature voted on 21 March 1974 to change the primary election date from the first Saturday in September to 27 June, an act that may cause political disadvantages for the candidates who have not yet entered the campaign. Supported by 12 Democratic and 4 Republican Senators, the bill was placed on the agenda by a special motion of Senator Frank Lujan, a Democratic Party committeeman. The change would also affect Guam's new election codes which require the use of voting machines in all elections. The acting election commissioner has warned that more education in the use of the machines was needed before the primary election. At the time of his statement (in March) the machines were not yet available. It was reported that eight senators had announced their decision to run for re-election to the Thirteenth Guam Legislature: Senators Adrian Sanchez, Richard Tarranto, Frank Santos, F. T. Ramirez, Carl Guiterrez, Paul Bordallo, Joe Ada and Edward Terlaje.

63. The number of registered voters in the Territory increased from 23,483 in 1970 to 26,228 in 1972. However, in the 1972 elections, only 21,476 persons voted.

Public service

64. The Government remains the largest single employer in the Territory: during

the period under review, 17,095 persons were employed in the public service, 9,615 worked for the territorial Government and 7,480 worked for the United States Government. Membership in the Retirement Fund rose from 5,400 in 1972 to about 7,000 in 1973.

Future status of the Territory

65. The report of the Political Status Commission, which was established in April 1973 to examine the political and economic alternatives for Guam's future, is scheduled to be submitted to the Legislature in June 1974. Senator F. G. Lujan is chairman of the Commission, which comprises seven senators and a small staff.

66. In October Senator Lujan wrote in the Pacific Daily News that:

"... to accomplish its task ..., the Political Status Commission plans to embark upon a concentrated public education programme to inform the people of Guam of the various political status alternatives open to them in the future. This programme will not succeed, however, without the active interest of all the members of the public. As Chairman of the Commission, I appeal to all of you, especially government and social leaders, teachers and village commissioners, to individually contribute your part towards making the Commission's work a great success. Feature stories on Guam's early history will be appearing regularly in the Magazine Section of the Sunday News starting 7 October 1973, as the first part of our public education programme." f/

67. In September 1973, Representative Won Pat introduced a concurrent resolution traditionally used to signal congressional intent, requesting the United States Congress to recognize Guam's right to seek a change in status and simultaneously approving the Territory's right to present the findings of the Political Status Commission for ratification by the Congress at a later date. It should be recalled that, under the terms of the Treaty of Paris, which vested political control of Guam in the United States, and the Guam Organic Act of 1950, as amended,

f/ These articles are on file with the Secretariat and may be consulted by members of the Special Committee.

the Congress must consent to any change in Guam's political status. Mr. Won Pat reportedly stated that Guam intended to stay within the American system.

68. Lieutenant-Governor Kurt Moylan has reportedly stated that all the bargaining points discussed in the status talks between the United States and the Mariana Islands have not yet been publicly disclosed and that some of the unpublicized provisions, including military involvement, might affect the future role of Guam in relation to both the United States and the other Mariana Islands. The Lieutenant-Governor was responding to criticism that the Camacho administration was idly watching the Marianas group pursue a political status more favourable than that of Guam. He said that Guam had twice sought a direct role in the negotiations, but that in both instances the Northern Marianas delegates had refused the request.

69. In February 1974, the Lieutenant-Governor announced that a five-man team had been selected, with himself as a Chairman, to review with United States Government officials the relationship of Guam to the federal Government and its programmes. According to Mr. Stanley S. Carpenter, Director of Territorial Affairs of the United States Department of the Interior, the discussions would concentrate on several major points, such as the applicability of United States laws to the Territory, the military-civilian relationship, and perhaps, on Guam's reported need for an additional \$US 40 million g/ for rehabilitation funds. Immigration, the Farmers Act and United States Department of Agriculture regulations on imports of foreign produce would also be on the agenda.

C. ECONOMIC CONDITIONS

General

70. In July, the Guam Economic Development Authority (GEDA) Act was amended to give priority to projects which would benefit local residents and would emphasize farming and fisheries development. A local resident, as defined by the amendment, is a United States citizen of Chamorro ancestry, born on the island, or a person who has been a resident for at least five years. Under the provisions of the bill, at least 25 per cent of the issued stock of a foreign company must be owned by Guam residents if the company wishes to qualify for tax rebates. Senator Paul Bordallo, the sponsor of the bill, said that Guam must protect "the indigenous population" and that GEDA must be beneficial to the local people first and United States residents in Guam next. He also maintained that GEDA had gone too far in encouraging foreign investment.

71. The Administrator of GEDA pointed out that since its inception in 1965, 29 corporations had qualified for assistance, including 12 hotels, 5 watch assembly plants, the San Miguel brewery, the Guam Oil and Refining Company (GORCO), an agriculture endeavour and 1 cosmetic plant.

g/ The local currency is the United States dollar (\$US).

72. On 5 February 1974, Governor Camacho in his annual state of the Territory message outlined the rapid growth of the island and enumerated priorities for action in 1974. He rated the excessive cost of living as the number one priority for government action.

Development plans

73. Phase I of the Guam Master Plan was presented to the Legislature on 28 May 1973. Entitled "Problems, Opportunities and Alternatives", the study examines 13 distinct areas of planning. In each area, the Master Plan, prepared by Greenleaf-Telesca AHN, presents a summary of existing problems and opportunities, then follows with relevant statistical data and courses of action for future planning. The study concentrated on the economy of the Territory, its public utilities and services and its educational system.

74. In regard to economic planning and development, the first phase of the Master Plan urges the continued though cautious cultivation of the tourist industry above all else, because it is considered "the greatest potential to stimulate economic growth and employment opportunity in Guam". To derive the greatest benefit from this potential, Guam should control the development of hotels so as to avoid over-building.

75. The study also offers the following economic suggestions:

(a) Military-controlled land not needed by the military should be transferred to the Government of Guam for development and use;

(b) Certain "base privileges" (e.g., the commissary and the post exchange) should be denied to civilians in order to promote the local civilian economy;

(c) Agriculture should be gradually phased out in view of the "lack of willing and trained farm labourers" in the Territory. An alternative offered by the Master Plan is to encourage the settlement of large-scale alien farm operators;

(d) Fishing possibilities should be studied further;

(e) The territorial Government should acquire land at Northwest Field and move its international airport, thus releasing land around Agaña for further business development;

(f) A "vigorous" job-training programme should be instituted for island residents to drastically reduce the Territory's dependence on foreign labour;

(g) Guam should create a "free port" where United States goods can be purchased at lower rates by countries in south-eastern Asia which would in turn sell goods of an equivalent nature to Guamanians at a lower rate.

76. Through the Guam Economic Development Fund Act, the United States Department of Agriculture allocated \$US 1 million during the period under review for the development of agriculture, fishing, tourism and related commercial and industrial facilities, to be utilized as follows: agricultural assistance, 15 per cent; fishing, 15 per cent; tourism, 10 per cent; and related facilities, 60 per cent. In view of the substantial number of applications for agricultural loans, however, GEDA has requested that half of the funds originally allotted to commercial and industrial facilities should be reclassified for general use in order to make them available for agricultural loans if necessary.

77. In March 1974, the Guamanian Government set up a Subdivision and Development Review Committee. The function of the new Committee is to consolidate the work of various government agencies dealing with development. In the past, a developer had to apply to each agency concerned; under the new arrangements his project or projects will be reviewed by the Committee which will then make its recommendations directly to the Territorial Planning Commission. Members of the Committee include the Director of the Territorial Planning Commission, the Land Management Territorial Agent, the Public Works Subdivision Review Administrator and the Deputy Director of the Public Works Highway Division.

78. A number of potential United States investors who visited Guam in March were reportedly impressed by the candour and comprehensiveness of the facts laid before them as well as by the general trend of the economy. The investors concluded that Guam needed a master development plan. They also recommended more extensive promotional efforts in the United States.

Public finance

79. According to the United States Department of Revenue and Taxation, taxes collected in 1972/73 totalled \$US 75.2 million, an increase of \$US 18.1 million over the previous year. Income taxes were the main source of revenue, accounting for \$US 50.8 million, or 31 per cent more than 1971/72.

80. Under the 1974 United States budget, \$US 7.4 million were allocated for Guam, including \$US 4.1 million in loans; \$US 2.2 million in grants; and \$US 1.0 million for the Economic Development Fund. The Governor of Guam has requested the assistance of the United States Department of the Interior and the Office of Management and Budget in his efforts to obtain \$US 55.0 million in federal funds to initiate a six-year public works programme. The money would be part of a projected total allocation of \$US 733 million for the period 1975 through 1979 to provide Guam with improved water supply, sewer and power facilities, among other public projects.

81. According to the United States Department of Revenue and Taxation, the Guamanian Government is expected to lose an estimated \$US 2 million in income tax revenue because of a recent court ruling on the tax status of alien residents. In 1972, Guam received approximately \$US 11.6 million in rebates from the federal Government. Under the new law, however, United States citizens who live on Guam

but do not maintain an official residence there are eligible for the same deductions they would receive under federal income tax law. However, this loss should be more than compensated by the normal rate of growth in business payrolls and annual pay raises and by the increase in the rate of income tax.

82. The income tax estimate for 1974 has been reduced from \$US 55.6 million to \$US 52.0 million. The total received from 1 July 1973 to 31 January 1974, was \$US 23.4 million. Some \$US 6.2 million in income taxes were received during the month of January. The gross receipts tax for 1973/74 has been reduced from \$US 22.0 million to \$US 20.0 million. Some \$US 11.4 million were received from June 1973 through January 1974, with \$US 1.9 million collected in January. Revenue estimates from income tax of United States agencies in Guam have been reduced from \$US 13.0 million to \$US 11.0 million. Estimates of real property (\$US 4.1 million) and business taxes (\$US 400,000) have not been reduced. A spokesman for the Department of Revenue and Taxation said that there were two sources which might influence tax revenues: the energy situation and the loss of some housing funds. The Administration has lowered the total revenue estimate from \$US 120.5 million to \$US 113.6 million. However, only 45 per cent of the revised estimate of \$US 113.6 million was collected from June 1973 to January 1974.

83. In March 1974, the Governor submitted to the Legislature a supplemental budgetary request for \$US 11.6 million for further revenue needs for governmental operations. The Legislature adopted the bill but reduced the request by 20 per cent, or \$US 9.12 million. This followed an earlier request to the Legislature for a supplementary appropriation of \$US 20.0 million. It represented revised sums needed by government departments and agencies to function until 30 June. The supplemental funds were needed because the Governor had vetoed a bill requesting a budget of \$US 93 million, and had reduced the proposed amount to the previous year's figure of \$US 72 million.

84. On 4 April 1974, the Administration of the Territory proposed a budget of \$US 97 million for 1974/75. The only departments exempted from budget cuts were those concerned with public safety and education. All departments were advised to request only enough funds to cover essentials. The proposed budget includes \$US 10 million in pay raises for all classified government employees and authorization for 100 police recruits. The Department of Education received the largest appropriation: \$US 32 million.

85. Public Law 92.606, adopted by the 92nd United States Congress, eliminated the 30 per cent withholding tax levied against United States corporations receiving investment type income from Guamanian sources or likewise and against Guamanian corporations receiving similar type of income from United States sources. The elimination of this tax was strongly supported by the Camacho Administration.

Land utilization

86. The long-standing issue of Sella Bay, its ammunition pier, the airport and land transfers was finally reactivated again late in December 1973. The Guam Legislature, in a voice vote with just over half the members present, voted

unanimously to adopt a committee report categorically rejecting the Sella Bay agreement. The adopted report concluded that the transfer of government landholdings in Sella Bay to the United States Department of Defense would be contrary to the best interests of the people of Guam.

87. After nearly three years of efforts both in Guam and in Washington, DC, 242 Guamanians whose lands had been taken by the United States Government between 1944 and 1963 have taken a first step in what may result in their gaining compensation for their ancestral land. In this connexion, Representative Antonio Won Pat introduced a bill (H.R. 12760) that would give the District Court of Guam sole jurisdiction to hear and determine any claim against the United States Government filed one year after enactment of that measure. If judgement is made in favour of the claimant, the United States Secretary of the Interior would be authorized to make a cash payment to the claimant or to grant him land of equivalent value owned by the administering Power and determined to be a surplus.

88. On 19 March 1974, the United States House of Representatives unanimously adopted two bills that would help Guam regain control of its submerged lands and other properties controlled by the United States Government. One bill, co-sponsored by Mr. Won Pat and by Mr. Ronald de Lugo, the representative of the United States Virgin Islands in the House of Representatives, would transfer from the Department of the Interior to territorial government ownership all the land between the mean high water mark and the three-mile limit at sea. This would relieve both Territories of having to obtain departmental clearance for any waterfront construction.

89. A second bill, also sponsored by Representative Won Pat, could result in the return of thousands of acres of United States military land to the Government of Guam. It directs the President of the United States to conduct a one-year survey to determine which federal lands on Guam could be returned to local control without affecting the strategic policies of other government missions. The administering Power controls about one third of Guam's land, most of which is held by the military (50,000 acres). Estimates indicate that about 10,000 acres are not being "beneficially used" by the Government.

Agriculture, livestock and fisheries

90. During 1972/73, the production of fruits and vegetables increased from 2.5 million pounds, valued at \$US 478,264 to 3.1 million pounds, valued at \$US 622,672. Farm equipment services by the territorial Department of Agriculture were extended to 331 farmers. The principal crops were watermelons, beans, cucumbers and eggplant. A total of 283 acres of land were cleared. Five hundred fruit trees and 109 acres of vegetables were sprayed with chemical insecticide.

91. Despite a steady decline in cattle production, the gross agricultural product rose 24.2 per cent to \$US 3.0 million in value. Egg production also rose by 10 per cent, to a total of 2,265 dozen. Laying flocks increased from 120,776 in 1971/72 to 133,235 in 1972/73.

92. Work continued on the fish farm project involving the cultivation of freshwater eels, shrimp, catfish bangus (milkfish) and carp.

Industry

93. In 1963, manufacturing on Guam amounted to \$US 3.2 million, mainly in the form of food and necessities. In 1972, Guam reported a manufacturing volume valued at \$US 41.4 million (\$US 39.8 million in 1971). Among the Territory's industries are five watch assembly plants, a brewery, two garment manufacturers, a carpet manufacturer and other small operations. The Guam Oil Refinery Corporation (GORCO) is responsible for a large share of the increase. In June, under a petroleum quota set by the President of the United States, GORCO was permitted to expand its daily capacity of 30,000 barrels of oil and gas to 91,000 barrels, to be shipped to the United States. Under the plan, GORCO will ship the finished product to the United States free during the first year, and thereafter will be charged a licence fee on a sliding scale which will increase to 21 cents a barrel at the end of five years.

94. Following these developments, GORCO announced a \$US 200 million expansion programme, to be completed in 1976. It was estimated that from 1,500 to 2,000 workers would be needed during construction and from 250 to 300 employees would be required for daily operations. GORCO has a 10-year exemption on property taxes and is receiving a 75 per cent rebate on income taxes over a period of 17 years. It is seeking further assistance from GEDA. During the period under review, GEDA received eight applications for tax rebates, four of which were approved for qualifying certificates involving a total of \$US 5.9 million in investments.

Tourism

95. By the end of 1973, tourist hotels represented a capital investment of \$US 17.3 million. They employed 1,198 persons and their accommodation capacity totalled 1,848 rooms. Planned or under construction were hotels representing an investment of \$US 92 million, which would add over 3,400 rooms for visitors. It is estimated that within three years, an additional 3,000 hotel workers will be needed. During 1973, 213,964 persons visited the Territory (an increase of 70,669 over 1972), and spent an estimated \$US 90 million (\$US 50 million in 1972).

96. In an effort to improve the tourist industry, a task force consisting of representatives of the Territorial Departments of Commerce, Public Works and Land Management, the Territorial Planning Commission and the Guam Visitors Bureau selected 41 projects to be made available for public use. Engineers have set to work drafting plans for each of the projects which will be financed by funds from the Bureau of Outdoor Recreation and from hotel taxes.

Transport and communications

97. It was announced in August 1973 that Guam would receive up to \$US 2 million a year for the next three years under the provisions of the 1973 United States Federal Aid to Highways Act of 1973. The funds, which will be used to improve the present road system, are a continuation of the highway aid programme adopted by the United States Congress in 1970. The Territory has also received \$US 890,000 in federal funds for road construction originally appropriated for the United States Virgin Islands, because the latter's road-building plans were not completed before the 30 June deadline.

98. The Government of Guam is concerned that the Territory's burgeoning tourist industry may also be threatened by the development of a new international air terminal on Saipan in the Trust Territory of the Pacific Islands, scheduled for completion in April 1975. The Department of Public Works proposed the establishment of a mass public transit system at an estimated cost of \$US 675,000, 80 per cent of which might be paid for by the United States Government when the programme comes up for review in Washington. Meanwhile, another bill awaiting legislative action would provide some \$US 200,000 for an interim transit system.

99. In October 1973, the Governor signed legislation removing the responsibility for the ailing telephone system from the Public Utility Agency of Guam (PUAG) and transferring it to a new Guam Telephone Authority with approximately the same powers and autonomy as PUAG. The new law also authorizes the appropriation of \$US 2 million each in 1974, 1975 and 1976, in addition to an open appropriation to eliminate any outstanding indebtedness at the time of the system's transfer from PUAG to the Authority. The transfer was to take place within four months.

100. The American Telephone and Telegraph Company of New York has proposed to connect two trans-Pacific submarine cables at Guam. The cables will provide 845 new communications channels for Hawaii and 845 for Japan. The work is scheduled to begin 1 March 1975, and will require approximately 45 days.

D. SOCIAL CONDITIONS

Social welfare

101. During the year under review, a new law to license child care facilities was implemented; a new nutrition programme was initiated under the provisions of the Older Americans Act; a food commodity distribution centre was opened in Merizo and the Assistance Payment Section which establishes individual needs and eligibility for financial, medical and food commodity assistance was reorganized.

102. Public assistance payments amounted to \$US 175,000 on a monthly basis. From this amount, aid was given to 663 needy families and dependants (\$US 127,190) and to 489 needy persons over 60 years of age (\$US 33,974).

103. Representative Won Pat announced that, in December 1973, the United States Department of Agriculture released an initial payment of \$US 465,560 for 1973/74 to finance local child nutrition programmes. Under the present level of financing, Guam's allocation for these programmes is divided as follows: food purchases, \$US 188,000; lunch subsidies, \$US 213,192; school breakfasts, \$US 35,000; administrative expenses, \$US 8,601; non-food assistance, \$US 9,202; and special year-round food services in the Territory's schools, \$US 11,571.

Housing

104. It was reported that Program 20, a federal programme which subsidizes loans to Guam residents who wish to build their own houses, had been reinstated in October 1973 after having been terminated in July. Individuals apply to a Guam bank for a mortgage to purchase a house. The bank contacts the local office of the Federal Housing Authority (FHA) to ascertain which portion of the mortgage will be insured by FHA. The bank then determines how much it is willing to lend to the prospective buyer and subsequently "sells" the loan to the Government National Mortgage Association under the provisions of Program 20. The latter charges a fee of 1 1/2 per cent to cover the administrative costs of maintaining the mortgage. The programme was an outgrowth of the rehabilitation plan following Typhoon Karen in 1962. It is estimated that, without the programme, the cost of homes might increase as much as 10 per cent. Up to July 1973, 2,190 dwelling units had been built with the help of the programme.

105. One hundred low-rent houses have been built in Yona by the Guam Housing and Urban Renewal Authority (GHURA). The project is expected to be completed by November 1974. The urban renewal project at Sinajana is reported to be 90 per cent completed. GHURA has announced that it is accepting applications for housing grants from residents of Sinajana and Yona who are eligible to live in the projects. In 1974, the Federal Department of Housing and Urban Development (HUD) approved an additional \$US 3.5 million in grants for replacement housing for the Sinajana and Yona urban renewal projects.

106. Governor Camacho has signed into law a measure appropriating \$US 1 million to assist low-income families to purchase homes, and a construction company has been selected by GHURA to build 500 dwelling units in the Dededo-Yigo area. The houses will cost about \$US 22,000 each, and ownership of the land will remain with the Government of Guam. The total cost of construction is expected to be \$US 11 million. Construction was to begin in February 1974 and the homes were to be ready for occupancy by the end of the summer of 1974.

Labour

107. Guam was estimated to have 37,418 paid employees at 30 June 1973. Of this number, some 8,441 were construction workers of whom 6,647 were non-resident aliens. Contract workers from the United States reportedly make up 6.1 per cent of the labour force. According to Representative Won Pat, Guam is at present unable to

supply enough manpower to meet the growing demands of the community. He announced in January 1974, that the United States Department of Labor had awarded a grant of \$US 89,000 to the Guam Department of Labor for training unskilled workers under a programme known as Operation Mainstream. Twenty-six persons will be trained in a variety of occupations under the terms of the programme. Among the skills to be taught are the following: teacher's aide, park attendant, office clerk, clerk/typist, cafeteria helper and school paraprofessional.

108. The medical staff at Guam Memorial Hospital consists of contract physicians and doctors in private practice, including 3 anaesthesiologists, 6 internists, 6 general surgeons, 6 obstetrician-gynaecologists, 3 ophthalmologists, 3 pathologists, 5 paediatricians, 1 psychiatrist, 2 radiologists, 1 oral surgeon, 1 plastic surgeon, 1 thoracic surgeon, 3 urologists, 1 otolaryngologist, 1 dermatologist, 2 neurologists and 1 neurosurgeon, 19 general practitioners and 6 dentists. Consultation services from physicians at the United States Naval Hospital are available to the Guam Memorial Hospital, when needed.

109. The turnover of other hospital personnel was high in the year under review, owing partly to the departure of nurses who had been military dependants and others who left for better employment opportunities and higher salaries. At the end of the year, the hospital had a staff, other than doctors, of 119 registered nurses, 21 licensed practical nurses, 90 nurses aides, 21 hospital attendants, 12 ward clerks and 9 operating room technicians.

E. EDUCATIONAL CONDITIONS

110. Public school enrolment during 1972/73 amounted to 29,329, including 16,907 at the elementary school level; 5,597 in junior high school; and 4,418 in senior high school. Enrolment in the Vocational-Technical High School reached an all-time high of 735.

111. In June 1973, the George Washington High School graduated 529 students, the Vocational-Technical High graduated 100 and the Academy of Our Lady of Guam, 97. No figures are available on the number of graduates from the John F. Kennedy Senior High School. The College of Education graduated 61 students during the year.

112. Over 1,000 students registered in the first semester and over 2,000 in the second semester of the adult education programme; however, only 540 and 893 respectively completed the semester work.

113. The number of teachers in the school system rose by 333 to 1,205. Of this number, 1,135 were listed as regular teachers, 63 were specialists and 4 were travelling teachers. In September 1973, the territorial Department of Education announced that it required 40 additional teachers for its present needs and that, in addition, it was employing 60 uncertified teachers.

114. According to the report of the administering Power, construction of new plants and facilities continued to receive emphasis during the year under review. One

elementary school with 39 classrooms was completed and 5 new ones were under construction representing 16 classrooms. The construction of a public high school at Santa Rita has reportedly been delayed because of land transaction difficulties resulting from the Sella Bay issue (see para. 86 above).

115. The Director of Education participated in the annual meeting of Chief State School Officers, held at Santa Fe, New Mexico at the end of 1973. State superintendents and commissioners of education from 47 states and from American Samoa, Guam, the Trust Territory of the Pacific Islands and the United States Virgin Islands attended the meeting. During the week-long conference, educators discussed Educational Bill H.R. 69 before the United States Congress and discovered that Territories such as those in the Pacific were scheduled to receive 1 per cent of the appropriation, while full states were to receive 40 per cent. At the insistence of education heads from the Territories administered by the United States, a resolution was adopted authorizing the creation of a task force to identify and represent the needs and problems of those Territories.

116. Enrolment at the University of Guam during 1972/73 totalled 3,351, an increase of 155 over the previous year. Of this number, 2,055 were full-time students and 1,296 were part-time during the autumn semester. During the spring semester, there were 3,147 students (1,837 full-time and 1,310 part-time). A total of 243 academic degrees were conferred.

117. The major cost of education is subsidized by the Government of Guam. A full-time student who is a local resident receives the first two years of schooling free. For the final two years there is a fee of \$US 5 a credit hour. The 1972/73 budget for the University was \$US 7.7 million.

118. The University received several grants in 1973: \$US 180,000 from the Federal Department of Health, Education and Welfare to support 450 students in a work-study programme from 1 July 1973 to 30 June 1974; \$US 13,500 from the National Direct Student Loan Program for 1973/74 to help an estimated 30 students; and \$US 25,500 from the National Science Foundation for the University's Marine Laboratory.

119. A research grant totalling \$US 156,000 was awarded to the University by the Office of Sea Grant of the National Oceanic and Atmospheric Administration. The one-year renewable grant was awarded for a total of nine research projects grouped together under the title, "Main studies in Guam and Micronesia". The projects range from studies of coconut crops, giant clams and rabbit fish to cost studies of small boat operation, surveys of marine manpower and studies of ocean usage such as diving and shell collecting.

CHAPTER XVIII

(A/9623/Add.5 (Part I))

TRUST TERRITORY OF THE PACIFIC ISLANDS

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
A. CONSIDERATION BY THE SPECIAL COMMITTEE	1 - 7	56
B. DECISION OF THE SPECIAL COMMITTEE	8	57
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT		60

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 952nd meeting, on 26 February 1974, the Special Committee, by approving the seventy-first report of the Working Group (A/AC.109/L.920 and Corr.1), decided, inter alia, to refer the Trust Territory of the Pacific Islands to Sub-Committee II for consideration and report.

2. The Special Committee considered the item at its 976th and 977th meetings on 20 and 22 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3163 (XXVIII) of 14 December 1973 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, by paragraph 11 of which the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolutions 1514 (XV) and 2621 (XXV) in all Territories which have not yet attained independence and, in particular, to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its twenty-ninth session".

4. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on the latest developments concerning the Trust Territory.

5. At the 976th meeting, on 20 August, the Chairman of Sub-Committee II, in a statement to the Special Committee (A/AC.109/PV.976 and Corr.1), introduced the report of that Sub-Committee (A/AC.109/L.961) containing an account of its consideration of the Trust Territory (A/AC.109/SC.3/SR.211-213 and 215). The Chairman made a statement (A/AC.109/PV.976 and Corr.1).

6. At its 977th meeting, on 22 August, the Special Committee adopted without objection the report of Sub-Committee II and endorsed the conclusions and recommendations contained therein (see para. 8 below), it being understood that the reservations expressed by members would be reflected in the record of the meeting. Statements were made by the representatives of Denmark, Australia, Bulgaria and Czechoslovakia (A/AC.109/PV.977).

7. On 23 August, the text of the conclusions and recommendations was transmitted to the Permanent Representative of the United States of America to the United Nations for the attention of his Government.

B. DECISION OF THE SPECIAL COMMITTEE

8. The text of the conclusions and recommendations adopted by the Special Committee at its 977th meeting, on 22 August, to which reference is made in paragraph 6 above, is reproduced below.

(1) The Special Committee reaffirms the inalienable right of the people of the Trust Territory of the Pacific Islands to self-determination, in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960. In this connexion, it welcomes the assurance given to the Trusteeship Council by the Administering Authority that the United Nations will be invited to participate in the process of self-determination throughout the Trust Territory. The Committee reaffirms the importance of ensuring that the people fully and freely exercise their rights in this respect and that the obligations of the Administering Authority are duly discharged.

(2) Fully aware of the special circumstances of the Trust Territory, owing to such factors as its size, geographical location, population and limited resources, the Special Committee reiterates its view that these circumstances should in no way delay the speedy implementation of the Declaration contained in resolution 1514 (XV) which fully applies to it.

(3) The Special Committee once again notes with regret the refusal of the Administering Authority to co-operate with the Committee on this item by declining to participate in the examination of the situation in the Trust Territory. It once again urges the Government of the United States of America to comply with its repeated requests that a representative be present to provide vital and up-to-date information which would thereby assist the Committee in the formulation of conclusions and recommendations concerning the future of the Trust Territory.

(4) The Special Committee takes note of the enactment of Public Law 5-60 of 27 March 1974 providing for the establishment of a constitutional convention as an important step towards the attainment of self-government by the people of the Trust Territory of the Pacific Islands. In this regard, the Committee expresses the hope that delegates to the convention will be able to reflect the aspirations of the Micronesian people to decide freely on their political and economic system without outside interference.

(5) The Special Committee notes with concern that the Administering Authority still maintains the power to veto bills passed by the territorial legislature and that the budgetary competence of the Congress of Micronesia remains limited. The Committee considers that the people of the Territory would gain more practical experience in governing their affairs if its Congress were to become a fully self-governing legislature, a measure for which the people of the Trust Territory appear to be prepared. In this respect the Special Committee expresses the hope that, in particular, the budgetary competence of the Congress of Micronesia will be expanded.

(6) The Special Committee, bearing in mind its previous recommendations on this subject, expresses the hope that in the time remaining before self-government increasing priority will be given to the localization of the administration of the Trust Territory.

(7) The Special Committee considers that the time has come for the Joint Committee on Future Status to complete its work, including the disposition of the question of responsibility for public lands and adequate financial assistance to the Territory in the future. It expresses the hope that progress will be made on the first question on the basis of legislation introduced into the Congress of Micronesia and that the question of future financial arrangements will be concluded at the next formal negotiating session between the two parties. In this regard, the Committee notes that a completed draft compact might be referred to the full Congress of Micronesia at its January 1975 regular session, but that such a compact is expected to come into effect only in 1981.

(8) On that subject, the Special Committee considers that the entry into effect of the compact in 1981 would provide an unduly long transitional period and expresses the hope that the Micronesian people will be encouraged to decide freely and to adopt their future political status in conformity with the Declaration, well before 1981.

(9) The Special Committee reaffirms that the unity of the Trust Territory of the Pacific Islands should be preserved until it achieves self-determination in accordance with resolution 1514 (XV). It expresses the hope that developments in Mariana Islands District will not lead other districts to call for separation. It urges the Administering Authority, in consultation with the people of the Trust Territory, to take appropriate action to promote national unity in all districts of Micronesia through its programme of political education for self-government.

(10) The Special Committee notes a number of decisions which have recently been taken to assist in strengthening the economy of the Trust Territory, including the removal of the restrictions on foreign investment from sources other than the United States and the request to the High Commissioner to prepare a new five-year budgetary programme with emphasis on the development of the infrastructure. The Committee urges the Administering Authority to take further steps aimed at alleviating the unfavourable economic situation in the Trust Territory.

(11) The Special Committee once more urges the Administering Authority to take effective measures to guarantee and safeguard the rights of the indigenous population to own and dispose of their natural resources, including land, and to establish and maintain control over their future development.

(12) The Special Committee notes with satisfaction the associate membership status of the Trust Territory in the Economic and Social Commission for Asia and the Pacific (ESCAP) which should lead to regional co-operation and development.

(13) The Special Committee expresses the hope that the nuclear test sites of Bikini and Eniwetok will be returned in the near future to the peoples who have been displaced from them. The Special Committee recalls that in its conclusions and recommendations on the Gilbert and Ellice Islands, Pitcairn and the Solomon Islands, 1/ it noted that the Government of France was again planning to explode nuclear devices on Mururoa Atoll, notwithstanding the earlier concern expressed by the General Assembly with such testing, as reflected in its resolution 3156 (XXVIII) of 14 December 1973. The Committee deplores the continuation of testing by the Government of France and expresses its deep concern about these activities which endanger the life and environment of the peoples of the South Pacific and, in particular, of the peoples of Non-Self-Governing Territories of the area.

1/ See vol. V, chap. XXI of the present report.

Annex*

WORKING PAPER PREPARED BY THE SECRETARIAT

Information on recent developments concerning the Trust Territory which was placed before the Trusteeship Council at its forty-first session, together with the supplementary information furnished by the Administrative Authority to the Council at the same session, is contained in the report of the Trusteeship Council to the Security Council (23 June 1973-14 June 1974). a/

* Previously issued under the symbol A/AC.109/L.953.

a/ Official Records of the Security Council, Twenty-ninth Year, Special Supplement No. 1 (S/11415).

CHAPTER XIX

(A/9623/Add.5 (Part I))

BRUNEI

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
A. CONSIDERATION BY THE SPECIAL COMMITTEE	1 - 4	61
B. DECISION OF THE SPECIAL COMMITTEE	5	62
ANNEX: WORKING PAPER PREPARED BY THE SECRETARIAT		63

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 952nd meeting, on 26 February 1974, the Special Committee, by approving the seventy-first report of the Working Group (A/AC.109/L.920 and Corr.1), decided, inter alia, to refer Brunei to Sub-Committee II for consideration and report.

2. The Special Committee considered the item at its 976th meeting, on 20 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3163 (XXVIII) of 14 December 1973 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, by paragraph 11 of which the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolutions 1514 (XV) and 2621 (XXV) in all Territories which have not yet attained independence and, in particular, to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its twenty-ninth session". The Committee also took into account the relevant provisions of General Assembly resolution 3159 (XXVIII) of 14 December 1973 concerning the Territory, by paragraph 4 of which the Assembly requested the Committee "to report on this question to the General Assembly at its twenty-ninth session".

4. During its consideration of the Territory, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on the latest developments concerning the Territory.

B. DECISION OF THE SPECIAL COMMITTEE

5. At its 976th meeting, on 20 August, following a statement by the Chairman of Sub-Committee II relating to that sub-committee's work concerning the item (A/AC.109/PV.976 and Corr.1), the Special Committee, on the proposal of the Chairman (A/AC.109/PV.976 and Corr.1), decided without objection to authorize him, in pursuance of the mandate entrusted to him in that regard, to continue his consultations, as appropriate, with the administering Power with a view to the implementation of General Assembly resolution 1514 (XV) of 14 December 1960 and other relevant resolutions of the General Assembly and the Special Committee with respect to the Territory. At the same meeting the Special Committee also decided to transmit to the General Assembly the working paper referred to in paragraph 4 above in order to facilitate the consideration of the item by the Fourth Committee.

Annex*

WORKING PAPER PREPARED BY THE SECRETARIAT

CONTENTS

	<u>Paragraphs</u>
1. General	1 - 2
2. Constitutional and political developments	3 - 6
3. Economic conditions	7 - 27
4. Social conditions	28 - 29
5. Educational conditions	30 - 32

* Previously issued under the symbol A/AC.109/L.943.

BRUNEI a/

1. GENERAL

1. Basic information on Brunei is contained in the report of the Special Committee to the General Assembly at its twenty-eighth session. b/ Supplementary information is set out below.

2. Brunei is situated on the northern coast of the island of Borneo and comprises two enclaves in East Malaysia, covering an area of about 2,226 square miles (5,765 square kilometres). Its capital is Bandar Seri Begawan. The population was estimated at 145,170 in mid-1973, with more than 50 per cent, or 78,040, under 20 years of age and 6,660 over 60 years of age. The estimate, based on the number of identity card holders, shows that there were 92,400 Brunei citizens; 24,620 permanent residents; and 28,150 temporary residents (34 per cent of the total population). The breakdown by origin was as follows: Malay, 94,030; Chinese, 33,800; indigenous, 10,230; and others, 7,110.

2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

3. Under an agreement signed in 1959 and amended in 1971 (see A/8827) by the Governments of Brunei and the United Kingdom of Great Britain and Northern Ireland, as the administering Power concerned, the Territory is reported to enjoy full internal self-government. The United Kingdom Government continues to be responsible for Brunei's external affairs and plays a consultative role in defence in the event of the threat of an external attack on the Territory. The United Kingdom is represented by a High Commissioner whose appointment is subject to the agreement of the Sultan of Brunei.

4. The Constitution of Brunei provides for an executive authority vested in the Sultan, assisted by the Mentri Besar (Chief Minister) and the Council of Ministers. The Privy Council, presided over by the Sultan, is an advisory body on constitutional matters. Any other matters may be considered at the Sultan's request. The Constitution provides that the Sultan shall, with certain exceptions, consult with the Council of Ministers. He may act in opposition to their advice but must record fully his reasons for doing so.

5. The Legislative Council is presided over by a speaker and consists of 6 ex officio, 5 nominated and 10 elected members. The Constitution also provides for a Supreme Court, consisting of the High Court and the Court of Appeal.

a/ The information contained in this working paper is based solely on published reports.

b/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. IV, chap. XXI, annex.

6. There are two political parties in Brunei: the People's Independent Front of Brunei (BAKER) and the People's National United Party (PERKARA).

3. ECONOMIC CONDITIONS

A. General

7. Brunei's economy depends almost entirely on its rich petroleum resources, which account for over 95 per cent by value of all exports. Economic activities include rubber cultivation, subsistence agriculture, forestry and fishing.

B. Development plan

8. The second development plan, now completed, called mainly for government expenditure to provide for buildings and the infrastructure and under which such projects as the port facility at Muara and the new international airport were built. A new five-year development plan, recently prepared for submission to the National Planning Committee and eventually to the Sultan, will take into consideration the fact that about 10,000 pupils will leave school between 1974 and 1978. According to reports, the plan will be more detailed than the two previous ones and will concentrate on encouraging the private sector to play a larger part in the development of the country. The immediate possibilities include industries based on forestry, petroleum and tourism and the expansion of agriculture to achieve self-sufficiency in basic food-stuffs and to produce crops for export.

9. Because of the world economic situation and the uncertainty of supplies of raw materials, the plan, according to its authors, should be implemented as soon as possible. During discussions of the plan, Brunei bankers advocated changes in the tax and foreign exchange laws in order to render the Territory more attractive for foreign investment. They suggested, among other things, that the Government set up a department responsible for investing in new commercial enterprises, either in joint ventures with the private sector or in wholly State-owned projects. They considered that investing government funds locally would offset the risk of Brunei's losing in any devaluation of the currencies of countries in which it had invested its money in the past. The bankers also recommended the establishment of a duty-free port at Muara to facilitate imports of raw materials for processing and re-export.

C. Public finance

10. According to the annual report of the Brunei State Chamber of Commerce, published in September 1973, money deposited with banks in Brunei during 1972 amounted to \$BR 206 million, d/ compared with \$BR 110 million in 1971, owing mainly to larger government deposits in local banks. Savings deposits rose from \$BR 32 million in 1971 to \$BR 36 million in 1972, and time deposits rose from \$BR 38 million to \$BR 92 million. Other deposits amounted to \$BR 77 million (\$BR 39 million in 1971).

c/ At 1 July 1972, \$BR 2.82 was reported to be equivalent to approximately \$US 1.00.

11. Brunei had five banks in 1971 which paid out almost \$BR 79 million in advances and loans. In 1972, two more banks had opened and the total of advances and loans rose to \$BR 93 million. The report of the Brunei State Chamber of Commerce also noted that, at 31 December 1972, the total currency in circulation in the State was almost \$BR 55 million.

12. During 1973, the Government expected a record revenue of \$BR 644.6 million, derived mainly from increased oil royalties and taxes. The State Financial Officer announced to the Legislative Council that a record expenditure of \$BR 273 million included provision for the establishment of a Territory-wide colour television service; a new hospital in Bandar Seri Begawan; a second battalion of the Royal Brunei Malay Regiment; and a government printing works. He also said that an account surplus of about \$BR 119 million was expected at the end of 1973. Nearly \$BR 33 million has been allocated for education; \$BR 22 million for the Public Works Department; \$BR 12 million each for the police and the medical and health services; and \$BR 3 million for agriculture.

13. In 1972, Brunei's exports amounted to \$BR 497 million and imports to \$BR 300 million. The total value of external trade was more than double that of 1962 (\$BR 248.4 million), but the trade balance of \$192.2 million, although the highest recorded, was proportionately lower compared with \$BR 150.0 million in 1962, which represented more than two thirds of the total external trade. The Territory's single largest export in 1972 was crude oil, amounting to 9,183 million tons valued at \$BR 462.0 million, compared with 5,700 million tons, valued at \$BR 304.8 million in 1971. Timber exports in 1972 totalled 800 tons, valued at \$BR 164,350, compared with 1,001 tons, valued at \$BR 213,920 in 1971. The major recipients of Brunei's exports were Japan (\$BR 157.0 million) and Sarawak (\$BR 152.0 million). Most of Brunei's imports came from Japan (\$BR 60.0 million), the United States of America (\$BR 57.0 million), Singapore (\$BR 45.0 million) and the United Kingdom (\$BR 43.0 million).

D. Agriculture and livestock

14. The planting of maize is being encouraged on a large scale. The Agriculture Department plans to introduce new maize varieties in Ulu Tutong, Temburong and in the Brunei-Muara District. Farmers will be formed into groups of at least 30 persons, each man contributing an acre of land. The area will then be planted with one of the East African varieties of maize which apparently has a great potential in Brunei. The maize was recently introduced in Brunei and has been tested at agricultural stations, with encouraging results.

15. In his annual report for 1973, the government's plant pathologist wrote that the prospects for growing tobacco for local markets by small groups of farmers were promising. He predicted a yield of 500 pounds at an estimated profit of \$BR 1,065.

16. Brunei, which for years has been virtually a non-producer, is exporting rubber again, because of higher world prices. The government estates at Gadong and Berakas are being extensively tapped and many private growers are tapping

their small holdings, in the Tutong and Temburong districts. No information is available concerning the amount of rubber being produced in Brunei.

17. The Territory produces about 4,000 tons of rice a year, or about 25 per cent of local requirements.

18. There are about 15,000 buffaloes in Brunei providing 3,600 head for slaughter annually, or 25 per cent of the requirements of the Territory. The pig and poultry industries provide about 75 per cent of the Territory's requirements.

E. Industries

19. Brunei has a favourable business climate. The tax on companies is only 30 per cent.

Mining and petroleum

20. According to reports, a logistic support base for off-shore oil drilling operations is to be built near Brunei's deep-water port of Muara at a cost of \$BR 5 million. The base will cover 40 acres of land to be leased from the Brunei Government. About 60,000 tons of material and possibly more are expected to be shipped through Muara after the first year. Besides storage and handling, the base will be used for blending some of the drilling chemicals. It may eventually also be used for repairing rigs and possibly ships.

21. Ocean Inchcape, Ltd., the firm handling these operations, will become the main user of Muara port which can take ships up to 10,000 tons. Ocean Inchcape Brunei, Ltd., is to be registered locally and will employ about 40 Bruneis in the first year and three times that number within three years. Ocean Inchcape, Ltd., the parent company, will own 51 per cent of its Brunei subsidiary and Borneo Straits Off-Shore, Ltd., will own 49 per cent.

22. The Brunei Government has negotiated a 25 per cent share in the Brunei Shell Petroleum Company. Talks on the Government's participation in Brunei Shell's oil and gas fields have been in progress for some time and the Government will reportedly buy into the company on agreed terms. Brunei Shell is the only oil and gas producer in the Territory and provides the bulk of its foreign exchange. The Territory's annual production of oil in 1973 was reported to be almost double that of 1972. Having constructed one of the world's largest liquefied natural gas plants, Brunei now has three new gas tankers in service to be used for the shipment of 90 million tons of liquefied natural gas to Japan over a period of 20 years.

Other industries

23. Crawford Murray, Ltd., an international whisky firm, has opened a Far Eastern administrative office in Bandar Seri Begawan. The firm's chairman announced that the company would be trading throughout the Far East and that Brunei was centrally located for that market.

F. Transport and communications

24. According to the annual report of the Brunei State Chamber of Commerce, there were 20,117 vehicles in the Territory at the end of 1972, including 1,768 new vehicles registered during that year: 15,118 cars, 2,909 commercial vehicles, 976 government vehicles and 878 motorcycles (a vehicle for every seven persons and a car for every nine persons).

25. With the introduction in October 1973 of a British Airways flight from London to Brunei, the number of airlines using the new airport rose to four.

26. Ships using Brunei's deep-water port at Muara can now use its access channel until midnight. When the port first came into operation, ships had to enter or leave during daylight hours. A spokesman for the Marine Department said that eventually ships would be able to use the Channel at any time, after transit lights had been installed.

27. A transmitter station is being built in Bandar Seri Begawan, at a cost of \$A 1 million, for use by Radio Brunei and the Telecommunications Department. When complete, the station will provide direct telephone and telex links with Hong Kong and Singapore; it will quadruple the Territory's international telephone outlets and double those for telex. Brunei's only telecommunications link with the world at present is through Kuala Lumpur. A new telephone exchange is being built, at the cost of \$BR 350,000, for the new town and industrial area of Muara and the number of lines in Bandar Seri Begawan have been increased from 3,500 to 5,000. There are reported to be 7,000 telephones in Brunei and approximately 800 to 900 new telephones are installed each year.

4. SOCIAL CONDITIONS

28. The cost-of-living in Brunei rose by more than 11 per cent from January to September 1973. Provisional figures show that prices were 128.7 per cent higher than in 1963.

29. The 1974 budget estimates included an initial allocation of \$BR 2 million for a new hospital which will eventually cost more than \$BR 55 million. Construction on the new hospital was scheduled to start in 1974. There have been many complaints about the present structure which is reported to be overcrowded and in poor condition.

5. EDUCATIONAL CONDITIONS

30. The Brunei Department of Education has estimated that, by January 1978, the total school enrolment would be 57,400, compared with 48,614 in 1974 and 34,257 in 1967, classified as follows, in comparison with 1974 figures: kindergarten, 1,800 (1,430); primary, 39,400 (33,490); secondary, 15,100 (12,848); teacher training, 580 (580); and vocational, 500 (266).

31. It was estimated that, in government Malay schools, children would number 26,700 (22,687 in 1974); in government English schools, 14,450 (12,293); in mission schools, 7,200 (6,117); and in Chinese schools, 7,100 (5,959). The total number of teachers was expected to rise to approximately 3,000 by 1978, with a teacher-pupil ratio of 1:19.3, unchanged from the present proportion.

32. According to the Department of Education, school enrolment in 1970, 1971 and 1972 represented 78, 80 and 82 per cent respectively of the total population between the ages of 5 and 19 years. Enrolment in 1974 was expected to reach 84 per cent, rising to 94 per cent by 1978.

CHAPTER XX

(A/9623/Add.5 (Part II))

COCOS (KEELING) ISLANDS AND PAPUA NEW GUINEA

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
A. CONSIDERATION BY THE SPECIAL COMMITTEE	1 - 9	70
B. DECISIONS OF THE SPECIAL COMMITTEE	10 - 11	71
ANNEX: REPORT OF THE UNITED NATIONS VISITING MISSION TO THE COCOS (KEELING) ISLANDS, 1974		73

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 952nd meeting on 26 February 1974, the Special Committee, by approving the seventh-first report of the Working Group (A/AC.109/L.920 and Corr.1) decided, inter alia, to refer the Cocos (Keeling) Islands and Papua New Guinea to Sub-Committee II for consideration and report.
2. The Special Committee considered the item at its 974th, 976th, 982nd, 987th and 988th meetings, between 17 May and 13 November 1974.
3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3163 (XXVIII) of 14 December 1973 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolutions 1514 (XV) and 2621 (XXV) in all Territories which have not yet attained independence and, in particular, to formulate specific proposals for the elimination of the remaining manifestations of colonialism and report thereon to the General Assembly at its twenty-ninth session". The Committee also took into account other resolutions of the General Assembly, particularly resolution 3109 (XXVIII) of 12 December 1973 on the question of Papua New Guinea, by paragraph 12 of which the Assembly requested the Special Committee "to continue to examine this question and to report thereon to the General Assembly at its twenty-ninth session". Further, the Special Committee was guided by a consensus of the General Assembly of 14 December 1973 relating to the question of the Cocos (Keeling) Islands 1/ whereby the Assembly, in noting with satisfaction the active participation of the administering Power in the Committee's work and its continued readiness to receive a United Nations visiting mission to the Territory, 2/ requested the Special Committee

1/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 30 (A/9030), "Other decisions" (item 23), p. 111.

2/ Ibid., Supplement No. 23 (A/9023/Rev.1), vol. IV, chap. XIX, para. 8 (2).

to continue to seek the best ways and means of implementing the Declaration with respect to the Cocos (Keeling) Islands, including the dispatch of visiting missions as appropriate, and to report thereon to the Assembly at its twenty-ninth session.

4. At its 974th meeting, on 17 May, the Special Committee, on the proposal of the Chairman, decided without objection that the Visiting Mission to the Cocos (Keeling) Islands should be composed of Indonesia, the Ivory Coast and Trinidad and Tobago.

5. At its 976th meeting, on 20 August, the Special Committee, on the proposal of the Chairman of Sub-Committee II and in modification of the decision referred to in paragraph 1 above, agreed to take up directly in plenary meetings the report of the Visiting Mission to the Cocos (Keeling) Islands as it became available.

6. At its 982nd meeting, on 6 September, the Special Committee, having noted the postponement by the Trusteeship Council of the consideration of the question of Papua New Guinea to a later date, decided, on the proposal of the Chairman, to take up the question at its next session as appropriate and necessary and subject to any directives which the General Assembly might wish to give in that connexion at its twenty-ninth session (see para. 10 below). Subsequently, in a letter dated 29 October 1974 addressed to the Chairman (A/AC.109/468), the President of the Trusteeship Council drew attention to the report of the Council to the General Assembly 3/ relating to Papua New Guinea.

7. At the 987th meeting, on 12 November, the representative of the Ivory Coast, in his capacity as Chairman of the United Nations Visiting Mission to the Cocos (Keeling) Islands, 1974, introduced the report of the Mission (see annex to the present chapter). Statements were also made by the representatives of Indonesia, Trinidad and Tobago, and by Australia, as the administering Power concerned (A/AC.109/PV.987). The representative of Indonesia also introduced, on behalf of the Visiting Mission, a draft decision on the question proposed for adoption by the General Assembly (A/AC.109/L.990).

8. At its 988th meeting, on 13 November, the Special Committee adopted without objection the report of the United Nations Visiting Mission to the Cocos (Keeling) Islands, 1974 and endorsed its conclusions and recommendations set out in paragraphs 199 to 217 of the report (see annex to the present chapter).

9. At the same meeting, the Special Committee approved the draft decision mentioned in paragraph 7 above (see para. 11 below).

B. DECISIONS OF THE SPECIAL COMMITTEE

Papua New Guinea

10. As indicated in paragraph 6 above, the Special Committee, at its 982nd meeting on 6 September, decided to take up the question at its next session as appropriate and necessary and subject to any directives which the General Assembly might wish to give in that connexion at its twenty-ninth session.

3/ Ibid., Twenty-ninth Session, Supplement No. 24 (A/9624).

Cocos (Keeling) Islands

11. The text of the draft decision concerning the Cocos (Keeling) Islands proposed for adoption by the General Assembly was approved by the Special Committee at its 988th meeting, on 13 November 1974, to which reference is made in paragraph 9 above. The text is reproduced below:

"The General Assembly, having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Cocos (Keeling) Islands and having heard the statement of the administering Power on the implementation of the relevant provisions of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960, with regard to the Territory, notes with satisfaction the constructive work accomplished during the year by the Special Committee with the close co-operation of the administering Power, in particular the dispatch in August 1974 of a United Nations Visiting Mission to the Territory. The General Assembly expresses appreciation to the administering Power for its active participation in the relevant work of the Special Committee and its continued preparedness to receive a further visiting mission to the Territory, as appropriate. The General Assembly draws the attention of the administering Power to the conclusions and recommendations of the Visiting Mission, 4/ bearing in mind the need to ensure the free expression by the people of the Territory of their true aspirations concerning their future status, as well as the full exercise by them of their fundamental rights, towards the achievement of the goals set forth in the Charter and the Declaration. The General Assembly requests the Special Committee, in continued co-operation with the administering Power, to seek the best ways and means of implementing the Declaration with respect to the Territory and to report thereon to the Assembly at its thirtieth session."

4/ See annex to the present chapter, paras. 199-217.

Annex*

REPORT OF THE UNITED NATIONS VISITING MISSION TO THE
COCOS (KEELING) ISLANDS, 1974

CONTENTS

	<u>Paragraphs</u>
INTRODUCTION	1 - 14
1. Terms of reference	1 - 4
2. Composition of the Mission	5 - 6
3. Itinerary	7 - 9
4. Acknowledgements	10 - 14
A. INFORMATION ON THE TERRITORY	15 - 93
1. General description	15 - 27
2. Constitutional and political development	28 - 44
3. Economic and social conditions	45 - 88
4. Educational conditions	89 - 93
B. INITIAL TALKS HELD IN CANBERRA ON 5 AND 6 AUGUST 1974	94 - 117
1. General	94 - 100
2. Future status of the Territory	101 - 102
3. Present political status and related developments	103 - 109
4. Economic, social and educational conditions	110 - 117
C. DISCUSSIONS HELD IN THE TERRITORY ON 8 AND 9 AUGUST 1974	118 - 145
1. Discussions with the Official Representative	118 - 124
2. The public meeting	125 - 131
3. Discussions with the <u>Imarat</u>	132 - 145

* Previously issued under the symbol A/AC.109/L.983.

CONTENTS (continued)

	<u>Paragraphs</u>
D. TALKS HELD ON RETURN TO CANBERRA ON 12 TO 14 AUGUST 1974	146 - 198
1. Meeting with a representative of the opposition party	148
2. Meeting at the Department of the Special Minister of State concerning the animal quarantine station	149 - 163
3. Meeting with the Secretary of the Department of the Special Minister of State	164 - 179
4. Meeting at the Department of Foreign Affairs	180 - 187
5. Meeting with the Prime Minister	188 - 198
E. OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS	199 - 217
1. Political and constitutional conditions	200 - 211
2. Economic, social and educational conditions	212 - 217
F. MAP OF COCOS (KEELING) ISLANDS	
G. HOME ISLAND: KAMPONG ARRANGEMENT	

Appendices

	<u>Page</u>
I. Chronicle of the Visiting Mission in the Territory	119
II. Indenture of 1886	120
III. Cocos (Keeling) Islands Act of 1955	122
IV. Statements to the press by Mr. John Clunies-Ross and by Mr. Andrew Peacock, Minister for External Territories of Australia, on 15 September 1972.	128
V. Summary of statement to the press by Mr. W. L. Morrison, Minister for External Territories of Australia, on 17 April 1973	130
VI. Letter dated 9 November 1973 from the <u>Imarat Pulo</u> (Island Council of Headmen), addressed to the Official Representative of the administering Power	131
VII. Statement made by Mr. Koffi Kouame, Chairman of the Visiting Mission, on 9 August 1974	132
VIII. Statement to the press by Mr. Koffi Kouame, Chairman of the Visiting Mission, on 15 August 1974	134
IX. Telegram dated 16 August 1974 from Mr. Koffi Kouame, Chairman of the Visiting Mission, addressed to Mr. Lionel Bowen, Special Minister of State of Australia, and Mr. Peter J. Lawler, Secretary, Department of the Special Minister of State of Australia	135

INTRODUCTION

1. Terms of reference

1. For a number of years, the General Assembly, in connexion with its consideration of Trust and Non-Self-Governing Territories, has stressed the vital importance of United Nations visiting missions as a means of securing adequate and first-hand information on the Territories, as well as of ascertaining the views, wishes and aspirations of the peoples in those Territories concerning their future status. Accordingly, it has continued to urge the administering Powers concerned to permit access by such missions to Territories under their administration.
2. At the 178th meeting of Sub-Committee II of the Special Committee held on 13 July 1973 the representative of Australia expressed his Government's willingness to receive a visiting mission to the Cocos (Keeling) Islands, subject to mutual agreement as to its timing and composition, to enable the United Nations to obtain first-hand information on the wishes of the people, the situation prevailing in, and the problems being faced by, the Territory.
3. At its 941st meeting, on 21 August 1973, the Special Committee, by adopting the related report of Sub-Committee II, a/ welcomed the invitation extended to the Committee by the Government of Australia and requested its Chairman to take the necessary steps, in consultation with its members and the administering Power, to dispatch a mission to the Territory at a suitable time in 1974.
4. At its twenty-eighth session, the General Assembly, following its examination of the chapter of the report of the Special Committee on the item, adopted a consensus relating to the question of the Cocos (Keeling) Islands, b/ by which it noted with satisfaction the active participation of Australia as administering Power in the related work of the Special Committee, as well as that Government's continued readiness to receive a United Nations visiting mission to the Territory. The General Assembly, in the same consensus, requested the Special Committee to continue to seek the best ways and means for the implementation of the Declaration with respect to the Territory, including the dispatch, as appropriate, of a visiting mission as envisaged, and to report thereon to the Assembly at its twenty-ninth session.

a/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. IV, chap. XIX, para. 8.

b/ Ibid., Supplement No. 30 (A/9030), "Other decisions" (agenda item 23), p. 111.

2. Composition of the Mission

5. At its 974th meeting, on 17 May 1974, the Special Committee, on the proposal of the Chairman, decided that the proposed visiting mission to the Cocos (Keeling) Islands should consist of the representatives of the Ivory Coast, Indonesia and Trinidad and Tobago. Accordingly, the Mission was composed as follows:

Mr. Koffi Kouame (Ivory Coast), Chairman
Mr. Mohamad Sidik (Indonesia)
Mr. Vincent D. Lasse (Trinidad and Tobago).

6. The Mission was accompanied by the following staff members:
Mr. Richard W. Wathen, Principal Secretary; Mr. Nour Eddine Driss, Political Affairs Officer; Mr. Barry De Crummere, Administrative Officer; and Mrs. Jacqueline Singer, Secretary.

3. Itinerary

7. The Mission arrived in Sydney from New York on 4 August and proceeded to Canberra the following day to hold formal meetings with representatives of the administering Power. On 6 August, it continued to Perth where it took a chartered flight to the Cocos (Keeling) Islands early on the morning of 7 August.

8. The Mission's itinerary in the Territory is set out in appendix I to the present report. Owing to a transport workers' strike in Australia at the time, the Australian Government made arrangements for the return of the Mission directly to Canberra on 11 August by a special Royal Australian Air Force plane. In Canberra, the Mission met with representatives of the Australian Government both prior to and following its visit to the Territory, an account of which is given in sections B and D of the present report. An account of the Mission's visit to the Territory and its conclusions and recommendations are contained in sections C and E, respectively.

9. Upon completion of its programme in Australia, the Mission stayed at Suva (Fiji) from 15 to 21 August to complete the preparation of its report.

4. Acknowledgements

10. The Mission wishes to record its profound gratitude to the Government of Australia for the full co-operation and the efficient assistance accorded during its visit and for the warm hospitality and courtesy extended by Mr. E. Gough Whitlam, the Prime Minister, Mr. Lionel Bowen, Special Minister of State, Senator Willesee, Minister for Foreign Affairs, and by senior officials of their departments, as well as those of the Department of Health during the Mission's stay at Canberra.

11. The Mission wishes in particular to convey its warm appreciation to Mr. Charles McManus, the Official Representative of the administering Power, whose invaluable assistance facilitated the effective discharge by the Mission of its tasks in the Territory.

12. The Mission also wishes to express its deep appreciation of the warm reception accorded to it and the interest shown in its work by the people of the Cocos Malay community on Home Island as well as the close co-operation and invaluable assistance extended to it by the people of West Island.

13. Further, the Mission wishes to record its particular appreciation to the officials of the Australian Government and members of the press and news media who accompanied the Mission during its visit to the Territory, including in particular Messrs. Frank Ahrens and C. E. Reseigh, Department of the Special Minister of State; Messrs. C. R. Ashwin and D. Fisher, Department of Foreign Affairs; Messrs. Peter Hastings and Bruce Jones, the press; and Mr. Brown, the photographer. Their helpful attitude and knowledge of the Territory and its problems contributed greatly to the successful completion of the Mission's task.

14. The members of the Mission also wish to place on record their gratitude to the Government of Fiji, in particular to Ratu Epeli Nailatikau, their friend and the former representative of Fiji to the Special Committee, for the hospitality extended to the Mission and to them personally and the facilities placed at the Mission's disposal during its stay in Fiji.

A. INFORMATION ON THE TERRITORY

1. General description

15. The Cocos (Keeling) Islands lie about 600 miles or 960 kilometres south-west of Java head, the western extremity of Java (Indonesia) in the Indian Ocean at latitude 12° 05' south and longitude 96° 53' east. They are in two distinct divisions, lying north and south, having a channel between about 15 miles (24 kilometres) wide. The Territory consists of 27 small islands and has a total land area of about 14 square kilometres. The northern atoll is a single island, North Keeling. The islands of the southern division, under the collective name of South Keeling, lie on the perimeter of a coral reef in the form of a roughly broken circle which approaches the horseshoe shape common to all such atolls. The entrances to the lagoon, which is protected by the islands and the fringing reef, are scattered. All the islands are covered with coconut palms and scrubs. On North Keeling Island the growth is said to be more prolific.

16. Direction, West and Home Islands, all in the southern group, are the only islands which appear to have been inhabited. The population of the Territory at 30 June 1973 was 654. The Mission visited only West Island and Home Island.

17. Direction Island rises about seven feet in height and is used primarily for navigational lights. Between Direction and Home Islands there are two islets forming Prison Island. Home Island, about one mile south of Direction Island, has the largest settlement which occupies the greater part of the island. Oceania, on the south-west side of Home Island, is the residence of the Clunies-Ross family from whom permission must be obtained to land on any of the islands except West Island. There is a group of 11 islets southward of Home Island, followed by South Island and 4 additional islets before coming to West Island, known locally as Pulo Panjang. Navigational lights are displayed here also. An airfield about one and one-half miles in length is situated on the southern half of West Island. Horsburgh Island, known locally as Pulo Luar, is the northernmost island of the group.

18. Port Refuge, in the northern part of the lagoon between Horsburgh and Direction Islands, comprises an outer and an inner harbour. Although Port Refuge is included in the lagoon proper, the name "The Lagoon" is usually applied to that part of the lagoon south of Port Refuge.

19. The climate in the Territory is largely influenced by the south-east trade winds about nine months of the year. The average annual rainfall from 1967/68 to 1972/73 was 1,380 millimetres. Rain fell during the larger part of the Mission's visit. There is no real soil on the islands as they are composed mainly of coral clinker which in some places is covered with a thin mixture of decayed vegetable fibres and finely powdered sand. Nevertheless, the islands are well covered with vegetation. Coconut palms predominate, flanked on the seaward side by a thick growth of poor quality timber. Horsburgh Island is mainly mangroves on the northern side of a central brackish lagoon and open grass areas

on the southern side. On Home, West and Horsburgh Islands and at the south end of South Island fresh water exists in underground reservoirs, uncontaminated by the sea, and can be reached by sinking relatively shallow wells.

20. North Keeling, the isolated northern island of the Cocos (Keeling) group, is believed to have been discovered in 1609 by Captain William Keeling of the East India Company. The islands were uninhabited until 1826, when the first settlement was established on the main atoll by an Englishman named Alexander Hare. In 1827 Captain John Clunies-Ross, a Scottish seaman, brought a number of Malays to the islands and formed a second settlement there. Mr. Hare and Captain Clunies-Ross both claimed ownership of the islands, but Mr. Hare returned to Java in 1831 and Captain Clunies-Ross was left in sole possession. He imported more labour and set about improving the coconut trees already growing there.

21. Captain Clunies-Ross feared that another country would take the islands and made several attempts to have them annexed by the United Kingdom of Great Britain and Northern Ireland. In 1857, the islands were formally declared part of the British Dominions by Captain Fremantle on HMS Juno. In 1878 responsibility for the supervision of the islands was vested in the Government of Ceylon (now known as Sri Lanka) and in 1886 it was transferred to the Government of the Straits Settlements.

22. By an indenture dated 7 July 1886 (see appendix II to the present report), Queen Victoria granted in perpetuity all land on the islands above the high-water mark to Mr. George Clunies-Ross, reserving the right to resume any or all of the lands for public purposes and prohibiting its alienation without the prior sanction of the Crown.

23. In 1903, the islands were incorporated with Singapore but were again attached to Ceylon during the Second World War while Singapore was under Japanese occupation.

24. By an agreement of 2 November 1951, the Commonwealth of Australia bought land on West Island from the Clunies-Ross Estate as a site for an airfield, and the inaugural passenger flight from Sydney to South Africa via Cocos by Qantas Empire Airways took place on 1 September 1952. This service is no longer in operation.

25. On 23 November 1955, the islands ceased to form part of Singapore and were accepted as a Territory of the Australian Government known as the Territory of the Cocos (Keeling) Islands. c/ Transfer to Australia was effected by an Order-in-Council made by Queen Elizabeth under the Cocos Islands Act, 1955 of the United Kingdom of Great Britain and Northern Ireland, and by the Cocos (Keeling) Islands Act, 1955 of Australia (see appendix III to the present report).

26. The largest population group is formed by the descendants of the original labourers and their dependants, mainly of Malayan origin, brought to the islands by Captain Clunies-Ross between 1827 and 1831. These people, known as Cocos Islanders, live on Home Island. Though often referred to as Cocos Malays, their origins are diverse and include East Africans, Chinese, Javanese, Indians, Sinhalese and others. They are Muslim by religious tradition and speak Malay.

c/ See also paras. 28, 103 and 166.

27. By the end of the Second World War, the number of Cocos Islanders was far greater than the economy of the Clunies-Ross Estate could maintain. A controlled migration scheme was started and, between 1948 and 1951, over 1,600 Cocos Islanders were moved from the Territory at the expense of the Clunies-Ross Estate and the Government of Singapore. Some of the Islanders accepted employment on Christmas Island, others joined relatives in Singapore, but most elected to resettle on estates in the former Territory of North Borneo (now Sabah in Malaysia). The population of Cocos (Keeling) Islands was reduced by about two-thirds as a result of this emigration scheme. In June and December 1958, an additional 109 Home Islanders, mainly in family groups, emigrated to Christmas Island. There is also a settlement of Cocos Islanders in Katanning, Western Australia (see also para. 109 below).

2. Constitutional and political development

Status of the Territory and its inhabitants

28. The Cocos (Keeling) Islands are a Territory under the authority of the Government of Australia. The Territory is administered in accordance with the terms of the Cocos (Keeling) Islands Act, 1955-1966.

29. Persons born in the Territory on or after 23 November 1955 are Australian citizens and British subjects. Under the Cocos (Keeling) Islands Act, a person born after 23 November 1955 who was a British subject ordinarily resident in the Island, could, before 23 May 1959, make a declaration that he wished to become an Australian citizen. In the case of persons under 21 years of age on 23 November 1955, the prescribed date for making declarations is two years after they become 21 years of age (see also para. 108 below).

30. The Cocos (Keeling) Islands Act provides that the institutions, customs and usages of the Cocos Islanders shall, subject to any law in force in the Territory from time to time, be permitted to continue in existence (see appendix III to the present report).

Executive and legislative branches

31. The Cocos (Keeling) Islands Act, 1955-1966, which forms the basis of the Territory's legislative, administrative and judicial systems was administered by the Minister of State for External Territories until this Department was dissolved in 1973. It is now administered by the Department of the Special Minister of State (DOSMOS). Under this Act, the laws of the Colony of Singapore in force in the islands immediately before the date of transfer (1955) were continued in force, subject to their amendment or repeal by subsequent Australian legislation.

32. Australian legislation does not apply to the Territory unless specifically indicated. The Cocos (Keeling) Islands Act empowers the Governor-General to make ordinances for the peace, order and good government of the Territory. These ordinances are required to be tabled in the Australian Parliament and are subject to disallowance in part or whole by the Parliament.

33. Since the Territory came under Australian control the following ordinances have been made:

(a) Ordinances to amend the Singapore laws that were continued in force in the Territory:

Courts (Amendment) Ordinances, 1955, 1964
Criminal Procedure Code (Amendment) Ordinances, 1955, 1958, 1964
Dangerous Drugs (Amendment) Ordinance, 1968
Reciprocal Enforcement of Judgments (Amendment) Ordinance, 1963
Promissory Oaths (Amendment) Ordinance, 1966
Police Force (Amendment) Ordinance, 1966

(b) New ordinances:

Interpretation Ordinance, 1955-1966
Laws (Repeal) Ordinance, 1955
Supreme Court Ordinance, 1955-1963
Coinage Ordinance, 1955 (repealed)
Coinage Ordinance Repeal Ordinance, 1966
Maintenance Orders (Facilities for Enforcement) Ordinance, 1960
Census Ordinance, 1961-1971
Official Representative Ordinance, 1955-1961
Medical Charges Ordinance, 1963-1966.

34. Under the Cocos (Keeling) Islands (Citizenship) Regulations, enacted by the Australian Parliament in 1961 and having specific reference to the Territory, the Cocos Malays are eligible for Australian citizenship (some are already Australian citizens by birth) and would be given sympathetic consideration if they wished to apply for entry into Australia. According to the administering Power, the increased educational facilities and training is expected to make it possible in due course for the people to move easily to and from Australia as their wish.

35. An Official Representative, who is appointed by the Special Minister of State under the Official Representative Ordinance, exercises such powers and performs such functions in relation to the Territory as are delegated to him by the Minister under part III, section 8 of the Cocos (Keeling) Islands Act or are otherwise conferred on him under the Act or by or under any other law of the Territory.

36. Mr. C. McManus, the Official Representative, assumed office on 29 July 1972. His staff consists of a government medical officer, a senior nursing sister, a nursing sister, a clerk/postmaster, a clerk, a clerical assistant (part-time) and a cleaner/gardener.

37. The Department of Civil Aviation maintains and manages the airport and the Department of Science is responsible for weather and atmospheric forecasts. Commonwealth Hostels, Ltd. provides a catering and accommodation service for government staff and employees.

38. The Mission was informed that the Imarat Pulo (Island Council of Headmen) consists of five juru (headmen) and four kepala (senior headmen), Mr. J. Dixon, the expatriate estate manager, and Mr. John Clunies-Ross. d/ The headmen attain their appointment through promotion: when there is an opening for a kepala, someone is selected to fill the post from among the senior ranking members of the community. Promotion to juru is probationary in the first instance. Normally a headman once confirmed would keep his position until retirement, although resignations have occurred. Retirement automatically cancels the appointment. Selections for promotion to official positions are made by the Imarat (see para. 138 below). Normally promotions are effected at the beginning of the new year but any member of the Imarat can propose promotions at any time.

39. Decisions of the Imarat are usually by consensus but if a consensus cannot be achieved a vote is taken, where appropriate, in secret. All members of the Imarat have equal votes regardless of rank. Messrs. Clunies-Ross and Dixon usually do not vote but retain the power of vote, or casting vote if one is required.

40. The Imarat is responsible for keeping the peace and for all internal administration. It decides cases involving breaches of rules for the good order of the community; arbitrates in disputes including divorce; it hears requests and complaints; and maintains registers of births, deaths and marriages. It also allocates housing sites and allotments; plans operations and work crews; awards bonuses, special rewards, incentives and punishments; and organizes emergency or rescue operations.

41. The Imarat meets regularly once a week. Anyone may raise business at these meetings, which are mainly concerned with work arrangements for the following week. Extraordinary meetings may be called for special purposes, to deal with matters arising between regular meetings.

42. Each week on a rotating basis a kepala and a juru are appointed Headmen on Duty, and the general authority and responsibility of the full Imarat devolves on them. Their duties include keeping the peace, public health inspections and safety precautions, especially those relating to hazards at sea. They must be available at all times. The Headmen on Duty may call on assistance from other headmen, officials or members of the community. They can deal summarily with any incidents which may arise but there is a right of appeal against their decisions to the full Imarat and their decisions are reviewed when they report to the regular meeting at the end of their period of duty.

Judiciary e/

43. The courts with jurisdiction in the Territory are: the Supreme Court of the Territory of Cocos (Keeling) Islands; the District Court; the Magistrate's Court; and the Coroner's Court.

d/ For an account of the discussion between the members of the Mission and the Imarat, see paras. 132 ff. below.

e/ See also paras. 171 ff. below.

44. There is a customary court on Home Island constituted from members of the Headmen's Council which deals with minor offences committed by the Malay inhabitants of Home Island. Mr. Clunies-Ross and the manager of the Estate also usually attend meetings of this court. There were no cases for hearing by the courts in 1972/73, the last year reported on by the administering Power.

3. Economic and social conditions f/

General

45. The economy of the Territory is based on the production and export of copra grown by the Clunies-Ross Estate. The aviation and other facilities maintained by the Australian Government and commercial organizations provide additional sources of revenue. Exports of copra during 1972/73 were 414 tons but less than the 1967/68 figure of 476 tons, owing to the damage to trees during cyclone Doreen in 1968.

46. Imports are admitted free of customs duty. The Cocos (Keeling) Islands Act exempts from customs duty goods which are imported into Australia from the Territory provided the goods: (a) are the produce or manufacture of the Territory; (b) have been shipped in the Territory for export to Australia; and (c) are not goods which, if manufactured or produced in Australia would be subject to a duty or excise tax.

Public finance

47. Expenditure on administration and on capital works and services is financed from moneys appropriated from the Australian Government Departments represented in the Territory. Some revenue is derived from messing charges, hospitals and medical fees and from miscellaneous sources.

48. Total revenue amounted to \$A 413,440 g/ in 1972/73, compared with \$A 10,365 in 1971/72. Expenditure for 1972/73 totalled \$A 579,923 compared with \$A 622,747 in 1971/72.

Land

49. Under the Indenture of 1886 (see appendix II to the present report), Queen Victoria granted in perpetuity to the Clunies-Ross family all land in the islands above the high-water mark. The grant included conditions allowing the Crown to resume any of the land for public purposes without compensation, other than for cultivated crops, buildings or other works; permitting the construction and

f/ See also paras. 110 ff., 141 and 142 below.

g/ The local currency on West Island is the Australian dollar (\$A); \$A 1.00 equals approximately \$US 1.49.

use of telegraph lines across the land granted; and prohibiting alienation of the land outside the Clunies-Ross family without previous sanction by the Crown.

50. Since then, some land transactions between the Government and the Clunies-Ross Estate have been arranged. At 30 June 1973 the following arrangements were operative:

(a) Australian ownership of approximately 148 hectares on West Island on which the administration centre and aerodrome are situated (formally conveyed to Australia in 1955).

(b) Licences to the Australian Government of areas adjacent to the northern and southern boundaries of the radio transmitter site on West Island, approximately 2.3 and 3.9 hectares.

(c) Under "Minutes of Understanding" of 1969, access to and use of facilities and easements in various parts of Direction and West Islands, including access for government personnel to certain beach areas for recreation purposes.

51. The Shell Company (Pacific Islands), Ltd. leases from the Clunies-Ross Estate a site near West Island jetty for a bulk fuel storage depot.

Agriculture and livestock

52. The sole economic crop in the Territory is the coconut which is grown throughout the islands. A replanting programme started in 1963, and intensified after cyclone Doreen in 1968, was completed in 1972. Some 200,000 coconut trees were set on a triangular grid pattern 7.62 metres in area. This represents 198 trees to the hectare which is less dense than earlier practices. The tree population now exceeds 350,000 but will decline as remaining old stands are superseded. The early plantings under the programme are bearing fruit and contributing significantly to copra production. A follow-up programme of culling and replacing inferior and senile trees and improving marginal areas is under way.

53. Copra is produced on the Clunies-Ross Estate by hot-air drying methods. The 1972/73 copra crop was sold to Singapore where a premium over-quoted market rate was offered because of its superior quality.

54. Because of the limitations of soil and water supply only small quantities of vegetables are grown on Home Island. Small plots of pawpaws and bananas have been grown successfully on Home, Direction and West Islands. Fresh fruits and vegetables are imported.

55. A proposal now under consideration by the Australian Government is the establishment of a high-security animal quarantine station. h/ An investigating committee has recommended Cocos as the most suitable location, and the views of

h/ See also paras. 112-114, 149-163 and 185.

the Mission were sought as to the acceptability of locating such an establishment in a Non-Self-Governing Territory.

56. In view of the importance of livestock products, particularly meat and wool, to the Australian economy, the Australian Government decided to establish an off-shore, high-security animal quarantine station which would permit the safe importation of commercial breeds of livestock onto the mainland. This would be of benefit, of course, to Australia but would also benefit other countries by making available improved disease-free genetic material for their livestock industries.

57. Australia claims to be free of many of the livestock diseases that occur in other parts of the world and it endeavours to apply the most stringent quarantine precautions in order to maintain this position. There are a number of exotic diseases, such as foot and mouth disease, whose impact on the livestock industry, should they be introduced into Australia, would be immediate, far-reaching and disastrous. Much of Australia's trade in export of livestock and of meat and other livestock products would cease and it would be months, even years, before normal trade could be resumed.

58. A price paid for this freedom from disease is the lack of access to the wider range of genetic material in breeds and strains in other countries. Overseas countries have been able to develop new breeds of livestock by introducing livestock especially suited to particular environmental conditions and by improving existing successful breeds. More than offsetting these advantages is, however, their lack of freedom from disease.

59. The Mission was informed that high-security animal quarantine stations already in operation or proposed by overseas countries are without exception in temperate regions and will play little part in the dissemination of improved tropical livestock genes, in which Australia has a particular interest. Most developing nations are in tropical and semi-tropical regions and would be able to benefit from Australian enterprise in this field, and from the general increase in the international movements of high quality livestock made possible by the station.

60. An off-shore island location is regarded by the Australian Government as the most satisfactory solution to security requirements. A site at least 100 miles off-shore is necessary to obviate the risk of infected insects travelling to or from the island and the possibility of droplet transmission by wind of virus particules such as foot and mouth disease. Insect vectors of certain diseases could be expected to carry approximately 100 miles in favourable weather conditions. In the unlikely event of an outbreak of an exotic disease at the station, the mainland would not be implicated and for purposes of trade Australia would be considered free of that disease.

61. The basic function of the quarantine station would be to provide a last clear health test for animals before they are released onto the mainland. Only young, unvaccinated animals which have been exhaustively tested to ensure freedom from disease in the country of origin would be selected for possible introduction. These

would be further tested in isolation, then in the quarantine environment containing a known stable disease status and then by contact with Australian livestock brought to the station for sentinel purposes.

62. The animals would then be held in quarantine for an appropriate period during which they would be tested for specific diseases. After passing all tests the imported animals would be regarded as disease-free and could be released on the mainland without restriction of movement, but possibly subject to surveillance.

63. The Parliamentary Standing Committee on Public Works, to which the Australian Senate referred the proposal for the quarantine station, has recommended that the station be established on West Island, Cocos. The recommendation was made on the condition that the local people were in favour of the establishment of the station.

64. In November 1973 the Imarat, traditionally the spokesmen for the Cocos community, forwarded a statement to the Australian Government indicating their support for the establishment of the station on Cocos (see appendix VI to the present report). The Government preferred not to proceed with plans for the establishment of the station until the United Nations Mission had had an opportunity to examine the proposal.

65. The islanders and Mr. Clunies-Ross, who had indicated their wish to have the station established in the Territory subsequently gave evidence of that support to the Mission.

66. Proponents of the project consider that it would help to diversify the Cocos economy which at present depends solely on the production of copra, a commodity subject to marked fluctuations in the international markets. There would be immediate employment and financial opportunities available to the people of the Cocos Islands by participation in the construction of the station. The estimated cost of the work is \$A 3 million and would provide work for a large number of the skilled islanders. Wherever possible, use would be made of the island shipping and lighterage facilities. There would also be continuing employment for about 12 to 15 people in the quarantine station as animal attendants, gardeners and maintenance workers.

67. There is no danger to humans from any outbreak of animal disease that might occur in the station, as the diseases are not transferable to humans. Compensation would be paid for any stock loss that might be occasioned by infection from the station.

68. The raising of fodder crops is also under consideration. If this can be done successfully, it would supply an additional source of income for the Cocos Malay population (see also para. 111 below). Other benefits would include the availability of contact animals for slaughter for fresh meat for both the European and Malay communities, there being no livestock on the islands at present.

Fishing

69. The Cocos Islanders catch large numbers of fish both in the lagoon and in the open ocean for their own consumption (see also para. 111 below). The Clunies-Ross Estate sells small quantities of filleted fish to the West Island store on a contract basis.

Boat-building

70. The Estate has a slip-way and shipwright's shop for the building and maintenance of small craft and also a powerhouse and a modern, fully equipped comprehensive workshop. Practically every household has one or more jukongs (small sailing boats) for fishing and travel between the islands (see also para. 111 below).

Transport and communications i/

71. West Island has an international airport with full radio facilities under the control of the Commonwealth Department of Civil Aviation. Two Australian domestic airlines operate an air charter service every three weeks. Monarch Airlines continue to use the airport occasionally for refuelling their freight and passenger planes operating on charter between the United Kingdom and Australia.

72. There is no wharf in the Territory where ships can berth. A shipping service operates to the Territory at intervals of about six months during the year. The vessels used are usually under charter to the Keeling Navigation Company, an enterprise jointly owned by the Clunies-Ross Estate and a Western Australian shipping firm. The vessels used travel from Singapore to Fremantle and thence to the Territory with supplies and direct back to Singapore, carrying copra from the Clunies-Ross Estate to Singapore as well as goods for transshipment to Australia and elsewhere.

73. Fuel and oils are imported by the Shell Company (Pacific Islands), Ltd. in tankers chartered by the company. All aviation fuel and petroleum products, imported in bulk by the vessels, are pumped ashore to the company's bulk storage depot on the northern tip of West Island. Small quantities of Shell products are imported in drums.

74. Seven ocean-going vessels of different classes visited the Territory in the course of 1972/73. Twenty-three cruising yachts also called in for rest, water and other supplies.

75. The five existing high-frequency radio telephone channels for communication with aircraft are equipped with three high-powered transmitters. This allows communication with aircraft on their route several hundred kilometres south of Cocos. The equipment can also be used for general long distance communications

i/ See also paras. 115, 116 below.

(e.g. with ships) in emergencies. The Territory is equipped with radio capable of communication with ships at sea, but no fixed schedules are worked and the coastal radio service is not open to public use.

76. A local flight service unit uses a single very high frequency (VHF) telephone channel. A high capacity two-way radio teletype links Perth and the Territory.

77. Radio VKW, a non-commercial broadcasting station, is operated on West Island on a maximum aerial power of 100 watts and a frequency of 1,400 kilocycles under licence issued by the Postmaster-General's Department to the Official Representative. The station is primarily for the entertainment of both West Island and Home Island residents, with certain educational programmes for children, but it is also used by aircraft pilots in addition to the routine civil aviation beams. Programmes are conducted by West Island residents. At night, broadcast programmes from Australia, London, South Africa, Sri Lanka, Singapore, Indonesia and other neighbouring countries are received quite clearly. At other times, it is possible to receive short-wave transmissions from a number of countries including Australia, the United Kingdom, China and the Republic of Viet-Nam. The Australian Broadcasting Commission supplies the station with tape programmes on current affairs.

78. Postal services are operated by the Official Representative on behalf of the Postmaster-General's Department.

Labour

79. Most of the Cocos Islanders, all of whom live on Home Island, are employed in the production of copra. Training is available to them to acquire skills associated with the maintenance of plantation equipment and the provision of community services (see also paras. 152, 154 below). On attaining 14 years of age, Cocos Island boys have the opportunity to be trained in carpentry (including boat-building), metal work, electrical work, painting, plantation work and fishing. Women are employed mainly in copra processing.

80. The Clunies-Ross Estate contracts for building maintenance and repairs for both government authorities and the Shell Company on West Island.

81. The working week of the Estate is from Monday to Saturday morning inclusive. As the Cocos Islanders are predominantly Muslim they celebrate the Muslim festival of Hari Raya with one week's holiday during which they receive full pay. They have a further one week's holiday on full pay at the new year.

82. According to the administering Power all Cocos Islanders receive the following social service benefits and facilities provided by the Estate with the assistance of the Australian Government: a pension at 70 per cent of wages for workers over 60 years of age; health services; paid sick leave; education; good modern houses each in its own grounds with free electricity; stabilized prices for purchase of food and clothing; and additional items of food and other goods at cost.

Public health

83. A medical officer and two nursing sisters are attached to the office of the Official Representative. The duties of the medical officer include medical attention for all staff on West Island and their dependants, quarantine (including plant and animal quarantine) and sanitation and public health matters generally. In addition he provides medical attention for the community on Home Island. The medical officer also gives assistance to any injured crew member of vessels passing near the islands, if called on to do so.

84. A new four-bed hospital on West Island which replaced an old structure was officially opened in September 1972. It is equipped to handle most surgical and medical emergencies and contains a small air-conditioned operating theatre, an X-ray unit and a clinical pathology laboratory. Visits to the Home Island community are made twice weekly by the medical officer and special calls are made as requested. Hookworm infestation on Home Island continues but is under control.

85. The well-equipped clinic on Home Island was replaced by a new and larger structure in March 1973. It is staffed by two medical orderlies capable of handling routine and emergency situations.

86. A dentist visits the islands as required. In April 1973, a dentist, accompanied by a dental nurse, visited both West and Home Islands for two weeks. The dental health of the entire population is of a high standard.

87. In March/April 1973 a tuberculosis survey of Home Island residents was carried out by the TB Division of the Western Australian Department of Health.

88. Residents on West Island, other than children under 16 years of age are charged for medical, hospital and dental treatment. Medical services to the Home Island community are provided through the Administration medical officer at an annual fee of \$A 375, which is paid by the Clunies-Ross Estate and includes hospitalization of estate personnel. The Estate is charged for dental services and treatment provided for the Home Island community.

4. Educational conditions j/

89. At 30 June 1973, 36 primary pupils and two secondary school students were attending the West Island School, five more than in the previous year. The Administration provides an education allowance of \$A 290 a year in addition to an annual return air fare to expatriate parents in respect of each child attending a secondary school in Australia. Two children attended Australia secondary school during the year ended 30 June 1973.

90. In 1966, Mr. John Clunies-Ross established a school on Home Island to educate the children of that community. The school is maintained by Mr. Clunies-Ross. Since 1973 an Australian couple (Mr. and Mrs. D. Heath) have been the principal teachers. A number of Cocos Islanders assist them. The school is basicall at

j/ See also paras. 117, 123, 174 and 175 below.

primary level although students between 5 and 15 years of age attend the school. Classes are divided into eight grades and each child in grades 1 to 6 receives about four hours of instruction each school day. Students in grades 7 and 8 receive up to eight hours of instruction each day.

91. The curriculum is drawn up by an educational committee including Mr. Heath, Mr. Clunies-Ross and the Official Representative. It is oriented towards the basic activities and environment of the Home Island Community. All instruction is given in English.

92. Attendance is not compulsory but, once enrolled, a child must attend regularly. More than 70 of the approximately 140 children in the 5 to 15 year age group attend the school. The Australian Government assists in financing the school on the basis of a dollar for dollar subsidy for the purchase of school equipment.

93. Ten men and three women attended the Home Island adult education evening classes in 1972/73 which are conducted twice weekly by the Clunies-Ross Estate.

B. INITIAL TALKS HELD IN CANBERRA ON 5 AND 6 AUGUST 1974

1. General

94. Prior to its visit to the Territory, the Mission held preliminary consultations with officials of the Australian Government at Canberra, as follows:

5 August: Meeting with Mr. P. J. Lawler, the Secretary of the Department of the Special Minister of State, attended by Messrs. Frank Ahrens, Claude E. Reseigh and A. C. Campbell, Department of the Special Minister of State; C. R. Ashwin and D. Fisher, Department of Foreign Affairs; W. Gee and subsequently Cameron-Stephen, Department of Health; and I. Simmington and subsequently A. T. Griffith, Department of the Prime Minister and Cabinet. Also present at the meeting were representatives of the Cocos community from the Territory: Headmen Alpan bin Puria and Cree bin Haig and juru Feyrel bin Cartney.

6 August: Meeting with senior officials of the Department of Foreign Affairs, the Department of the Special Minister of State and the Department of Health. This meeting was presided over by Mr. G. B. Feakes of the Department of Foreign Affairs.

95. At the outset of the meeting on 5 August, Mr. Lawler, in extending a warm welcome to the Visiting Mission, stated that all concerned had been looking forward to the Mission's visit to the Territory, and expressed his confidence that it would be a satisfactory and fruitful visit. The people of the Cocos Islands were aware of the Mission's purpose and the Australian Government would extend every assistance to the Mission on its visit.

96. Mr. Lawler recalled that his Government had taken an active interest in the work of the United Nations ever since the adoption of the Charter of the United Nations in 1945 and had consistently supported its ideals and activities. In keeping with the present Government's commitment and determination towards the total elimination of colonialism and racial discrimination, Australia had rejoined the Special Committee in 1973 and had supported resolutions calling for self-determination, decolonization and an end to racial discrimination. It had sought, in accordance with Article 73 e of the Charter, to promote the well-being of the islands' inhabitants and, without disrupting the people's individual character and way of life, effect their political, economic, social and educational advancement.

97. The Mission would find the Cocos (Keeling) Islands a place of calm, interest and beauty. The community had been formed by particular circumstances and had its own special features and practices. The Clunies-Ross Estate, established by a family going back to the early days of the last century, was the single enterprise of the islands and the Cocos Malay community was tied very closely to the affairs of the Estate, which produced approximately 450 tons of copra a year. The Clunies-Ross family was a distinguished one in both Australia and New Zealand.

98. Mr. Lawler pointed out that Australia's role was a recent one; the Territory had been transferred to Australia in 1955. Guarantees had been given at the time of the transfer to protect the customs and practices of the Home Island community. The Australian Government had sought to foster change and gradual development consistent with the wishes of the community itself. Since the transfer of authority, it had built certain facilities on West Island. The Mission would have a full opportunity to gain its own impressions of conditions in the Territory and to hold further discussions with Australian officials upon its return.

99. The Chairman, speaking on behalf of the Mission and the Special Committee thanked the Australian Government for its invitation to visit the Territory and for the warm welcome the Mission had received both in Sydney and in Canberra. It was not the first time a United Nations visiting mission had come to Australia; there had been several others, and the Mission hoped that the good example of the Australian Government would be followed by other administering Powers. After outlining the mandate of the Mission, he expressed the hope that the Mission would prove as fruitful and encouraging as those which had preceded it. Mr. Lawler's assurance of the co-operation of the Australian Government in that regard was greatly appreciated. The Mission was confident that it would receive all the necessary assistance from the Government and the Headmen of the Territory; it expected to work very closely with them.

100. During the course of the ensuing discussions and in response to questions by its members at the above-mentioned meetings, the Mission was able to receive from the Government of Australia the following information and clarifications concerning the Territory.

2. Future status of the Territory

101. The attitude of the Australian Government concerning the future status of the Territory would be determined on the basis of the freely expressed wishes of the Cocos people and in keeping with the relevant provisions of the Charter and related United Nations resolutions.

102. In the effort to enhance the political awareness of the people, copies of Malay translations of the relevant General Assembly resolutions had been distributed to every household in the Territory. A statement describing in simple terms the aims and purposes of the United Nations had also been translated into Malay and distributed to the people. According to one of the Headmen, the translated texts had contained some words not known to the Islanders, but the context had been well understood by those who had read them.

3. Present political status and related developments

103. Since the transfer of the islands to Australia in 1955, the Cocos (Keeling) Islands had been a sovereign territory of Australia; it was not held in trust but was part of Australia.

104. Although there had been no further enactment of legislation affecting the arrangements set out in the Cocos (Keeling) Islands Act 1955, the relationship between the Australian Government and Mr. Clunies-Ross was the subject of discussions during the visits to the Territory in September 1972 and August 1973 of the Ministers for External Territories. On both occasions, press communiqués had been issued, describing the results of the discussions (see appendices IV and 7 to the present report).

105. As could be seen from these communiqués, Mr. Clunies-Ross had accepted the tasks of codifying and formalizing administrative and judicial procedures in the Territory and arranging for the election of a Chief Executive, as well as improving educational conditions. Some of these undertakings had since been implemented, including in particular the setting up of a local government in the Cocos Malay community.

106. What had existed for 140 years was the integration of the affairs of the Cocos Malay community and the Clunies-Ross Estate. What was being worked out was the disentanglement and democratization of the relationship between the two, in particular since 1972, through a gradual process of dialogue and enlightenment, while ensuring that there was no interference with the customs and usages of the people, as provided for in section 18 of the Cocos (Keeling) Islands Act, 1955. Much remained to be done in bringing about the transformation; the Australian Government looked to the Mission for help in this task. A representative of the Headmen noted in that regard that the islanders wished to conduct their own lives; they did not wish ideas imposed on them from abroad.

107. The Official Representative of the Australian Government in the Territory and the Australian head teacher, as well as Mr. Clunies-Ross, considered that the community was becoming more and more aware of the outside world, as reflected in the increasing number of transistor radios in the Territory and the growing number of friends and relations overseas. Mr. Lawler's visit to the Territory was also a factor in the enhancement of public awareness of the political status of the Territory, particularly as a result of his talks with the Imarat. Although the Imarat appeared to be in favour of maintaining the status quo, the search for more democratic government would have to be pursued vigorously. In that process, the Australian Government had no reason to believe that the existing customs and usages in the Territory were mutually exclusive with the requisite process of democratization. At the same time, it was clearly understood that, as the Solicitor General of Australia had once stated, the Australian Government would not be bound by the Indenture of 1886 granted to the Clunies-Ross family (see appendix II to the present report) if it considered a legislative or administrative act necessary for the purpose of ensuring the fundamental rights of the people.

108. Everyone born on the islands after the transfer of sovereignty in 1955 was an Australian citizen by birth. Adults at the time of the transfer could become Australian citizens (see para. 29 above), but not all had chosen this option. Under Australian legislation, however, they were eligible to apply for citizenship. Application was necessary to obtain a passport.

109. The resettlement of Cocos Islanders to Sabah and Christmas Island took place between 1948 and 1951 when the population had grown too large to be self-sustaining (see also para. 27 above). The Cocos Malays in the Territory maintained liaison with the settlements in Australia as well as those in Singapore, through correspondence and the use of tape-cassettes.

4. Economic, social and educational conditions

110. As regards the economy of the Territory, a representative of the Headmen stated that the community had progressed from the simple society of the original settlement to its present state, where people enjoyed their own efforts in life; it was not looking for handouts. The people of the Territory hoped that the Australian Government would go ahead with plans for the establishment of an animal quarantine station, as it would be a valuable diversification of the Cocos economy (see below). These views were shared by the manager of the Clunies-Ross Estate, although he considered that even if the quarantine station were not set up, the Estate would survive without it.

111. The possibility of introducing crops supplementary to the coconut was also being examined. Fertilizers would be available for the improvement of soil fertility. For those with the aptitude and interest, there would be opportunities for training which could lead to specialized work in similar institutions in Australia. Attempts in the recent past in the fields of boat-building and fisheries had proven uneconomic. The lagoon could not furnish quantities of fish and investigation of tuna fishing possibilities had revealed that commercial quantities of tuna did not exist near the islands. However, there had been a considerable amount of construction work for the Government on West Island; for example, the new hospital had been built by people from Home Island.

112. The question of the establishment of an animal quarantine station was the subject of intensive discussions with all officials concerned, including in particular representatives of the Department of Health.

113. A full account of the background leading to the decision to establish the quarantine station is given in paragraphs 55 to 67 above. The matter was taken up with Mr. Clunies-Ross and the people of the Territory in February 1973. The Headmen had urged the installation of the station. It was now a question of timing while technical aspects were being examined. It was believed that the establishment of the quarantine station would be beneficial both to the Territory and to Australia. Its construction and maintenance would provide opportunities for both immediate and continuing employment. The risk of contamination by any diseases imported into the station was almost negligible, as only animals exhaustively tested for freedom from disease would be imported. Every precaution would be taken on West Island to safeguard against all such contingencies. The Australian Government would also conduct a training programme in animal husbandry, as the islanders were unaccustomed to handling animals.

114. Although the possibility was not excluded for the quarantine station to have a regional function, the Australian demand would occupy the station for some time. It would be more logical to envisage that other countries in the region would

benefit from stock bred on the mainland of Australia from the imported animals released from the station, as the cost would be less and the supply more plentiful. Only two or three quarantine stations of the proposed type were now in existence and its establishment would be of great benefit to all countries in developing and multiplying new strains.

115. Concerning the facilities on West Island, the Royal Australian Air Force (RAAF) used the airport to refuel routine long-range aircraft and training flights and for surveillance activities. United States military aircraft in the past had used it as a staging point for routine reconnaissance and crew training. It has also been used by the aircraft of other countries. There were no military facilities on the islands and no Australian or foreign personnel.

116. The airport facility was exclusively civil and built as such. With the advent of long-range aircraft, it was now largely redundant. Use of the airport by any foreign military aircraft required advance clearance by Australian authorities. There were no plans for its use as a strategic military base.

117. In regard to education, the Government of Australia was seeking in general to improve education at the primary level by increasing teaching assistance, improving facilities and furnishing additional teaching aids. A secondary level would then be introduced, as well as technical and vocational training, the latter to be made available at educational institutions in Australia. Training for midwifery, dentistry and pharmacology was also envisaged. Inasmuch as the Department of the Special Minister of State had been responsible for the Territory for only some six months, there had not yet been adequate time to establish a detailed programme for educational development.

C. DISCUSSIONS HELD IN THE TERRITORY ON 8 AND 9 AUGUST 1974

1. Discussions with the Official Representative

118. On 8 August, following a tour of the installations on West Island, the Mission met with Mr. Charles McManus, the Official Representative of the administering Power. Representatives of the Department of the Special Minister of State and the Department of Foreign Affairs also attended the meeting.

119. During the exchange of views which took place at that meeting, the Official Representative informed the Mission, among other things, that he had maintained a close and excellent relationship with the people of Home Island and in particular with Mr. Clunies-Ross. The conditions prevailing in the Territory in general were of harmony and tranquility. The instance of crime in the Territory was very low. Court machinery existed if needed, but it had not been necessary to use it since his arrival in the Territory. He knew of no instance in which he would wish to interfere in the settlement of minor disputes of personal nature. In an isolated case, Mr. Clunies-Ross had once approached him for his assistance in mediation, whereupon an amicable solution had been found.

120. On the question of freedom of movement within the Territory, it was pointed out that Mr. Clunies-Ross' permission was required in order to travel from West Island to Home Island. That measure applied to the travel of the Official Representative as well. In practice, however, the securing of permission was not as rigidly enforced now as in the past. For example, some of the West Islanders went to South Island, Pulo Luar or Horsburgh without permission. When he himself travelled to Home Island it was to contact Mr. Clunies-Ross and he was of course in touch with him beforehand. Requests by Cocos Malays for moving to other islands were never refused, but the Imarat was to be informed of their whereabouts mostly for practical purposes, including their protection in case of bad weather.

121. With the exception of those employed by the Department of Transport, Home Islanders in general did not leave to seek employment elsewhere. Nor did they have the opportunity to leave the community for other reasons; if one left, he would lose his home. The Official Representative considered that a policy guideline from the department concerned might be required to find a viable solution to maintaining equilibrium between the implementation of section 18 of the Cocos (Keeling) Islands Act of 1955 and the process of democratization.

122. The Official Representative was responsible for maintaining the statistical registers, including births, marriages, deaths etc. Details on Home Islanders were supplied by Mr. Clunies-Ross, who had been appointed by the Minister to undertake this task. Mr. Clunies-Ross supplied such information quarterly to the Official Representative, who in turn reported it to Canberra. He was also responsible for matters concerning immigration, the police, the coroner and the justice of the peace.

123. Although the schools organized by the Clunies-Ross family used English as the language of instruction, the cultural heritage of the Cocos Malays on Home Island had been respected. The employment of Australian teachers in the schools operated by Mr. Clunies-Ross had been brought about after extensive consultations concerning its advantages and disadvantages. The Education Committee consisted of the Official Representative and the teacher and it would obviously take time before results of the experience would be known. He had in the meantime recommended the employment of an additional teacher and felt confident that the proposal would be accepted.

124. Finally, the Official Representative said that he had attended only two meetings of the Imarat since his arrival.

2. The public meeting

125. The Mission paid two visits to Home Island. On 8 August, it visited the school, dispensary, living quarters and maintenance shops of the Clunies-Ross Estate and met Mr. Clunies-Ross and his son, as well as Mr. Dixon, the estate manager. k/ On the following day, the Mission made another crossing of the lagoon for a more formal programme on Home Island.

126. During these visits the Mission toured facilities of the Estate, the warehouse, the copra kiln and the shop and had contact with the community in their homes. The Mission was also invited to the homes of the families of the bride and bridegroom of a wedding in preparation. In the warehouse and shop the Mission saw in circulation the plastic rupias issued by the Clunies-Ross Estate. According to the Official Representative, the currency was not convertible, although it was sometimes said that one rupia equalled one Singapore dollar. l/

127. On 9 August, a luncheon was given by the Cocos Malay community in honour of the Mission. Mr. Clunies-Ross and Mr. Dixon did not attend the function. After the luncheon, a public meeting was held, attended by some 250 to 300 persons, mostly the younger men who worked at the plantation.

128. The Chairman opened the meeting by explaining the purpose of the Mission, m/ followed by an introductory statement by one of the Headmen, who explained that the community's guests had not come to drive the islanders away from Home Island, but to ascertain their aspirations concerning their future status.

k/ Members of the Mission first met Mr. Dixon in Australia where he had accompanied the three Headmen.

l/ \$S 2.00 equals approximately \$US 1.00.

m/ For the text of this statement, see appendix VII to the present report.

129. Members of the Mission thereafter described in turn the related work of the United Nations, the meanings of terms such as self-determination and equal rights and the obligations of the administering Powers to develop certain standards in society, especially in the fields of education, welfare and provisions. It was pointed out that the Australian Government also needed the co-operation of the people, so as to enable it to assist them effectively in the betterment of their living conditions.

130. It was stressed that the Mission's purpose was not to tell anyone what to do or how to do it. The members of the Mission explained how their respective countries had attained self-determination and the procedure which led to it.

131. Although it was difficult to make an accurate assessment of the extent of the islanders' comprehension of issues on hand, it was obvious that those in attendance were deeply interested in matters relating to the world outside their society which they were told affected considerably the conduct of their lives and their future. In particular, they appeared to have understood the purpose of the establishment by the Australian Government of the animal quarantine station and were in favour of it. Those in attendance indicated their support for the proposal by a show of hands.

3. Discussions with the Imarat

132. Following the public meeting, the Mission met with the Imarat, which included Mr. Clunies-Ross and Mr. Dixon as members. Also in attendance were representatives of the Department of the Special Minister of State and the Department of Foreign Affairs accompanying the Mission.

133. At the outset of the meeting, the members of the Mission explained its terms of reference, as well as the work of the Special Committee. In response to the representations made by the Mission, members of the Council gave their views regarding various issues concerning their Territory, a summary of which is given below.

134. Many years ago the ancestors of the people established a settlement in the Territory, together with the owner of the land. Together they had overcome the difficulties of the land, and they were now sustaining themselves through their own efforts and those of Tuan John (Mr. Clunies-Ross). While recognizing that the Australian Government had some role to play, they had their own government and would find their own solution as regards their future status. With regard to external matters, the Australian Government was competent, and, as such, it might deliver passports, as required, for the purpose of their travelling overseas.

135. Mr. Clunies-Ross pointed out that, as reflected in a communiqué issued in 1973 (see para. 104 above), the question of sovereignty so far as he was concerned was no longer an issue; the Australian Government had thus certain international obligations, such as the issuance of passports.

136. In respect of the political status of the Territory, Mr. Clunies-Ross stated that political and constitutional lawyers had given different interpretations. It

was a Territory of Australia, but as a matter of practical politics the community ran its own affairs and had done so long before the advent of Australia as administering Power. So far as he and the people were concerned, the nomenclature for the Territory for external purposes did not give rise to any problems.

137. With reference to section 18 of the Cocos (Keeling) Islands Act concerning "customs and usages", Mr. Dixon considered that the ambiguity of the terms had been deliberate in order to safeguard the cultural heritage of the islanders.

138. The composition of the Imarat, referred to as being the community's local government, was determined, in principle, by Tuan John (Mr. Clunies-Ross). Mr. Clunies-Ross stated, however, that although the decision rested finally with him, in practice, he chose members on the recommendation of the Imarat.

139. Mr. Clunies-Ross also informed the Mission that, contrary to the information received during the Mission's preliminary talks at Canberra, the present school had children pursuing studies at the level equivalent to normal secondary education. Some continued studies until they were 18 years old. Furthermore, it was not true that the level of curriculum did not measure up to primary standards. Graduates of the schools carried on well in their respective field of activities and competence. For example, a senior dispenser was as good a dentist as any in the outside world. Likewise, there were fitters, mechanics and other technicians who were equally capable.

140. Education was not compulsory; Mr. Clunies-Ross was against all forms of compulsion if it could be avoided. The school was open to anyone wishing to be educated. There was a 100 per cent intake without compulsion.

141. As regards economic conditions, a member of the Mission drew attention to the interdependence of the community and the Clunies-Ross Estate, which appeared to be accepted by both parties, and inquired as to whether there were any programmes aimed at lessening that interdependence. In reply, Mr. Clunies-Ross stated that the interdependence of the community and its administration was an inescapable reality which existed and so far as he knew there had been no manifest desire to lessen the present level of the interrelationship, economic or otherwise. There were certain separations of functions, however, such as seen in the operation of the school and the mosques. Mr. Clunies-Ross would be prepared to discuss in depth philosophical as well as practical merits or demerits of the case, if it was the wish that there should be a different arrangement concerning the Estate.

142. Mr. Clunies-Ross also confirmed that his Estate had explored every possible avenue to diversify the economy of the Territory. In that regard, he expressed appreciation for the assistance rendered by the Australian Government in undertaking research and feasibility studies. He had travelled in vain to Singapore, Hong Kong, Japan and the United States of America, including Hawaii, hoping to organize commercial fishing; no viable proposition had been tendered by the concerns located in those areas.

143. During the meeting, the Mission stressed the fact that the purpose of its visit was to secure first-hand information and not to mediate in property rights disputes

nor to propose solutions to outstanding issues. As the Headmen themselves had expressed it, it was up to the people to decide on their own future. The Mission at the same time was deeply interested in knowing how well the Australian Government as administering Power had discharged the responsibility entrusted to it under the relevant provisions of the Charter.

144. It should also be clearly understood that if that Government wished to seek assistance from the United Nations in that process, various possibilities were open to it. For instance, on behalf of the Territory, the administering Power could request technical assistance from the specialized agencies and other organizations within the United Nations system, such as the Food and Agricultural Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO), as well as through the United Nations Development Programme (UNDP).

145. Finally, the Mission agreed with Mr. Clunies-Ross that its report should contain recommendations which might assist the people of the Territory as well as the Australian Government in furthering the goals set forth in the Charter. It was not the intention of the Mission to make a report based on persuasion, but on the facts as it perceived them to be.

D. TALKS HELD ON RETURN TO CANBERRA ON 12 TO 14 AUGUST 1974

146. Upon its return to Canberra from the Territory, the Mission held further consultations with officials of the Australian Government as well as a representative of the government opposition, as follows:

- 12 August: Meeting with a representative of the opposition party. In its original programme the Mission was to have returned to Canberra via Melbourne, where it was to have met with representatives of the opposition party. The Mission was unable to make a stopover at Melbourne, however, for the reasons explained in paragraph 8 above.
- 13 August: (a) Meeting at the Department of the Special Minister of State concerning the animal quarantine station, attended by those officials who had accompanied the Mission to the Territory as well as those whom the Mission had met with during its preliminary talks held on 6 August;
- (b) Meeting with the Secretary of the Department of the Special Minister of State;
- (c) Meetings with officials of the Department of Foreign Affairs.
- 14 August: Meeting at Parliament House with Mr. E. Gough Whitlam, the Prime Minister of Australia.

147. A summary of the exchange of views which took place during these meetings is given below:

1. Meeting with a representative of the opposition party

148. The Mission had hoped to meet with Mr. Andrew Peacock, formerly Minister for External Territories, who visited the islands in 1972, the first minister to do so in a number of years. With this in mind, it had scheduled meetings with Mr. Peacock and Mr. B. A. Snedden, leader of the opposition party. Owing to circumstances, however, the Mission was unable to meet with either and, instead, met with Mr. Knight, private secretary to Mr. Snedden. Representatives of the Department of the Special Minister of State and the Department of Foreign Affairs were also present.

2. Meeting at the Department of the Special Minister of State concerning the animal quarantine station

149. The Mission, referring to the favourable reaction of the islanders to the establishment of the station, inquired as to whether an attempt had been made by Mr. McManus, the Official Representative, or any other representative of the

Australian authorities to explain fully to the people of the Territory the reasons for and implications of the establishment of the quarantine station, or whether this task had been left to the initiative and discretion of Mr. Clunies-Ross.

150. Representatives of the Department replied that they were not aware whether a parliamentary Public Works Committee which visited the Territory in 1973 had undertaken that task. ^{n/} A reference was made in that regard to a letter from the Imarat on the subject (see appendix VI to the present report). According to Mr. McManus, a paper on the subject prepared by the Department of the Special Minister of State had been discussed by the Imarat at special meetings. The Official Representative had not discussed the matter with the islanders.

151. A representative of the Department of Health informed the Mission that he had held lengthy consultations with Mr. Clunies-Ross on the question and had also discussed the matter with the members of the Public Works Committee. Mr. Clunies-Ross had indicated that he would be pleased to facilitate the installation. Full-time employment opportunities would be available for 12 to 15 persons on a continuing basis, and maintenance and gardening crews would also be needed. Further, in the construction stages, tenders would have to be rendered and the Clunies-Ross Estate might probably submit the lowest bid, since it was obviously in the best position to do so. To sum up, Mr. Clunies-Ross was inclined to meet all employment opportunities.

152. The isolated Cocos Malay community would come in contact with the outside world by working on West Island and by being closely associated with engineers and other workers from the Australian Department of Works. It would not be the first such opportunity for the islanders, as they had had a similar experience when the new hospital was being built on West Island. At that time, the islanders had demonstrated their competence and ability in construction work. Inasmuch as the requirements for the proposed construction were similar to those for the new hospital on West Island, the authorities were confident of the quality of the results. The permanent lay staff on the proposed construction would be rotated perhaps in three separate teams and the construction force would include some 40 tradesmen.

153. In response to questions concerning various ramifications of the labour and wage relationship and related matters arising from the establishment of the quarantine station, the Mission was informed that the workers at the station would be paid at Australian rates. There would be a separate fund, or fiscus into which the Australian Government would make payment for the available labour force.

154. The Mission members expressed their concern that the concept of a community fund should not be considered in theory alone: its application would have to be predicated upon the practical arrangements to be made in advance, e.g., introduction of the legal tender in the Territory, establishment of the convertibility of the

^{n/} At social functions the Mission had an opportunity to meet with members of the Public Works Committee.

plastic rupia and elimination of the disparity between the Australian and the territorial pay scales. Unless some, if not all, of those precautions were taken, it appeared to the Mission that the scheme of establishing the quarantine station might accrue to the sole benefit of Mr. Clunies-Ross who, directly and through the Imarat, exerted complete control over the islanders, the only source of local labour.

155. Representatives of the Australian Government observed that the administering Power would like to see the Australian dollar used throughout the Territory as it was on West Island, and that it would continue to try to persuade Mr. Clunies-Ross to introduce the Australian currency. In the light of the present operation of the Clunies-Ross Estate, due care should be taken to ensure that the transition would take place in stages and without creating conditions of confusion or panic.

156. The Australian Government realized that the community was an essential element in establishing the station. At the same time, it considered that, in consultation with Mr. Clunies-Ross and the community, it could work out all the required arrangements, including those relating to labour, currency and wages. The Mission, in pointing out the fact that these matters were within the competence of the Australian Government, agreed that it was important to the well-being of the people to break the absolute control exerted over them by Mr. Clunies-Ross as far as and as soon as possible.

157. As regards the working conditions prevailing in the Territory, the Mission expressed concern about the practice of assigning work details as a form of punishment. A representative of the Department of the Special Minister of State replied that a senior officer of the Department had examined all relevant conventions of the International Labour Organisation (ILO) with a view to ascertaining their applicability to the Territory. Although there would have to be some change in labour practices, such as those concerning labour unions, the Australian Government envisaged no difficulty in the application of the conventions, including those relating to forced labour. It would have to overcome, however, the veto power of Mr. Clunies-Ross in the Imarat.

158. In regard to the possible internal implications of the quarantine station, the Australian Government assured the Mission that the establishment of the station would substantially benefit the developing nations in the region, particularly those in the tropical areas, which at present had no guaranteed source of supply for cattle free from disease. As explained earlier, subject to Australia's needs, those countries might be permitted access to and clear cattle through the quarantine station; they might also benefit by sending their veterinaries for training at the station. The establishment of the station would create no danger to the islanders or to other countries in the region.

159. A representative of the Department of Foreign Affairs stated that his Department had earlier indicated to the Public Works Committee its doubts concerning the establishment of an Australian government agency in a Non-Self-Governing

Territory which might in any way give rise to the possibility of creating prejudicial conditions to the free choice by the people of their future political status. Given the clear manifestation by the people of their desire to have the station installed in their Territory and subject to the views of the Mission on the matter, the concern expressed by the Department would naturally be dispelled.

160. With respect to the implications for the right to self-determination of the islanders, a representative of the Department of the Special Minister of State held that the over-all plan had to be carefully examined. For the reasons already stated, the contract to construct the station was likely to go to the Clunies-Ross Estate. Yet, at present, the community did not possess the managerial skills necessary to take over the project. A community government would, in the first instance, have to be established and the Imarat made elective. Moreover, all land on which public amenities and housing were located would have to be made public domain. The community would then supply labour to the Clunies-Ross Estate and to West Island, under contract, and would decide which labour would be assigned to the construction and eventual maintenance of the quarantine station. Notwithstanding, Mr. Clunies-Ross had in the meantime established a community fund separate from the Clunies-Ross Estate. The Government considered it to be a first step in the right direction. It was intended, however, that no subsequent action would be taken by the Australian authorities until after the Mission had made its findings known.

161. The Mission was also informed that, owing to the relative uncertainty of the project, no legal agreement concerning the land for the site had been entered into between the authorities and Mr. Clunies-Ross. According to the broad guidelines which had been established, the Government proposed to lease the land for 50 years from Mr. Clunies-Ross for an agreed annual sum.

162. The Mission expressed the view that in the light of the powers vested under the Cocos (Keeling) Islands Act, recourse might be had to procedures for establishing eminent domain to ensure control of the land. The Australian officials appeared to agree that it was preferable for the Australian Government to own the land for the site. Although the Mission was aware that the people in the Territory had substantially improved their way of life largely through a paternalistic system under the guidance and leadership of the Clunies-Ross Estate, due care should be taken not to create a system in which Mr. Clunies-Ross would be the sole beneficiary.

163. It should also be clear that the Mission was neither in favour nor against the establishment of the quarantine station. The question had to be decided on the basis of the freely expressed and well-informed wish of the people themselves. It appeared to the Mission that both the people and Mr. Clunies-Ross were in favour of it. The Mission's concern was to ensure that the entire procedure in bringing the station into being would be in keeping with the interests of the people.

3. Meeting with the Secretary of the Department of the Special Minister of State

164. The Chairman thanked the Secretary, Mr. Lawler, for having facilitated the Mission's visit to the Territory and for having assisted in the fulfilment of its terms of reference. It was hoped that the results of the visit would be beneficial to both the people and the Australian Government, as well as the United Nations, in enhancing the well-being of the people of Non-Self-Government Territories and in clarifying their future status.

165. The Secretary informed the Mission that since his preliminary talks with the Mission on 5 August, interdepartmental discussions had been in progress concerning various related issues, such as citizenship and freedom of movement between the islands and Australia.

166. With respect to the legal status of the Territory, the Mission observed that there was no disagreement between the Mission and the Australian Government: the Cocos (Keeling) Islands was an Australian Territory under the terms of an act of Parliament, the Cocos (Keeling) Islands Act, 1955; it was a Non-Self-Governing Territory administered by Australia under the relevant provisions of the Charter. As the Mission had discovered, Mr. Clunies-Ross appeared to have his own interpretation of the concept of sovereignty, based primarily on a misunderstanding of the term sovereignty as being an equivalent of such terms as property rights, land ownership, etc. Furthermore, the Mission had noted that the functions of the Imarat were far from being those of truly self-governing entities acceptable under established international practice. In fact, Mr. Clunies-Ross exerted total and complete control over the people of the Territory, including the so-called local governing body.

167. The Secretary of the Department commented that there were a number of elements to be borne in mind: (a) a Territory existed in legal terms which were understandable to all; and (b) the Australian Government had assumed a national and international obligation in relation to the community. In practice, Mr. Clunies-Ross held the exclusive property rights (other than those affected by purchase or lease). The basic guideline for the Government of Australia, which was involved in facilitating the process of peaceful transition and evolution, was to ensure that it did not take any action counter to the best interests and true aspirations of the Cocos Malay community. As already stated, the interests of the Australian Government centred on meeting the wishes of the community and safeguarding its welfare and well-being. The position of Mr. Clunies-Ross was basically that of an Australian farmer, except that he cultivated coconuts while the latter mainly dealt in wool and wheat. The difficult element in the situation was that the Cocos Malay community depended for its livelihood entirely on the private enterprise organized by Mr. Clunies-Ross.

168. Obviously, the future of the Territory did not depend on the Clunies-Ross Estate but on the interests of and concern for the community and the right of that community to self-determination. As had been demonstrated, the various actions

taken in that regard by the Australian Government were clearly in keeping with the objectives of the United Nations, with which the Australian Government was in full agreement. It should also be apparent that self-government in the Territory had not yet been attained to an extent satisfactory to the Australian Government. As regards the need for the separation of the community from the Estate, the interest of the Government coincided with the Mission's assessment of the situation. The Government wished to assure the Mission that the trend would continue.

169. With regard to the administrative functions delegated to Mr. Clunies-Ross, the Secretary of the Department stated that Mr. Clunies-Ross had been charged with the task of registrar for vital statistics in early 1974, in recognition of the practice which had been carried out for some time. That task was regarded as a purely mechanical function without any other implication and, as already stated, Mr. Clunies-Ross submitted extracts to the Official Representative. The appointment of Mr. Clunies-Ross as an agent of the Government was a temporary measure. All laws of the Cocos Islands were in force in Home Island and the existing judicial system applied.

170. On the matter of the permission to be secured from Mr. Clunies-Ross by the Official Representative before the latter visited Home Island, the Secretary of the Department drew analogy to the custom of Australian farmers, whereby a pending visit to another farm was intimated in advance, out of simple courtesy rather than as a procedure. Mr. Clunies-Ross had property rights to be respected. Government functionaries visiting a farmer in Australia might have to seek similar permission. As the process of democratization progressed within the Estate, he was certain, that that practice would disappear. In fact, according to the Official Representative, on several occasions in the case of emergencies involving, for an example, a call for medical attention, he had travelled to Home Island without seeking permission to do so.

171. Concerning the administration of justice, the laws in force at the time Australia assumed responsibility for the island applied according to section 8 of the Cocos (Keeling) Islands Act, 1955 and subsequent amendments. Acts of Australia applied if explicitly stated to that effect. As previously noted, the Cocos (Keeling) Islands Act provided for the continued enforcement of laws applying to the former colony of Singapore (see para. 31 above).

172. Under present conditions, the Imarat, by customary law, assigned minor punishment for minor infractions and transgressions of the law. In the case of a serious offence, the Official Representative would, no doubt, intervene to take action and proceed through the normal judicial system with court proceedings. A form of punishment was a period of confinement in Coventry, the offenders being left incommunicado from the community - a customary means resorted to by the Imarat for settling minor disputes. There had been only one isolated case in which the assistance of the Official Representative was sought. In that case he had, at Mr. Clunies-Ross' request, discussed the issues involved with the offenders, who subsequently apologized to the Imarat. The punishment had thereafter been removed. There was no truth to the story which the Mission had heard about a Home Islander who was banished to Direction Island to tend chickens. To the best

knowledge of the Australian Government, there had been no such case in recent years. In fact, the "penal island" was Prison Island, located between Home and Direction Islands.

173. In the economic and social fields, the Mission considered that the basic difficulties stemmed from the use of plastic tokens in exchange for labour. That situation, in the view of the Mission, constituted a source of denial of basic human rights. The Secretary of the Department concurred in the Mission's view that the situation was not a tolerable one. Although the administering Power viewed it as a serious problem, the effectiveness of measures to correct the situation depended on the process of disengaging the community from the Clunies-Ross Estate. The administering Power would make every effort to obtain the free circulation of Australian currency throughout the Territory.

174. On matters related to educational conditions, the Mission reiterated its view that improvement in the educational system was the most important element in freeing the people from their present status; unless appropriate measures were taken, they would remain perpetually under the complete control of Mr. Clunies-Ross. The Secretary of the Department of the Special Minister of State stated that he planned to meet with the Australian teacher on 19 August to discuss the necessary steps to be taken concerning primary education. Teaching aids and additional assistance were needed, including perhaps a second teacher at the school. The question of compulsory attendance would subsequently be considered. Possibilities for technical and secondary education would also be examined, including correspondence courses at initial stages, or studies in Australia. Finally, university education would be considered, as the Australian Government was convinced that all opportunities should be open to the islanders.

175. The Mission observed that it appreciated the goodwill on the part of the administering Power in its efforts to promote certain changes in the Territory as outlined. Under the prevailing circumstances, however, more than goodwill was necessary. For example, it was patent that Mr. Clunies-Ross should not be charged with any official function in the educational system. Further steps should also be taken to train people working in the shop; adult education courses might be instituted by the administering Power.

176. As regards the "local governing body", the Mission noted that there was no executive organ in the Territory. As the members of the Imarat were appointed by Mr. Clunies-Ross, the constitution of an executive organ might prove extremely difficult, even if there were an established time-table for the democratization of the Territory. It was always difficult to give a precise reply to a question of timing. The administering Power was seeking to discharge its international obligations with respect to the Territory as quickly as possible and in accordance with the capacity of the community to adapt itself to a new situation without disrupting its cultural heritage and well-being. The process might take a year or two. It was necessary in the first instance, however, to separate the entity of the community from the Estate, and then to proceed to the establishment of an executive local government in the community. For the purpose of enhancing the political awareness of the people, the viewing of films on the United Nations had

been held at Home Island, some three weeks prior to the Mission's visit. Among those shown were "Born Equal", "Of Human Rights" and "Workshop for Peace". Others, including "The Charter", "Two out of Five" and "Across the Frontiers", would be viewed in the near future.

177. In its efforts to introduce local government, the Australian Government was being guided by new, positive leadership and energy at the top level of government, in addition to the goodwill to which the Mission had referred. The new administration would give its utmost attention to the matters at hand and would act with decisive power in respect of the affairs of the Territory.

178. In expressing appreciation on behalf of the Mission for the assurances of positive co-operation, the Chairman was confident that the close working relationship which had existed between the Australian Government and the United Nations would continue, especially in respect of the Cocos (Keeling) Islands. The contact already established by the Mission would be strengthened further and all related developments would be closely followed.

179. After thanking the Chairman for his comments, the Secretary of the Department of the Special Minister of State said that it had been rewarding to receive the Mission in the Territory and in Australia; he was certain that the contacts thus established would be further strengthened in the future.

4. Meeting at the Department of Foreign Affairs

180. Mr. J. W. C. Cumes, First Assistant Secretary for United Nations Affairs, greeted the Mission and inquired about the impressions so far formed by it concerning the Territory.

181. In response, the Chairman stated that the Mission had yet to formalize its conclusions and recommendations to the Special Committee, but certain preliminary observations could be briefly summarized as follows.

182. Arising from a certain basic misconception of the terms of the Cocos (Keeling) Act, 1955, there existed an erroneous concept of the term sovereignty on the part of Mr. Clunies-Ross. He exerted absolute control over the affairs of the people, and the community on Home Island was totally dependent on the Clunies-Ross Estate, economically, socially, and otherwise. In addition, opportunities for education of the population were extremely limited. Apparently, the ambiguity surrounding the definition of the terms "institutions, customs and usages" was the binding linkage of the community to the Estate. In such circumstances, the Mission was not at all convinced that self-government in the Territory existed in the true sense of the term.

183. The Chairman also pointed out that, for all practical purposes, the Territory was virtually isolated from the outside world. It appeared to the Mission that the people were either intentionally kept unaware of their inalienable and fundamental

rights or were basically indifferent as regards the political possibilities and alternatives. No distinction seemed apparent in the minds of those concerned between the tradition and culture of the people of the Territory. The people worked on the plantation from the age of 15 years and remained tied to the land. As the schooling of a Home Islander was limited to 15 years, he was, in practice, prevented thereafter from leaving the Territory. This practice constituted an infringement of the rights of men to education. The Australian Government would need to assume control over the educational system step by step so that the children would have free and open access to studies as in Australia.

184. As pointed out repeatedly by the Mission, there was a pressing need to separate the community from the Estate. Although there was no doubt whatsoever that, as observed at first-hand by the Mission, the community was physically in good health, enjoying modest but well-maintained quarters, good food and other amenities, there was a serious danger that the subjugation of the population by the Estate might be perpetuated unless appropriate measures were taken as soon as practicable to sever the condition of interdependence. The pro forma payment of wages to the people in plastic tokens, said to be of the order of \$A 4 to \$A 9 a week, was hardly adequate to enable the people to afford anything above subsistence requirement.

185. On the subject of the quarantine station, the Chairman indicated the Mission's reservations as regards the level of comprehension by the people of the various implications of its establishment. In these circumstances, although the Mission considered it imperative to diversify the Territory's one-crop economy, it would not be appropriate for the Mission either to endorse or reject the proposal. Whatever the arrangements being made, they would have to take into account the present situation, as well as the future status of the Territory. Due care should be taken to ensure that the establishment of the station would not interfere in any way with the evolution of political status. The Mission was aware that the Department of Foreign Affairs had some initial doubts that the project, if undertaken, might improperly influence the choice of the people concerning their future. The Territory must first be freed from the dominance of Mr. Clunies-Ross. Only then could decisions about the station be made. For that purpose also, the use of plastic tokens as the Territory's currency should be discontinued.

186. Finally, the Mission was informed that the Territory was classified as a tax-free zone by the Australian Government. No taxes, therefore, were levied on Mr. Clunies-Ross' undertakings.

187. The Chairman expressed the Mission's satisfaction with the close contacts it had been able to establish with the people of the Territory, both on Home and West Islands. A relatively free expression of views was ensured during private contacts with people on an individual basis, but the Mission noted, during the public meeting, a degree of hesitancy on the part of those young men present, particularly when they were asked questions. Their attitude may have been due to their fear of possible reprisal by Mr. Clunies-Ross, although, to the best knowledge of the Mission, no overt attempts were manifest on the part of the latter to influence the attitude of those attending that meeting. The only and rather serious regret of

the Mission was the fact that, despite the opportunities available, Mr. Clunies-Ross and, for that matter, his assistant, had not chosen to spend more time in discussing the matters of mutual concern with members of the Mission. The Mission particularly regretted that Mr. Clunies-Ross had declined to accept its invitation, through the Official Representative, to join the Mission on West Island on Saturday, 10 August, for further discussion of points on which it wished to receive clarification.

5. Meeting with the Prime Minister

188. Finally, the Mission held an extended meeting with the Australian Prime Minister at Parliament House on 14 August.

189. The Prime Minister stated that Australia had no imperial desires or colonial designs. Both his Government and his party were anxious that, for example, Papua New Guinea should soon accede to its independence. He had been given to understand that the people of the Cocos (Keeling) Islands had never thought of the concept of government, in the true sense of the term. In these circumstances, it would be no mean task to secure freely expressed views from the population regarding their future status.

190. Since his Government had taken office in December 1972, one of the questions which had brought the situation in the Territory into focus had been the attempt to apply international conventions in the Cocos Islands. Some of those conventions were effectively implemented in the Territory, while others were the object of a close scrutiny by the authorities concerned. For example, the use of non-convertible plastic tokens as currency made it inconceivable to examine questions of just compensation, minimum wages or labour conditions, let alone the concept of paid vacations.

191. The Government stressed the need for taking the necessary measures to open up the Territory to the outside world and seeking the best modalities for determining the true wishes and aspirations of the people. The Territory would have to make up for its lack of development over the last 100 years.

192. As regards its future status, it was obvious that the matter should be determined by the people themselves. Their life should not continue to be dominated by a single individual, such as Mr. Clunies-Ross, nor for that matter, by the administering Power. Mr. Clunies-Ross was reported to have mapped out the future and life style of the Territory on behalf of the people. If that were the case, the Government took a very serious view of the situation. It should be made abundantly clear that no one but the people themselves should have the right to determine their own destiny.

193. Concerning the modalities for accelerating the process of democratization and eliminating the existing anachronism, it should be noted that neither the people of the Territory nor the Government of Australia was committed to any specific

point of view at the present stage. Given the circumstances prevailing at the present, it would be unrealistic to envisage holding free elections in the Territory for its representation in the Australian Parliament. The first area of endeavours in that process should be reforms of the in-built system within the Territory.

194. Following the achievement by the Territory of self-government and subject to the agreement of the people, perhaps it would be more appropriate if the Government of Australia remained responsible for the Territory's international relations, through some form similar to that worked out between New Zealand and the Cook Islands, or Niue. The community was obviously too small to conduct its own external affairs and, as such, it might be desirable for micro-States such as the Cocos (Keeling) Islands to remain in free association with a larger neighbouring State.

195. Having regard to the question of the quarantine station, it was not the intention of the Australian Government to proceed with the installation unless it received the full consent of the people and it was certain that the benefit accrued to the people themselves.

196. The Chairman agreed that the population was not well informed on the process of self-determination, as the Mission had witnessed for itself. As pointed out by the Prime Minister, the task which lay ahead was an arduous one. Now that the Mission had been able to study at first hand the actual situation in the Territory, the Special Committee would be in a better position to give effective assistance to the people of the Territory. It would be most desirable that all efforts be directed towards the early exercise by the islanders of their inalienable right to self-determination, in accordance with the relevant provisions of the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

197. In its brief encounter with the islanders, the Mission had discerned that they spoke more freely in private meetings, but tended to be diffident at the public meeting. The Mission was not certain whether that was due to fear or ignorance; it might very well have been due to language difficulties as well. Words such as "self-determination" and "human rights" were concepts which the people did not readily grasp.

198. Finally, the Chairman assured the Prime Minister that the Mission would make the necessary effort to be as objective as possible in reaching its conclusions. On behalf of the Mission, he once again thanked the Government of Australia for its invitation to visit the Territory, and for the close co-operation, warm hospitality, assistance and courtesy on the part of the Australian Government as well as the people of the Territory. He expressed the confident hope that this would continue in the future, in the interests of both the people concerned and the administering Power.

E. OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS

199. As reflected in the foregoing sections, particularly in the account of the meetings held with representatives of the Australian authorities following its visit to the Territory, the Mission made a series of on-the-spot observations of a preliminary character covering various aspects of the situation prevailing in the Territory, including its views on possible courses of action which the administering Power might wish to take in that regard. The observations, conclusions and recommendations set out below are therefore to be read in conjunction with those earlier observations.

1. Political and constitutional conditions

200. Of the two visits the Mission was able to make to Home Island, the informal contacts with the members of the Cocos Malay community took place mainly during its first visit to the island when members toured the community, including private houses, and spoke with those who were not at work at the time. The Mission found the situation prevailing in the Home Island community to be unique, owing to the people's relative isolation from the outside world and their apparent lack of knowledge or indifference regarding both their actual and future political status. Having had no opportunities to compare their life with that of other peoples and communities, they seemed content and happy with their present mode of life.

201. The second visit to Home Island included a public meeting, attended by most of the male members of the community. The contacts and rapport established with them on that occasion were very limited as the men seemed either shy or not eager to provide information to the Mission. The lack of knowledge of the people concerning the outside world was apparent. This led the Mission to believe that freedom of expression was inhibited, perhaps by the presence of Mr. Clunies-Ross and his estate manager, Mr. Dixon.

202. On the basis of the information which it derived from these discussions, including the meeting with the full Imarat (Council of Headmen), the Mission wishes to observe that the political status of Home Island, in relation to the Government of Australia, as administering Power, has not yet been clearly defined. The most urgent task of the Australian Government is to clarify its role in the Territory and to assume a more effective control and administration over the Territory.

203. The degree of interdependence between the Clunies-Ross Estate and the community, as witnessed by the Mission, is so extreme that it is practically impossible to distinguish community affairs from those of the Estate. In this respect, the Mission wishes to note the complete control exerted by Mr. Clunies-Ross, assisted by his manager, over the life of the community. The Mission accordingly recommends strongly that steps should be taken as soon as possible to devise appropriate means to disengage the links between the two entities, in order to put an end to this undesirable situation. The Mission is of the opinion that the Australian Government should commence forthwith working out the necessary measures to separate the affairs of the community from those of the Estate.

204. It was clear to the members of the Mission during their meeting with the Imarat, at which both Mr. Clunies-Ross and Mr. Dixon were present, that neither the Headmen nor Mr. Clunies-Ross had a clear idea as to the latter's role or function on the island vis-à-vis the responsibility of the Australian Government. In the view of the Mission, the administering Power needs to determine and clarify the precise role of Mr. Clunies-Ross in the Territory in order to place his activities and spheres of competence in their proper perspectives, thus eliminating his personal control over the community affairs of Home Island.

205. The Mission finds it of serious concern that the interpretation given by Mr. Clunies-Ross of the concept of sovereignty is vague and somewhat erroneous and appears to be inconsistent with internationally accepted principles. This is borne out by the fact that he dismissed the question of the Territory's sovereignty as not being an issue at hand, but he admitted that the Australian Government was responsible for the external affairs and the defence of the Territory. The Mission is of the view that the Cocos (Keeling) Islands Act, 1955-1966 is not being fully applied to Home Island. Accordingly, the Mission urges the Australian Government to ensure the full implementation of the Act, to reaffirm its sovereignty over Home Island and to assume full administrative control therein. Furthermore, the Mission rejects Mr. Clunies-Ross' statement that the Australian Government should not interfere in the internal life of the community. Taking into account the complex relationship between the Clunies-Ross family and the community, and bearing in mind the peculiarity of the situation, whereby one man is allowed to determine the life of a whole community, the Mission regards the statement as a manifest reaffirmation by Mr. Clunies-Ross of his intent to continue to control and to conduct the political, economic and social affairs of the Cocos Malay community to his own advantage. The Mission accordingly reiterates its call on the administering Power to take whatever measures necessary to bring about a reversal in Mr. Clunies-Ross' attitude.

206. The Mission, in taking note of Mr. Clunies-Ross' concept of self-government, deplores the fact that it does not allow for the true and free expression of the wishes of the population of Home Island. In this respect, the Mission strongly urges the Australian Government to take all possible steps to put an end to this state of affairs and to introduce a more democratic political life in the Territory. In particular, the practice which enables Mr. Clunies-Ross to designate members of the Imarat should be replaced by free elections, which are the only means to enable the people to express freely their wishes and to advance towards self-determination, in accordance with the United Nations Charter and relevant resolutions of the General Assembly.

207. As reflected in the foregoing, during its discussion with Mr. Clunies-Ross, the Mission had the impression that he was not prepared to abandon the anachronistic, feudal relationship between himself and the Cocos Malay community. Also on several occasions during meetings with the Headmen, it appeared that most of them, owing either to a lack of understanding or to a fear to express themselves freely, saw no reason to interfere with the status quo, which perpetuates control of the Territory and its people by Mr. Clunies-Ross. The Mission is fully aware that the breaking down of a relationship of a feudal nature will be a difficult

task, particularly in view of the fact that both the community and the Estate accept the existing relationship of interdependence. In this connexion, the Mission expresses its satisfaction that the Australian Government is fully cognizant of the situation. The Mission considers that the administering Power should be encouraged to intensify its efforts in this regard and to proceed by stages with the task of separating the community from the Estate. One first step could be the purchasing for public use by the Australian Government of the land on which the people are housed, in accordance with the provision of the Indenture of 1886 which states that the Crown may resume ownership of any portion of the land for public purposes, with compensation if necessary.

208. During its discussions, it became evident to the Mission that there was no codification of laws in the Territory. The Mission was not able to understand clearly which laws applied to Home Island: whether the laws of Singapore, the laws of Australia or perhaps no laws at all. In that regard, the Mission recommends that the Australian Government clarify the situation by devising an appropriate system of justice in the Territory. In the Mission's view it is important to separate the powers over the community exercised by Mr. Clunies-Ross arising from his propriety, from those he may derive through or with the Imarat. The Mission, noting that there have been no serious offences in recent years, nevertheless recommends that an alternative be found as a matter of priority to the present practice of forced, underpaid labour for offenders on Home Island.

209. The Mission was also unable to ascertain what powers or functions were conferred on persons entrusted with the administration of Home Island, by the Special Minister of State under the terms of part III, section 8, subsection (3) of the Cocos (Keeling) Islands Act, 1955-1966. o/ The practical application of the functions and powers of the Official Representative of the administering Power and those of Mr. Clunies-Ross did not appear clear to the Mission, and the delegation of certain powers by the Minister to Mr. Clunies-Ross has further complicated the situation. The Mission therefore recommends that the Australian Government take appropriate steps to clarify and reinforce the powers of the Official Representative, who should be the sole authority for administrative matters on Home Island as he is on West Island.

210. It is clear to the Mission that one of the serious short-comings in the Territory is the lack of political education of the inhabitants. This was apparent throughout the Territory and even in Canberra during the Mission's initial meeting with the Headmen. The Mission found that none of the members of the Cocos

o/ The Official Representative Ordinance, 1955 (section 4) states: "The Official Representative has and may exercise and perform such powers and functions in relation to the Territory as are delegated to him by the Minister under section 8 of the Act [Cocos (Keeling) Islands Act] or are otherwise conferred on him under the Act or by any other law of the Territory."

The Official Representative is fully advised of his responsibilities through his letter of appointment in which he is informed that, as the Territory has no representative government, he remains accountable to the Minister who is in turn accountable to Parliament.

Malay community had a clear idea as to the political status of the Territory, both present and future. This situation helps to perpetuate the existing conditions under which Mr. Clunies-Ross rules Home Island. In addition, although attempts have been made to inform the Cocos Malay community about the objectives and purposes of the Mission and about the United Nations itself, the means used have not yet been adequate, which gave rise to many of the unfortunate misunderstandings on the part of the members of the community, including the Headmen and Mr. Clunies-Ross himself, as well as his manager. In the Mission's view, the administering Power has the responsibility to undertake all necessary measures to ensure that this deficiency is rectified in order to enable the people to understand their political status and to be in a position freely to express their true wishes and aspirations regarding their future. The Mission notes that a beginning had been made by the distribution recently of Malay texts of General Assembly resolution 1514 (XV) and of a statement describing the aims and purposes of the United Nations. The success of these efforts will largely depend on the extent to which Mr. Clunies-Ross will co-operate with the administering Power. The Mission looks forward to further positive discussions on the question between the Minister of State and Mr. Clunies-Ross, which it is hoped will result in bringing about desired results in the political advancement of the Territory.

211. Bearing in mind the intricate problems confronting very small Territories such as the Cocos (Keeling) Islands, the Mission considers that the question of these Territories should be kept under constant review and therefore recommends that the United Nations pursue the matter with a view to obtaining an adequate and satisfactory solution concerning the future political status of all small Territories. The Mission is convinced, now more than ever, that the dispatch of United Nations visiting missions to these Territories is the essential and critical element in that endeavour.

2. Economic, social and educational conditions

212. The Mission had the opportunity to observe the domination by Mr. Clunies-Ross of the economy not only of Home Island but of most of the Territory. The complete control by the Estate of the economic life of the Cocos Malay community is effectively exercised through the use of the plastic token as the vehicle of exchange. The fact that plastic tokens are inconvertible helps to maintain the isolation of the Home Islanders. The Mission therefore recommends that the administering Power introduce the Australian dollar throughout the Territory as the only official currency. The Mission is of the view that this will constitute an important step towards the breaking down of the interdependence between the community and the Estate. Its use as the only means to purchase food, clothing and essentials in the Cocos Malay community on Home Island and the fact that it has no value at all abroad, render the plastic token an effective barrier to the freedom of movement of the people of Home Island.

213. The economic reliance of the Territory on a single source of revenue, namely, the production of copra, does not help to advance the economic conditions of the

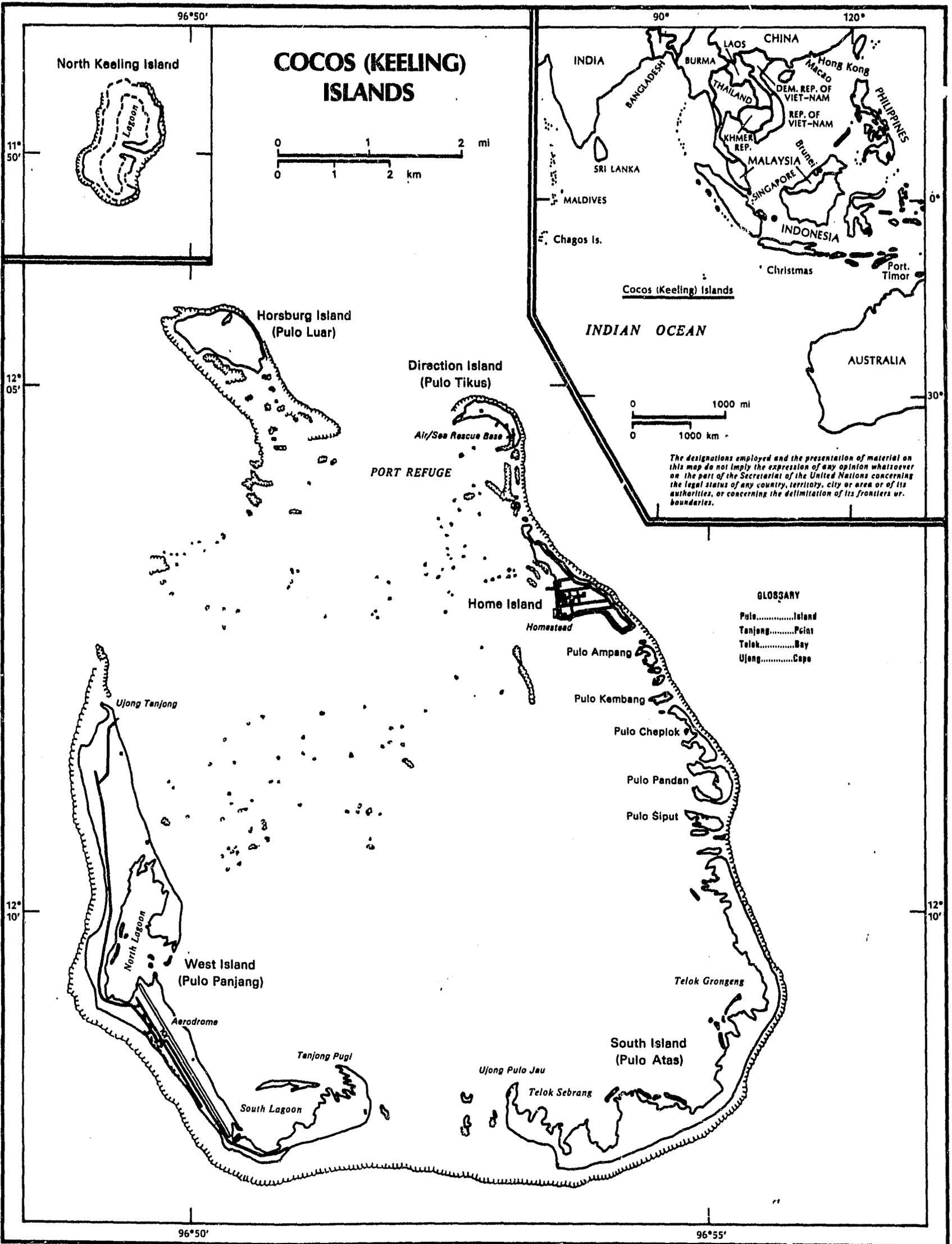
Cocos Malay community. Given the present circumstances in the Territory, the standard of living of the people is kept at subsistence level by the payment of wages sufficient to provide the basic necessities of life, but insufficient to permit savings. The Mission therefore recommends that the administering Power should undertake an exhaustive study with a view to diversifying the economy of Home Island, by introducing other crops or exploring the fishing potential of the Territory. In so doing, it should take full advantage of all sources of expert knowledge and advice available through the specialized agencies and other organizations within the United Nations system.

214. The Mission has received a wealth of information on a number of occasions concerning the proposed establishment of an off-shore, high-security animal quarantine station on West Island. Although the Mission considers it unquestionably a means of diversifying the Territory's economy, it is nevertheless concerned with the financial implications of the project. The Mission was unable to ascertain the type of arrangements planned by the administering Power by which the people would be able to benefit directly from the quarantine station, inasmuch as the wages received by the workers in Australian currency must be converted into plastic tokens for use on Home Island. In the Mission's view the establishment of a community fund into which the difference between Home Island wage rates and those in Australia would be paid represents only one aspect of the complex problem. The Mission accordingly urges the administering Power to examine all possible ramifications of the quarantine station and take appropriate steps to ensure that its establishment would be of direct economic benefit to the people of Home Island.

215. During its discussions, the Mission was informed that Home Island was being used as a tax haven. There is evidence that a number of companies, incorporated under different names but related to the Clunies-Ross Estate, are registered on Home Island. The Mission recommends that the administering Power conduct a thorough investigation of this matter and inform the Special Committee of the nature of the business conducted by those companies within and outside the Territory.

216. Regarding social conditions in the Territory, the Mission found that the isolation of the Cocos Malay community from the outside world and the predominant forces of influence by the Clunies-Ross family has adversely affected the cultural life of the Home Islanders. Bearing in mind that under Article 73 e of the Charter, Members administering Non-Self-Governing Territories are "to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement ...", the Mission recommends that the administering Power take steps to restore and foster the cultural life of the community.

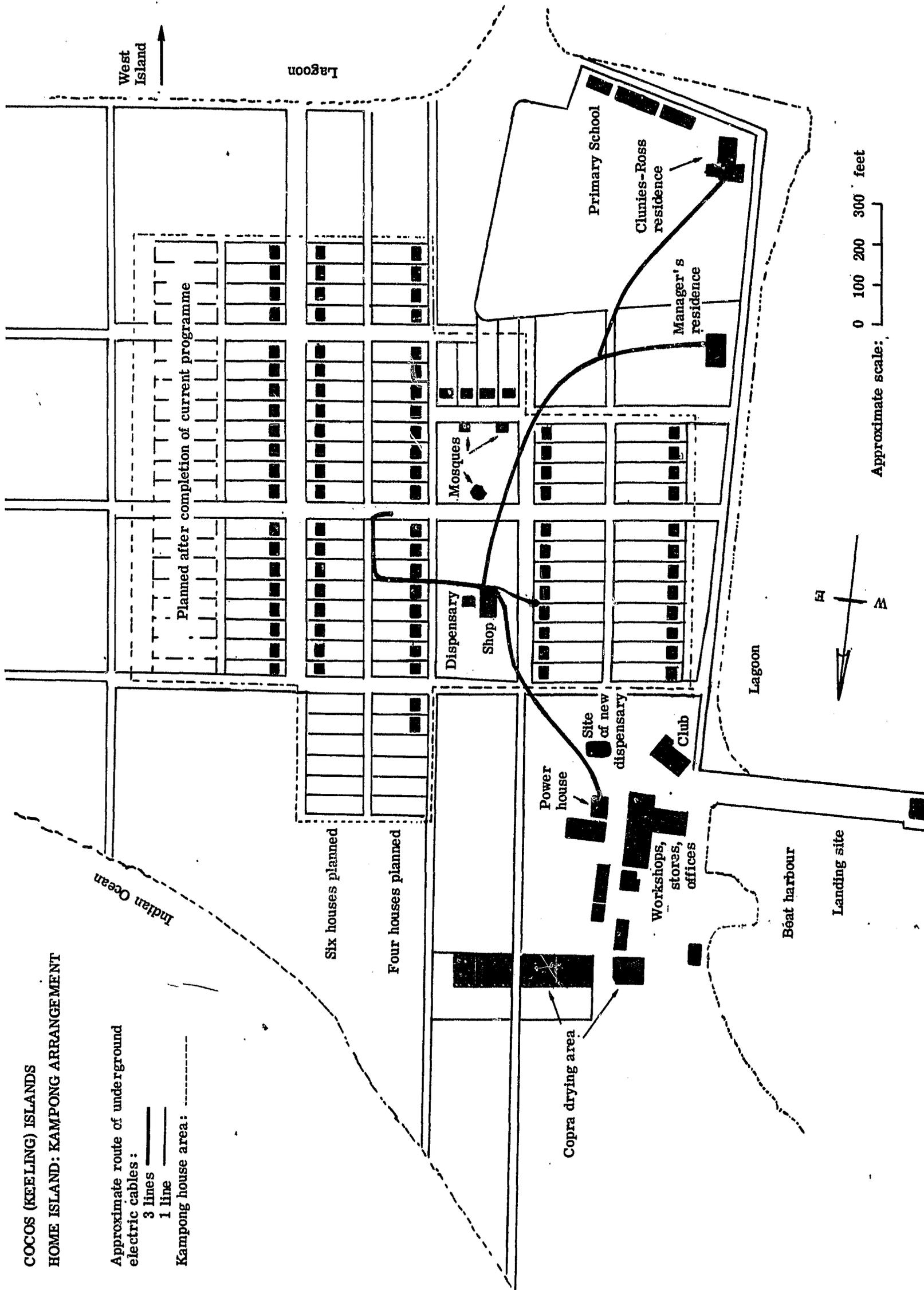
217. The Mission regrets that primary education is not yet compulsory on Home Island and that the curriculum is limited in its scope. Furthermore, the Mission notes with concern that there is no secondary education. In addition, Mr. Clunies-Ross, who is at present mainly responsible for this vital sector of the social life of the community, informed the Mission that he did not believe in compulsory education, because he objected to compulsion of any type. The Mission recommends that the administering Power assume responsibility for the entire system of education, and institute compulsory education throughout the Territory. The Mission notes with satisfaction the express willingness of the administering Power to intensify its programmes of education, which include the introduction of secondary education and the extension of vocational education.



**COCOS (KEELING) ISLANDS
HOME ISLAND: KAMPONG ARRANGEMENT**

Approximate route of underground
electric cables :
3 lines —————
1 line ———
Kampong house area: - - - - -

G



Appendix I

Chronicle of the Visiting Mission in the Territory

<u>Date</u>	<u>Remarks</u>
Wednesday, 7 August 1974	The Mission arrived early in the morning at the Cocos (Keeling) Islands international airport and was met by Mr. Charles McManus the Official Representative of the administering Power.
Thursday, 8 August 1974	The Mission departed by boat in the morning for Home Island. It was met on its arrival by Mr. J. Dixon, Manager of the Clunies-Ross Estate. The Mission toured the island, visiting the homes, the estate workshop, the kilns, the school and the dispensary, and met with Mr. John Clunies-Ross, his son and Mr. Dixon before returning to West Island. On West Island, it visited installations and had a meeting with the Official Representative of the administering Power.
Friday, 9 August 1974	The Mission departed early by boat to Home Island where it toured other homes and places of work. It was offered lunch by the Cocos Malay community and held a public meeting. It then held a meeting with Messrs. Clunies-Ross and Dixon and the Headmen. In the afternoon, the Mission returned to West Island.
Saturday, 10 August 1974	No programme.
Sunday, 11 August 1974	The Mission departed early in the morning for Canberra on a Royal Australian Air Force plane.

Appendix II

Indenture of 1886

(Signed) Frederick A. WELD
GOVERNOR AND COMMANDER-IN-CHIEF

THIS INDENTURE made the Seventh Day of July 1886 between The Queen's Most Excellent Majesty of the first part SIR FREDERICK ALOYSIUS WELD a Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George Governor and Commander-in-Chief of the Straits Settlements and their dependencies and Vice-Admiral of the same of the second part and GEORGE CLUNIES-ROSS of the Cocos Islands gentleman of the third part WITNESSETH that the said FREDERICK ALOYSIUS WELD in exercise of the power and authority vested in him by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster the First Day of February 1886 and of every or any other power of authority hereunto enabling him doth hereby in the name and on behalf of the Queen's Majesty grant unto the said GEORGE CLUNIES-ROSS and his heirs ALL AND SINGULAR the lands situate and being above high water mark within the Cocos Islands including the Northern Island otherwise called the North Keeling Islands which said islands are situate in the Indian Ocean in latitude twelve degrees five minutes South and longitude ninety-six degrees and fifty-three minutes East with the appurtenances TO HAVE and TO HOLD unto the said GEORGE CLUNIES-ROSS and his heirs for ever PROVIDED ALWAYS and it is hereby declared that this grant is made upon and subject to the express condition that it shall be lawful for the Queen's Majesty Her Heirs and successors from time to time to resume possession of such part or parts of the lands hereby granted as may from time to time be required for public purposes without making any compensation the said GEORGE CLUNIES-ROSS with heirs or assigns other than the value of any cultivated crops or buildings or other works which may be in or upon the land so resumed and that the said GEORGE CLUNIES-ROSS his heirs and assigns shall and will peaceably quit and deliver up possession to the Queen's Majesty Her Heirs and successors of all such parts of the said lands as shall be so resumed as aforesaid.

PROVIDED ALSO and it is hereby further declared that this grant is made upon and subject to the express condition that the said GEORGE CLUNIES-ROSS his heirs and assigns shall and will from time to time and at all times permit and suffer all such and so many persons and companies as shall from time to time be licensed in that behalf by the Queen's Majesty Her Heirs and successors to land telegraph cables upon any part of the lands hereby granted and to construct maintain work and use lines of telegraph in over under or across the said lands or any part thereof and to acquire all and every such part or parts of the said lands and all such rights and easements in and over the said lands or any part thereof as may be necessary and convenient for the purposes aforesaid or for the general purposes of their respective undertakings but so that such persons and companies shall make due and reasonable compensation therefor to the said GEORGE CLUNIES-ROSS his heirs or assigns the amount of such compensation to be ascertained in case of difference by an arbitrator to be agreed upon by the parties or if the parties cannot agree upon by an arbitrator then by the Governor for the time being of the Straits Settlements. PROVIDED ALSO and it is hereby declared that this grant is made on the express condition that the said GEORGE CLUNIES-ROSS his heirs and

assigns will not grant demise or otherwise alienate (except by will in favour of members of their own family being British subjects) the said lands, or any part thereof without the previous sanction of the Queen's Majesty Her Heirs and successors. PROVIDED ALSO and it is hereby further declared that this grant is made upon the express condition that full right is hereby reserved to the Queen's Majesty Her Heirs and successors by notice in the Government Gazette of the Straits Settlements or otherwise to declare the said lands hereby granted absolutely forfeited if at any time the said GEORGE CLUNIES-ROSS his heirs or assigns have not faithfully performed fulfilled or observed the aforesaid conditions or any of them and at any time thereafter to re-enter and repossess the said lands as if this grant had not been made. PROVIDED ALSO and it is hereby declared that all powers by these presents reserved to and exercisable by the Queen's Majesty Her Heirs and successors shall be exercisable by the Governor for the time being of the Straits Settlements and that the expression the Governor for the time being of the Straits Settlements as used in these presents shall include the Officer for the time being administering the Government of the Straits Settlements.

IN WITNESS whereof the said SIR FREDERICK ALOYSIUS WELD hath for and on behalf of the Queen's Majesty hereunto put his hand and caused the Public Seal of the Colony to be affixed to these presents the day and year above written.

By His Excellency's Command,
(Signed) John F. DICKSON
Colonial Secretary
Certified True Copy

Appendix III

Cocos (Keeling) Islands Act of 1955

COCOS (KEELING) ISLANDS

No. 34 of 1955

An Act to provide for the acceptance of the Cocos or Keeling Islands as a Territory under the Authority of the Commonwealth and to provide for the Government of that Territory.

/Assented to 16 June 1955/

WHEREAS the islands named the Cocos or Keeling Islands (being the islands referred to in section four of this Act) are governed and administered as part of the Colony of Singapore, in pursuance of the Singapore Colony Order in Council, 1955, being an Order in Council dated the first day of February, One thousand nine hundred and fifty-five, made by Her Majesty by virtue and in exercise of the powers vested in Her Majesty by the Imperial Acts entitled the British Settlements Acts, 1887 and 1945, and the Straits Settlements (Repeal) Act, 1946:

AND WHEREAS by the Cocos (Keeling) Islands (Request and Consent) Act 1954 the Parliament of the Commonwealth requested, and consented to, the enactment by the Parliament of the United Kingdom of an Act enabling the Queen to place the Cocos or Keeling Islands under the authority of the Commonwealth and making provision for matters incidental to the placing of those Islands under that authority:

AND WHEREAS the Government of the Commonwealth has also requested, and consented to, the enactment by the Parliament of the United Kingdom of such an Act:

AND WHEREAS by the Imperial Act entitled the Cocos Islands Act, 1955, it is provided that Her Majesty may, by Order in Council, direct that the Cocos or Keeling Islands shall, on such date as may be specified in the Order, cease to form part of the Colony of Singapore and be placed under the authority of the Commonwealth:

AND WHEREAS by the Constitution it is provided that the Parliament may make laws for the government of any territory placed by the Queen under the authority of and accepted by the Commonwealth:

BE it therefore enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

PART I. PRELIMINARY

1. This Act may be cited as the Cocos (Keeling) Islands Act 1955.
2. (1) This Act shall come into operation on a date to be fixed by Proclamation.

(2) The date so fixed shall be the date on which the Cocos or Keeling Islands cease to form part of the Colony of Singapore and are placed under the authority of the Commonwealth.
3. This Act is divided into Parts, as follows:

Part I. - Preliminary (Sections 1-4).
Part II. - Acceptance of the Islands (Sections 5-7).
Part III. - Legislation.
 Division 1. - Laws (Sections 8-11).
 Division 2. - Legislative Powers of the Governor-General (Sections 12-13).
Part IV. - Application of Australian Citizenship to Certain Residents of the Territory (Sections 14-15).
Part V. - Miscellaneous (Sections 16-20).
4. In this Act, unless the contrary intention appears, "Ordinance" means an Ordinance made under this Act; "the Islands" means the Cocos or Keeling Islands situated in the Indian Ocean in or about latitude twelve degrees five minutes south and longitude ninety-six degrees fifty-three minutes east, including the Northern Island otherwise called North Keeling Island; "the proclaimed date" means the date fixed by Proclamation under section two of this Act; "the Territory" means the Territory of Cocos (Keeling) Islands.

PART II. ACCEPTANCE OF THE ISLANDS.

5. The Islands are declared to be accepted by the Commonwealth as a Territory under the authority of the Commonwealth and shall be known as the Territory of Cocos (Keeling) Islands.
6. (1) Subject to subsection (3) of this section, all property, rights and powers in or in connexion with the Islands, being property, rights and powers which, immediately before the proclaimed date, were held or enjoyed by or on behalf of the Queen in right of the United Kingdom or of the Colony of Singapore, or by or on behalf of the Government of the United Kingdom or of the Colony of Singapore, shall, from and including that date, be deemed to be held or enjoyed by or on behalf of the Commonwealth.

(2) Subject to the next succeeding subsection, all liabilities and obligations incurred before the proclaimed date by or on behalf of the Government of the United Kingdom or the Government of the Colony of Singapore, in or in connexion with the Islands and subsisting immediately before that date shall, from and including that date, be deemed to have been incurred by or on behalf of the Commonwealth.

(3) The preceding provisions of this section do not apply to or in relation to

(a) property, rights or powers in, or in connexion with, that part of the Islands known as Direction Island, or liabilities or obligations in respect of property in that part of the Islands;

(b) liabilities of the Colony of Singapore in respect of the payment of pensions or retiring allowances; or

(c) liabilities relating to public loans.

(4) In this section, "property" includes immovable property.

7. All rights and powers vested in the Queen, or in the Governor of the Colony of Singapore, as successor to the Governor of the Straits Settlements, on behalf of the Queen, under the Indenture dated the seventh day of July, One thousand eight hundred and eighty-six, and made between Her late Majesty Queen Victoria, the Governor of the Straits Settlements and George Clunies-Ross are, from and including the proclaimed date, exercisable on behalf of the Queen by the Governor-General of the Commonwealth or by such authority or person as the Governor-General appoints.

PART III. LEGISLATION

Division 1. Laws

8. (1) Subject to this Act and to any other Act extending to the Territory (whether passed before or after the proclaimed date), all laws in force immediately before the proclaimed date in the Islands shall continue in force in the Territory by virtue of this Act and not otherwise.

(2) Subject to this Act and to Ordinances made under this Act, where, by a law continued in force by this section, a power or function is conferred on

(a) the Governor of the Colony of Singapore;

(b) the Governor of that Colony in Council; or

(c) any other person or authority,

that power or function may be exercised or performed by

(d) the Minister;

(e) the Governor-General; or

(f) such person or authority as the Minister directs, respectively.

(3) The Minister may, by instrument in writing, delegate to a person or authority, in relation to a matter or class of matters or to a part of the Territory, a power or function conferred on him by the last preceding subsection, so that the delegated power function may be exercised by the delegate with respect to the matter or class of matters, or with respect to the part of the Territory, specified in the instrument of delegation.

(4) A delegation under the last preceding subsection is revocable at will and does not prevent the exercise of a power or function by the Minister.

9. A law continued in force by the last preceding section may be amended or repealed by an Ordinance or by a law made under an Ordinance.

10. (1) Subject to the next succeeding section, an Act or a provision of an Act (whether passed before or after the proclaimed date) is not, except as otherwise provided by that Act or by another Act, in force, as such, in the Territory unless expressed to extend to the Territory.

(2) An Ordinance shall not be made so as to affect the application of its own force in, or in relation to, the Territory of an Act or a provision of an Act.

11. (1) Subject to this section

(a) the Post and Telegraph Act 1901-1950, the Post and Telegraph Rates Act 1902-1951 and the Post and Telegraph Rates (Defence Forces) Act 1939-1940 extend to the Territory; and

(b) for the purposes of those Acts, the Territory shall be deemed to be within the Commonwealth and to be part of the State of Western Australia.

(2) Notwithstanding anything contained in the last preceding subsection, the Overseas Telecommunications Commission (Australia) may exercise and perform, in and in relation to the Territory, the powers, functions and duties conferred on it by the Overseas Telecommunications Act 1946-1952 in respect of the establishment, maintenance and operation of overseas telecommunication services, as if the Acts specified in the last preceding subsection did not extend to the Territory.

(3) In this section, "overseas telecommunication services" has the same meaning as in the Overseas Telecommunications Act 1946-1952.

Division 2. Legislative Powers of the Governor-General

12. (1) The Governor-General may make Ordinances for the peace, order and good government of the Territory.

(2) Notice of the making of an Ordinance shall be published in the Gazette, and an Ordinance shall, unless the contrary intention appears in the Ordinance, come into operation on the date of publication of the notice.

13. (1) An Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the making of the Ordinance, and, if it is not so laid before each House of the Parliament, shall be void and of no effect.

(2) If either House of the Parliament passes a resolution (of which notice has been given at any time within 15 sitting days after the Ordinance has been laid before that House) disallowing an Ordinance or a part of an Ordinance, the Ordinance or part so disallowed thereupon ceases to have effect.

(3) If, at the expiration of 15 sitting days after notice of a resolution to disallow an Ordinance or part of an Ordinance has been given in either House of the Parliament in accordance with the last preceding subsection, the resolution has not been withdrawn or otherwise disposed of, the Ordinance or part, as the case may be, shall thereupon be deemed to have been disallowed.

(4) Where an Ordinance or part of an Ordinance is disallowed, or is deemed to have been disallowed, under this section, the disallowance has the same effect as a repeal of the Ordinance or part of the Ordinance, as the case may be, except that, if a provision of the Ordinance or part of the Ordinance amended or repealed a law in force immediately before that provision came into operation, the disallowance revives the previous law from and including the date of the disallowance as if the disallowed provision had not been made.

(5) If an Ordinance or part of an Ordinance is disallowed, or is deemed to have been disallowed, under this section, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within six months after the date of the disallowance, that provision is void and of no effect, unless

(a) in the case of an Ordinance, or part of an Ordinance, disallowed by resolution - the resolution has been rescinded by the House of the Parliament by which it was passed; or

(b) in the case of an Ordinance, or part of an Ordinance, deemed to have been disallowed - the House of the Parliament in which notice of the resolution to disallow that Ordinance or part was given approves, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

PART IV. APPLICATION OF AUSTRALIAN CITIZENSHIP TO CERTAIN RESIDENTS OF THE TERRITORY

14. (1) A person (not being an Australian citizen) who, immediately before the proclaimed date, was a British subject ordinarily resident in the Islands may make, in the prescribed manner and within the prescribed time, a declaration that he wishes to become an Australian citizen.

(2) Upon the registration, as prescribed, of a declaration made by a person under the last preceding subsection, that person shall be deemed to have become an Australian citizen upon the proclaimed date.

(3) The registration of a declaration made by a person under subsection (1) of this section does not operate so as to render unlawful anything done before the date of the registration that would have been lawful if the declaration had not been made and registered.

15. For the purposes of the last preceding section, a person shall be deemed to have been ordinarily resident in the Islands immediately before the proclaimed date if, immediately before that date

(a) he had his home in the Islands; or

(b) the Islands were the place of his permanent abode notwithstanding that he was temporarily absent from them,

but a person shall be deemed not to have been so resident if, immediately before that date, he was resident in the Islands for a special or temporary purpose only.

PART V. MISCELLANEOUS

16. It may be provided by Ordinance -

(a) that the High Court has jurisdiction, with such exceptions and subject to such conditions (if any) as are provided by Ordinance, to hear and determine appeals from judgements, decrees, orders and sentences of courts having jurisdiction in the Territory; and

(b) that such an appeal may be by case stated, with the legal argument (if any) attached to the case in writing, and that it shall not be necessary for the parties to appear either personally or by counsel.

17. The Governor-General may, by warrant under his hand, grant to a person convicted by a court exercising criminal jurisdiction in the Territory a pardon, either free or conditional, or a remission or commutation of sentence, or a respite, for such period as he thinks fit, of the execution of sentence, and may remit any fine, penalty or forfeiture imposed or incurred under a law in force in the Territory.

18. The institutions, customs and usages of the Malay residents of the Territory shall, subject to any law in force in the Territory from time to time, be permitted to continue in existence.

19. The accounts of the Territory are subject to inspection and audit by the Auditor-General for the Commonwealth.

20. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for prescribing penalties, not exceeding a fine of \$50 or imprisonment for three months, for offences against the regulations.

Appendix IV

Statements to the press by Mr. John Clunies-Ross and by Mr. Andrew Peacock, Minister for External Territories of Australia, on 15 September 1972

Statement by Mr. Clunies-Ross

In the confident belief and understanding that the islanders' interests can be well served by other means and that the long-term integrity and viability of the island community can be safeguarded by other means, I am willing to, no, I have dropped the sovereignty issue.

Statement by Mr. Peacock

During my visit to Cocos (Keeling) Islands on 13-15 September, I had lengthy discussions with Mr. John Clunies-Ross.

Accompanied by a Malay-speaking interpreter, I saw the main operations of the Estate on Home Island, met and talked with individual members of the Cocos Malay community, saw their houses, their school and places where they work. I also met with the Council of Headmen. Mr. Clunies-Ross encouraged the meetings, at which he was not present.

The headmen and the people to whom I spoke said they were satisfied with their present situation. The conditions of life as I observed them compared favourably with those in comparable situations elsewhere.

My talks with Mr. Clunies-Ross enabled me to review in depth with him the possibility of reconciling the expressed wishes of the people with the principles which go with Australian sovereignty. I now see good prospects of adding to the educational resources by employing trained English-speaking teachers suited to the community on a syllabus designed to meet Cocos conditions.

I found Mr. Clunies-Ross receptive to the possibility of codifying or formalizing the administrative and judicial procedures which are customary on the Islands and adding to them provision for the election of a chief executive and for appeals in defined circumstances to an outside judicial authority.

I reiterated to Mr. Clunies-Ross the basis of Commonwealth sovereignty. He has indicated his changed approach. As I understand it, he wishes to preserve the integrity of the community on Home Island and to avoid the arbitrary introduction of procedures against the wishes of the Cocos Malay community. I agreed that such disruption should be avoided and told the headmen so.

Mr. Clunies-Ross wishes to keep the Estate, which produces copra and provides the community's livelihood, in operation indefinitely, even though subsidized by him.

The matters which we have discussed during my visit will need to be the subject of extensive consultations with interested departments on my return to Australia before I report to the Government.

Mr. Clunies-Ross agrees with the views I place before you.

Appendix V

Summary of statement to the press by Mr. W. L. Morrison, Minister for External Territories of Australia, on 17 April 1973

Mr. W. L. Morrison, the Minister for External Territories, has just completed a three-day visit to Cocos (Keeling) Islands. The main purpose of his visit was to gain an understanding of the life of the Cocos Malay community on Home Island. During his visit, the Minister had discussions with the Council of Headmen on the Island and with Mr. John Clunies-Ross.

Mr. Morrison said that he had found not so much a closed, as a closed-off society. Its essential character was the intertwining over generations of the Cocos Malays and the Clunies-Ross family. This interdependence was accepted by both.

The people were apparently contented within the limited horizons of that society. The Minister accepted that it was a peaceful and stable community. The Minister explained to Mr. Clunies-Ross Australia's obligations as to the application of ILO [International Labour Organisation] conventions to all its external Territories, including Cocos.

Mr. Morrison said that as a result of the discussions, it seemed likely that given the practical situation existing on Home Island, the Australian Government could now proceed with drafting the appropriate declaration relating to Cocos in respect of a number of conventions.

The Minister was especially interested in the future government of Home Island. He said: "I will be reporting to the Australian Government with proposals for the future of the Territory as a whole. We would necessarily have to consider the future of the Home Island community. One possibility would be to formalize the autonomy which that community has in fact been allowed to exercise, but this would have to be subject to acceptable conditions. These would have to be worked out to ensure an ultimate objective of self-government for the community. Such arrangements would necessarily involve the election of representatives responsible to the community."

Appendix VI

Letter dated 9 November 1973 from the Imarat Pulo (Island Council of Headmen), addressed to the Official Representative of the administering Power

We request that the Official Representative forward this message from us, the Imarat on Cocos, to his Government in Australia. We hear that the Australian Government does not feel satisfied on the Islanders' thinking concerning the proposal to establish an animal quarantine station on West Island. We do not fully understand why the Australian Government does not feel satisfied, but, notwithstanding that, we can restate the position. As is our custom, we talked about this matter in meetings of the Islanders from the very start when two men came here from the Health Department; until there came a large number of people, the Public Works Committee and others who came to eat and talk in our place; and until now. Not only once or twice, but many times have we discussed this with our fellows. And there has been no word of any Islander saying he objects to the station or wishes to stop or prevent it. We consider it in our own official meetings. We are in favour of the proposed quarantine station in the belief and expectation that the Islands will benefit therefrom.

Appendix VII

Statement made by Mr. Koffi Kouame, Chairman of the Visiting Mission, on 9 August 1974

1. In order that there should be a proper understanding of the presence of the Visiting Mission in the Cocos (Keeling) Islands and no misunderstanding between the administering Power, which has made this Mission possible, the people of the Cocos (Keeling) Islands and the United Nations, I should like to emphasize the following points:

2. First of all, it should be remembered that Article 73 of the Charter of the United Nations entrusts the Governments which administer Non-Self-Governing Territories with the responsibilities of:

(a) Ensuring the political, economic, social and educational advancement of the peoples of those Territories, their just treatment and their protection against abuses;

(b) Developing self-determination, taking into account the political aspirations of the peoples, and assisting them in the progressive development of their free political institutions. In order to enable the United Nations to follow the progress achieved in the various fields, the Charter stipulates that the administering Power must transmit regularly to the Secretary-General of the United Nations statistical and other information of a technical nature relating to economic, social and educational conditions and the general well-being of the inhabitants.

3. In the discharge of these responsibilities and in a spirit of co-operation, the Australian Government, the administering Power of the Cocos (Keeling) Islands, invited the United Nations, through its Committee on Decolonization, to send a visiting mission to the Islands.

4. The Mission is therefore here to try to get to know the Cocos (Keeling) Islands and its people and to gather the views of the latter on the guiding principles set out in the Charter relating to human rights, in particular, the principle of self-determination, the golden rule of the international community with regard to the future of peoples.

5. Its sole aim is to enable the United Nations to ascertain the aspirations of the people of the Cocos (Keeling) Islands with regard to their future political status and to gauge the state of advancement of that society.

6. The Mission would therefore like to know in general the problems with which the people of the Cocos (Keeling) Islands may be faced during their process of development, particularly in the constitutional, administrative, economic, educational and social fields and in the field of general well-being.

7. It should be made clear that the Mission has no preconceived idea and no intention of interfering in the internal affairs of the people of the Islands. Neither does it have any magic solution to propose. It merely wishes to hold sincere and frank discussions with all those concerned so that together solutions may be sought to the satisfaction of all - the satisfaction of the people themselves, first of all, of the administering Power and of the United Nations.

8. It is, moreover, clearly understood that any decision concerning the future political status of the Territory belongs to its people. Only the people of the Territory can say what they expect from the Australian Government and from the United Nations.

9. The members of the Mission therefore hope that the leaders of the community of the Cocos (Keeling) Islands will give them all the co-operation necessary for them to discharge their mandate in the best possible manner.

Appendix VIII

Statement to the press by Mr. Koffi Kouame, Chairman
of the Visiting Mission, on 15 August 1974

The United Nations Visiting Mission to the Cocos (Keeling) Islands, 1974, wishes to express its deep appreciation to the Government of Australia as the administering Power concerned for inviting it to the Territory to obtain first-hand information and to ascertain the wishes of the people regarding their future political status. It has thus acquainted itself with the views of all those concerned with this matter and is in a position to carry out its task, namely, to draw up its report.

The Mission has not yet formulated its conclusions but will do so shortly, after considering more fully the views it has obtained. However, the Mission would like to take this opportunity to thank the Government of Australia for the close co-operation extended to its members with a view to the successful completion of their work, and the people for the interest they have shown in the Visiting Mission.

Appendix IX

Telegram dated 16 August 1974 from Mr. Koffi Kouame, Chairman of the Visiting Mission, addressed to Mr. Lionel Bowen, Special Minister of State of Australia, and Mr. Peter J. Lawler, Secretary, Department of the Special Minister of State of Australia

ON BEHALF MEMBERS OF MISSION, I HAVE HONOUR TO EXPRESS PROFOUND GRATITUDE TO AUSTRALIAN GOVERNMENT AS ADMINISTERING POWER CONCERNED FOR CLOSE CO-OPERATION AND ASSISTANCE TO MISSION, AS WELL AS OVERWHELMING HOSPITALITY DURING ITS BRIEF BUT USEFUL SOJOURN IN AUSTRALIA AND TERRITORY TO GATHER FIRSHAND INFORMATION AND ASCERTAIN WISHES OF PEOPLE COCOS (KEELING) ISLANDS CONCERNING FUTURE POLITICAL STATUS. PLEASE CONVEY OUR THANKS TO PRIME MINISTER AND ASSISTANTS AS WELL AS REPRESENTATIVES FOREIGN AFFAIRS, HEALTH AND YOUR OWN DEPARTMENTS, ESPECIALLY MR. C. MCMANUS, OFFICIAL REPRESENTATIVE, FOR PART PLAYED IN HELPING MISSION FULFIL TERMS OF REFERENCE. SINCERE THANKS ALSO TO COCOS (KEELING) COMMUNITY FOR INTEREST THEY HAVE SHOWN IN OUR MISSION.

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